



City Council
AGENDA

Tuesday, April 16, 2024, 5:30 p.m.

Council Chambers, 990 Palm Street, San Luis Obispo

Council Member Jan Marx

will participate remotely from the following location:

Signia by Hilton San Jose

170 S. Market Street, San Jose, CA 95113

The City Council holds in-person meetings. Zoom participation will not be supported at this time. Council meetings may be viewed remotely on Channel 20, the City's [YouTube Channel](#), and on the City's website under the [Public Meeting Agendas](#) web page.

INSTRUCTIONS FOR PUBLIC COMMENT:

Public Comment prior to the meeting (must be received 3 hours in advance of the meeting):

Mail - Delivered by the U.S. Postal Service. Address letters to the City Clerk's Office at 990 Palm Street, San Luis Obispo, California, 93401.

Email - Submit Public Comments via email to emailcouncil@slocity.org. In the body of your email, please include the date of the meeting and the item number (if applicable). Emails *will not* be read aloud during the meeting.

Voicemail - Call (805) 781-7164 and leave a voicemail. Please state and spell your name, the agenda item number you are calling about, and leave your comment. Verbal comments must be limited to 3 minutes. Voicemails *will not* be played during the meeting.

**All correspondence will be archived and distributed to councilmembers, however, submissions received after the deadline may not be processed until the following day.*

Public Comment during the meeting:

Meetings are held in-person. To provide public comment during the meeting, you must be present at the meeting location.

Electronic Visual Aid Presentation. To conform with the City's Network Access and Use Policy, Chapter 1.3.8 of the [Council Policies & Procedures Manual](#), members of the public who desire to utilize electronic visual aids to supplement their oral presentation are encouraged to provide display-ready material to the City Clerk by 12:00 p.m. on the day of the meeting. Contact the City Clerk's Office at cityclerk@slocity.org or (805) 781-7114.

1. CLOSED SESSION: STARTS AT 4:30 PM

1.a CALL TO ORDER

Mayor Erica A. Stewart will call the Closed Session Meeting of the San Luis Obispo City Council to order at 4:30 p.m. in the Council Hearing Room at City Hall, 990 Palm Street, San Luis Obispo.

1.b PUBLIC COMMENT FOR CLOSED SESSION ITEMS ONLY

Public Comment will only be accepted for items listed on the Closed Session agenda.

1.c PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code § 54957(b)(1)

Title: City Manager

1.c.1 CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government code § 54957.6

Agency Negotiators:

Tony Dahlerbruch, Nickole Domini, Christine Dietrick

Unrepresented Employee:

City Manager

1.d ADJOURNMENT

The City Council will hold a Regular Meeting on April 16, 2024 at 5:30 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

2. REGULAR MEETING CALL TO ORDER: STARTS AT 5:30 PM

Mayor Erica A. Stewart will call the Regular Meeting of the San Luis Obispo City Council to order.

3. PLEDGE OF ALLEGIANCE

Mayor Erica A. Stewart will lead the Council in the Pledge of Allegiance.

4. PRESENTATIONS

4.a EARTH DAY PROCLAMATION

Mayor Stewart will present a proclamation declaring April 22, 2024 as "Earth Day".

4.b SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION

Mayor Stewart will present a proclamation declaring the month of April as "Sexual Assault Awareness Month".

4.c CITY MANAGER DEREK JOHNSON PROCLAMATION

Mayor Stewart will present Derek Johnson with a proclamation in recognition for his service as City Manager.

4.d CITY MANAGER REPORT

Receive a brief report from City Manager Derek Johnson.

5. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Not to exceed 15 minutes. The Council welcomes your input. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code sec. 54954.2). Staff may be asked to follow up on such items.

6. CONSENT AGENDA

Not to exceed 15 minutes. Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon at one time. A member of the public may request the Council to pull an item for discussion. Pulled items shall be heard at the close of the Consent Agenda unless a majority of the Council chooses another time. The public may comment on any and all items on the Consent Agenda within the three-minute time limit.

Recommendation:

To approve Consent Calendar Items 6a to 6i.

6.a	<u>WAIVE READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES</u>	
	<u>Recommendation:</u> Waive reading of all resolutions and ordinances as appropriate.	
6.b	<u>MINUTES REVIEW - APRIL 2, 2024 AND APRIL 4, 2024 COUNCIL MINUTES</u>	9
	<u>Recommendation:</u> Approve the following minutes of the City Council: <ul style="list-style-type: none"> • April 2, 2024 - Regular Meeting • April 4, 2024 - Special Closed Session 	
6.c	<u>2024 ANNUAL MONITORING FOR THE SAN LUIS RANCH DEVELOPMENT AGREEMENT, MITIGATION MEASURES, AND PROJECT CONDITIONS</u>	21
	<u>Recommendation:</u> Receive and file the 2024 annual monitoring report for the San Luis Ranch Development Agreement, mitigation measures, and required project conditions.	
6.d	<u>2024 ANNUAL MONITORING FOR THE AVILA RANCH DEVELOPMENT AGREEMENT, MITIGATION MEASURES, AND PROJECT CONDITIONS</u>	147
	<u>Recommendation:</u> Receive and file the 2024 annual monitoring report for the Avila Ranch Development Agreement, mitigation measures, and required project conditions.	
6.e	<u>APPROVE TRANSIT SERVICE AGREEMENT BETWEEN THE CITY OF SAN LUIS OBISPO AND CAL POLY</u>	217
	<u>Recommendation:</u> Authorize the City Manager to enter into a Transit Service Agreement with California State Polytechnic University to provide transit service for fiscal years 2024-25, 2025-26, and 2026-27.	

**6.f AUTHORIZE USE OF COMPLETED PROJECTS FUNDING TO
EXPEDITE FLEET REPLACEMENTS**

225

Recommendation:

Adopt a Draft Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, approving the transfer of Completed Project Funding to expedite approved Fleet Replacements.”

**6.g AUTHORIZE SUBMISSION OF AN APPLICATION FOR FY 2023-24
SAN LUIS OBISPO COUNTY OUTREACH SERVICES FUNDING
OPPORTUNITY**

231

Recommendation:

1. Authorize staff to submit a funding application to San Luis Obispo County’s Adult and Homeless Services Division for Outreach Services funding opportunity in an amount not to exceed \$100,000; and
2. Adopt a Draft Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing Funding Application for San Luis Obispo County Outreach Services Funding Opportunity in a total amount not to exceed \$100,000 and authorizing the City Manager to execute all related grant documents,” approving the City’s application for the San Luis Obispo County Outreach Services funding opportunity; and
3. If the funding opportunity is awarded, authorize the City Manager to execute grant related documents and authorize the Finance Director to make the necessary budget adjustments and appropriations upon the award of funding.

6.h APPROVE COOPERATING AGREEMENT WITH PEOPLE’S SELF-HELP HOUSING FOR THE CALLE JOAQUIN HOMEKEY PROJECT AND AMENDMENTS TO RESOLUTION 11439 (2023 SERIES)

243

Recommendation:

1. Approve the Cooperating Agreement with People’s Self-Help Housing for the Calle Joaquin Homekey Project and authorize the City Manager, or their designee, to execute the agreement; and
2. Approve amendments to Resolution No. 11439 (2023 Series).

6.i AUTHORIZATION TO APPLY FOR GRANT FUNDING FOR THE SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT PROGRAM

261

Recommendation:

Adopt a Draft Resolution entitled, “A Resolution of the City Council of San Luis Obispo, California, approving the application for grant funding for the Federal Safe Streets and Roads for all (SS4A) program for the South Broad Complete Street Project” authorizing:

- A. Staff to prepare and submit an application for the SS4A grant program of up to \$500,000 for the South Broad Street Project;
- B. The use of up to \$100,000 of the previously approved funding as matching funds for this grant;
- C. The City Manager to appropriate grant funds and approve a budget amendment to reflect received grant funds, if awarded;
- D. The appointment of the City Manager, or their designee, as agent to conduct all negotiations, execute and submit all grant documents including, but not limited to, applications, agreements, payment requests which may be necessary for the completion of the aforementioned project.

7. PUBLIC HEARING AND BUSINESS ITEMS

7.a REVIEW AND ACCEPT THE 2023 GENERAL PLAN ANNUAL REPORT (Estimated Time: 30 minutes)

267

Recommendation:

As recommended by the Planning Commission, review and accept the 2023 General Plan Annual Report

8. LIAISON REPORTS AND COMMUNICATIONS

Not to exceed 15 minutes. Council Members report on conferences or other City activities. At this time, any Council Member or the City Manager may ask a question for clarification, make an announcement, or report briefly on their activities. In addition, subject to Council Policies and Procedures, they may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov. Code Sec. 54954.2)

9. ADJOURNMENT

The City Council will hold a **Special Closed Session Meeting on Tuesday, April 23, 2024 at 2:00 p.m. in the Council Hearing Room** at City Hall, 990 Palm Street, San Luis Obispo. The next Regular Meeting of the City Council will be held on **May 7, 2024 at 5:30 p.m. in the Council Chambers** at City Hall, 990 Palm Street, San Luis Obispo.

LISTENING ASSISTIVE DEVICES for the hearing impaired - see the Clerk.

The City of San Luis Obispo wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office at (805) 781-7114 at least 48 hours before the meeting, if possible. Telecommunications Device for the Deaf (805) 781-7410.

City Council meetings are televised live on Charter Channel 20 and the City's YouTube Channel: www.youtube.com/CityofSanLuisObispo. Agenda related writings or documents provided to the City Council are available for public inspection in the City Clerk's Office located at 990 Palm Street, San Luis Obispo, California during normal business hours, and on the City's website <https://www.slocity.org/government/mayor-and-city-council/agendas-and-minutes>. Persons with questions concerning any agenda item may call the City Clerk's Office at (805) 781-7114.



Council Minutes

April 2, 2024, 5:30 p.m.

Council Chambers, 990 Palm Street, San Luis Obispo

Council Members Present: Council Member Emily Francis, Council Member Jan Marx, Council Member Michelle Shoresman, Vice Mayor Andy Pease, Mayor Erica A. Stewart

City Staff Present: Derek Johnson, City Manager, Christine Dietrick, City Attorney, Teresa Purrington, City Clerk

1. ANNUAL ADVISORY BODY RECOGNITION: STARTS AT 4:30 PM

The Mayor and City Council recognized Advisory Body members for their service to the City of San Luis Obispo.

2. REGULAR MEETING CALL TO ORDER: STARTS AT 5:30 PM

A Regular Meeting of the San Luis Obispo City Council was called to order on April 2, 2024 at 5:30 p.m. in the Council Chambers, 990 Palm Street, San Luis Obispo, by Mayor Stewart.

3. PLEDGE OF ALLEGIANCE

Council Member Francis led the Council in the Pledge of Allegiance.

4. PRESENTATIONS

4.a VOLUNTEER APPRECIATION MONTH PROCLAMATION

Mayor Stewart presented a proclamation declaring the month of April as "Volunteer Appreciation Month" to Keirsten Anderson, Volunteer Coordinator for City.

4.b MONTH OF THE CHILD PROCLAMATION

Mayor Stewart presented a proclamation declaring the month of April as "Month of the Child" to Molly Myers on behalf of the Early Care and Education Planning Council.

4.c CITY MANAGER REPORT

City Manager Derek Johnson provided a report on upcoming projects.

5. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Public Comment:

Gene Nelson

Jeffery Specht

--End of Public Comment--

6. CONSENT AGENDA

Vice Mayor Pease requested that Item 6k be pulled from the Consent agenda.

Public Comments:

Item 6f - Brenden Jacoby

Item 6f - Tyler Coari

Item 6l - Jim Dantona

---End of Public Comment---

Motion By Vice Mayor Pease

Second By Council Member Shoresman

To approve Consent Calendar Items 6a to 6j and 6l to 6o.

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

6.a WAIVE READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES

Waive reading of all resolutions and ordinances as appropriate.

6.b MINUTES REVIEW - MARCH 19, 2024 COUNCIL MINUTES

Approve the minutes of the City Council meeting held on March 19, 2024.

6.c APPROVE BIENNIAL CONSUMER PRICE INDEX INCREASES TO COUNCIL, PLANNING COMMISSION, AND ARCHITECTURAL REVIEW COMMISSION SALARIES

Adopt Resolution No. 11482 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, setting new salaries for the Mayor, Council Members, Planning Commissioners, and Architectural Review Commissioners," effective the first pay period in January 2025.

6.d AUTHORIZATION TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR ON-CALL DEVELOPMENT REVIEW SUPPORT

1. Approve the draft Request for Qualifications (RFQ) to provide on-call development review services (Specification No. 2024-4006-01); and,
2. Authorize the City Manager to execute agreements with selected consulting firms; and,
3. Authorize the Finance Director to execute and amend Purchase Orders for individual consultant services contract in an amount not-to-exceed the authorized project budget; and,
4. Authorize the Community Development Director to amend or extend the agreements for services in accordance with its term and within the available annual budget.

6.e APPOINTED OFFICIAL COMPENSATION

1. Adopt Resolution No. 11483 (2024 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, amending a Contract of Employment for City Attorney,” approving an amendment to the City Attorney’s employment contract; and
2. Authorize the Mayor to execute the amended contract of employment with the City Attorney adjusting her salary.

6.f 2024 LEGISLATIVE ADVOCACY PLATFORM

1. Adopt Resolution No. 11484 (2024 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, establishing a City Legislative Action Platform for 2024 and appointing the Council Member and Staff to act as a liaison between the City of San Luis Obispo and the League of California Cities”; and
2. Appoint the Mayor, City Manager, and the City Attorney to act as the primary legislative liaisons between the League of California Cities and the City of San Luis Obispo.

6.g FISCAL YEAR 2023-2024 SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY TECHNICAL ASSISTANCE GRANT APPLICATION

1. Authorize the Utilities Department to apply for the Fiscal Year 2023-2024 Integrated Waste Management Authority Technical Assistance Grant in the amount of \$10,000; and
2. If the grant is awarded, authorize the Utilities Director, or their designee, to execute necessary grant documents and direct the appropriation of monies to the accounts required to administer the grant.

6.h PURCHASE OFFER FOR PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM COUNTY OF SAN LUIS OBISPO FOR BOB JONES PATHWAY PROJECT

Pursuant to an offer package received from the County of San Luis Obispo for its Bob Jones Pathway Project:

1. Adopt Resolution No. 11485 (2024 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing the sale of a Perpetual Easement and a Temporary Construction Easement for the County of San Luis Obispo’s Bob Jones Pathway Project that will encumber portions of property owned by the City of San Luis Obispo identified as Assessor’s Parcel Numbers 076-061-075, 076-061-078, and 076-121-018 commonly known as the Filipponi Ecological Reserve”; and
2. Authorize the Mayor to sign the document entitled, “Perpetual Easement Agreement (And Temporary Construction Easement) Bob Jones Pathway”; and
3. Direct staff to receive and reserve the funds for future open space uses in accordance with General Plan policy.

6.i AUTHORIZATION TO APPLY FOR REGIONAL CRASH RESPONSE AND EXTRICATION IMPROVEMENT GRANT PROGRAM THROUGH CALIFORNIA’S OFFICE OF TRAFFIC SAFETY GRANT PROGRAM

1. Authorize the Fire Department to apply for funding under California’s Office of Traffic Safety grant program to purchase modern extrication equipment; and
2. Authorize the City Manager, or Fire Chief as their designee, to execute the grant documents and approve the budget changes necessary to appropriate the grant amount upon notification that the grant has been awarded.

6.j AUTHORIZATION TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR ON-CALL SOLID WASTE AND RECYCLING CONSULTANT SERVICES

1. Approve the Request for Qualifications (RFQ) for on-call solid waste and recycling consultant services; and
2. Authorize the Utilities Director to execute professional service agreements with consultants to create a 2024-2029 on-call list; and
3. Authorize the Finance Director to execute and amend purchase orders for individual professional service agreements in an amount not-to-exceed the authorized project budget.

6.l AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS FOR THE MARGARITA AREA SPECIFIC PLAN AMENDMENT

1. Authorize the issuance of a Request for Proposals (RFP) for the Margarita Area Specific Plan Amendment; and
2. Authorize the City Manager to enter into a multi-year consultant services agreement if proposals are received within the available budget of \$300,000.

6.m AUTHORIZE FUNDING FOR EMERGENCY MAINTENANCE AT THE WATER RESOURCE RECOVERY FACILITY (WRRF)

1. Approve a budget transfer of \$1,498,364 from the Sewer Fund Undesignated Capital Completed Projects Fund (602.9501.71501) to the WRRF Major Maintenance (2000607-10); and
2. Adopt Resolution No. 11487 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing use of Sewer Fund Undesignated Capital to Support WRRF Emergency Maintenance."

6.n AUTHORIZE APPLICATION FOR PROHOUSING INCENTIVE PROGRAM FUNDS

Adopt a Draft Resolution entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing application to and participation in the state Prohousing Incentive Program," authorizing the City Manager, or Community Development Director as designee, to:

1. Submit a Prohousing Incentive Program Application to the California Department of Housing and Community Development; and
2. If the application is approved by HCD, execute all documents necessary or appropriate to participate in the Prohousing Incentive Program.

6.o INTERIM CITY MANAGER EMPLOYMENT AGREEMENT WITH ASSISTANT CITY MANAGER WHITNEY MCDONALD

1. Adopt Resolution No. 11488 (2024 Series) entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, approving an Employment Agreement for Interim City Manager"; and
2. Adopt a Regular Salary Schedule as required by California Public Employees Retirement System (CalPERS).

Pulled by Vice Mayor Pease

6.k AUTHORIZATION TO ADVERTISE THE LAGUNA LAKE DOG PARK
REVITALIZATION PROJECT, SPECIFICATION NO. 2001068

Public Comments:

John McKenzie

---End of Public Comment---

Motion By Council Member Shoresman

Second By Council Member Marx

1. Approve the project plans and special provisions for the Laguna Lake Dog Park Revitalization, Specification 2001068; and,
2. Authorize staff to advertise for bids; and,
3. Authorize the City Manager to award the Construction Contract pursuant to Section 3.24.190 of the Municipal Code, including the Base Bid and Additive Alternates, if the lowest responsible bid is within the Publicly Disclosed funding amount of \$1,130,000; and
4. Authorize the City Engineer to approve Contract Change Orders up to the available project budget; and,
5. Authorize the following appropriations and transfers:
 - a. Transfer \$800,000 Parkland In-Lieu (Quimby) Funds from the Laguna Lake Improvements account (2000057) to the project account (2001068); and,
 - b. Appropriate \$239,290 Park Improvement Funds from the Unreserved Fund Balance to the project account (2001068); and,
 - c. Transfer \$329,393 from account 2000526 (from two funding sources identified below) to the project account (2001068); and,
 - i. \$279,393 Capital Outlay Funds
 - ii. \$50,000 Parkland In-Lieu (Quimby) Funds
6. Unappropriate \$1,478,195 Parkland In-Lieu (Quimby) Funds from the Laguna Lake Park Improvements project account (2000057) that will be received upon final certificate of occupancy of the multi-family units for San Luis Ranch; and,
7. Authorize the Finance Director to return any unspent appropriated or transferred funding to its original account or fund, as identified in Recommendation #5; and,

8. Approve Resolution No. 11486 (2024 Series) entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, authorizing use of Park Improvement Funds, Parkland In-Lieu (Quimby) Funds And Capital Outlay Funds to support the Laguna Lake Dog Park Revitalization Project, Specification Number 2001068” *with the following change: Preserve the Unreserved Park Fund (519) and instead use the Laguna Lake Park Fund to make up the difference.*

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

7. PUBLIC HEARING AND BUSINESS ITEMS

- 7.a INTRODUCE AN ORDINANCE AMENDING TITLE 8 (SOLID WASTE), TITLE 12 (STORMWATER), TITLE 13 (WATER AND SEWER), AND TITLE 15 (PLUMBING CODE) OF THE MUNICIPAL CODE

Utilities Director Aaron Floyd, Utilities Deputy Director of Wastewater Chris Lehman, and Utilities Deputy Director of Water Mychal Boerman provided an in-depth staff report and responded to Council questions.

Public Comments:

Jocelyn Brennan

Damien Mavis

Steve Delmartini

---End of Public Comment---

Motion By Mayor Stewart

Second By Vice Mayor Pease

Introduce Ordinance No. 1734 (2024 Series) entitled, “An Ordinance of the City Council of San Luis Obispo, California, amending Title 8 (Solid Waste), Title 12 (Stormwater), Title 13 (Water and Sewer), and Title 15 (Plumbing Code) of the City of San Luis Obispo Municipal Code”

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

7.b INITIATION OF GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO CHANGE BUSINESS PARK ZONING TO SERVICE COMMERCIAL ZONING AND ALLOW MIXED-USE DEVELOPMENT AT 365 PRADO ROAD LOCATED WITHIN THE MARGARITA AREA SPECIFIC PLAN

Senior Planner Rachel Cohen provided an in-depth staff report and responded to Council questions.

Public Comments:

Damien Mavis, Applicant

Jim Dantona

---End of Public Comment---

Motion By Vice Mayor Pease

Second By Council Member Shoresman

To proceed with the initiation of the General Plan and Specific Plan amendments to change Business Park (BP) zoning to Service Commercial (C-S) zoning and allow mixed-use development at 365 Prado Road. Council also provided the following items that they would like to be included in the project:

- Increase density to get more low and very low units
- Active transportation incentives
- Down payment assistance for first time homebuyers
- ADU ready garages
- SLO county preference
- A development agreement

Ayes (5): Council Member Francis, Council Member Marx, Council Member Shoresman, Vice Mayor Pease, and Mayor Stewart

CARRIED (5 to 0)

8. LIAISON REPORTS AND COMMUNICATIONS

Mayor Stewart appeared on the Dave Congalton show and presented at the SLO Daybreak Rotary Meeting.

Council Member Shoresman attended the Cal Cities Community Service Policy Committee meeting in Burbank.

Council Member Francis attended the CAPSLO Board meeting and hosted a group of 5th graders from Pacheco Elementary at City Hall where they provided mock public comment.

Vice Mayor Pease attended the Cal Cities Environmental Quality Policy committee meeting in Burbank.

Council Member Marx attended the Beaver Festival in Mission Plaza and a Cal Trans tour.

9. ADJOURNMENT

The meeting was adjourned at 9:49 p.m. The next Regular City Council Meeting is scheduled for April 16, 2024 at 5:30 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

APPROVED BY COUNCIL: XX/XX/2024



Council Minutes

April 4, 2024, 12:00 p.m.

Council Hearing Room, 990 Palm Street, San Luis Obispo

Council Members Present: Council Member Emily Francis, Council Member Jan Marx, Council Member Michelle Shoresman, Vice Mayor Andy Pease, Mayor Erica A. Stewart

City Staff Present: Derek Johnson, City Manager, Christine Dietrick, City Attorney, Teresa Purrington, City Clerk

1. CALL TO ORDER

A Special Closed Session Meeting of the San Luis Obispo City Council was called to order on Thursday, April 4, 2024 at 12:00 p.m. in the Council Hearing Room at City Hall, 990 Palm Street, San Luis Obispo, by Mayor Stewart.

2. PUBLIC COMMENT FOR ITEMS ON THE AGENDA ONLY

Public Comment:

None

--End of Public Comment--

3. CONFERENCE WITH LABOR NEGOTIATORS

Action: City Attorney Christine Dietrick indicated that no reportable action was taken by the Council.

4. ADJOURNMENT

The meeting was adjourned at 12:50 p.m. The next Regular Meeting of the City Council will be held on April 16, 2024 at 5:30 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo.

APPROVED BY COUNCIL: XX/XX/2024



Council Agenda Correspondence

DATE: April 16, 2024

TO: Mayor and Council

FROM: Timmi Tway, Community Development Director

Prepared By: Callie Taylor, Associate Planner

VIA: Derek Johnson, City Manager

SUBJECT: ITEM 6C – 2024 ANNUAL MONITORING FOR THE SAN LUIS RANCH DEVELOPMENT AGREEMENT, MITIGATION MEASURES, AND PROJECT CONDITIONS

The following memorandum provides City staff responses to questions received from a Council member regarding the San Luis Ranch annual monitoring report. Staff determined it would be helpful to provide this memo to all Council Members and the public, as the responses offer clarification regarding the annual review. The questions are below with staff's response shown in italics.

In addition, it has come to City staff's attention that the agenda links for Item 6c for Attachments A, B, and C (Summary of Compliance with the San Luis Ranch Development Agreement, MMRP, and Project Conditions) are not linking to the correct documents. The correct attachments for the San Luis Ranch Summary of Compliance are provided with this agenda correspondence.

- 1. With significant numbers of mitigation measures particularly concerning habitat outstanding, what is the timeline for ensuring compliance? If the developer fails to present an annual report in future years, is there a standard procedure for encouraging compliance?**

Through the annual review completed in recent months, City staff has identified the outstanding compliance items listed in the report. In meetings and correspondence with the developer, City staff has encouraged the developer to address outstanding items to bring the project into compliance, including submittal of the annual habitat monitoring reports and replanting compliance. The City's next step will be to send an official letter to the developer, identifying items that are out of compliance, a deadline for compliance, and penalties for non-compliance. City staff and the City Attorney will be working on this compliance letter after Council review of the reports on April 16.

It should be noted that the City holds several project bonds, including bonds specifically for habitat restoration. If the developer fails to submit the required annual monitoring reports or fails to complete the habitat restoration in compliance with the EIR, DA, and project conditions, the City can pull the bonds and use those funds to complete the work.

2. **The developer is required to provide a bike share program but there is not a mention of their progress on this requirement. Do we know that status of the bike share?**

A Travel Demand Management Plan (TDMP) was developed for the project in October 2021. The mitigation measure and the TDMP have requirements for both residential and non-residential portions of the project. So far, San Luis Ranch has only implemented the residential trip reduction strategies, which include providing bus passes and \$100 gift cards to local bike shops for residents. Development of Lots 7, 8, and 9 (the office, commercial, and hotel sites) will require bike share to be provided, as well as on-site bike lockers, showers, and bicycle repair station.

3. **On page 105, there's mention of the possibility of up to 7 million in grant funding to the city, some of which would go towards subsidizing the moderate rate units in SLR. Did the city receive that funding? If so, how much went to SLR?**

SLR Development Agreement Operating Memorandum #2 discusses grant funding for which the City was hoping to apply in 2021. Affordable housing grants at that time were possible if the project could provide 15% affordable housing. San Luis Ranch did not reach this percentage of affordable housing, and the City did not receive the grant funds at that time.

ATTACHMENTS

- A – Summary of Compliance with the San Luis Ranch Development Agreement
- B – Summary of Compliance with the San Luis Ranch MMRP
- C – Summary of Compliance with the San Luis Ranch Project Conditions

San Luis Ranch
Summary of Compliance with Development Agreement
March 2024

Development Agreement

Item	DA ID	Summary Description	Compliance Status
1	1.03.a.1	Agreement terminates on 20th anniversary of annexation date	in compliance
2	1.03.a.2	Agreement terminates on 15th anniversary of annexation if backbone infrastructure not in place	in compliance
3	1.03.a.3	Agreement terminates once development and conditions are satisfied	in compliance
4	1.03.a.4	Agreement terminates if annexation doesn't occur within 5 years of DA "Vesting Date"	in compliance
5	1.04	Agreement must be executed 5 days after Ordinance adoption; to County Recorder within 10 days	COMPLETED - in compliance
6	5.02.1	Form Community Facilities District (CFD)	COMPLETED - in compliance
7	5.04.3	Reimbursement for developer improvements beyond fair share cost	ongoing; in compliance
8	5.04.4	Post \$300,000 bond to ensure compliance with Section 5.04.4	ongoing; in compliance
9	5.04.5	Prepay \$1.5 million for Prado Interchange; early payment toward full mitigation fee; see notes	COMPLETED - in compliance
10	7.08	City to use Fee for grant program to replace existing sewer laterals equivalent to 66,000 gpd	ongoing; in compliance
11	11.01; 02	Annual evaluation of the MMRP to ensure compliance	ongoing; in compliance
12	11.04	Annual evaluation of the DA to ensure compliance	ongoing; in compliance
13	11.05	CDD to issue "Finding of Development Agreement Compliance" based on review	ongoing; in compliance
14	12.03	Any DA provision out of compliance must be cured within 60 days	ongoing; in compliance
15	6.02.3	Land dedications for ROW or infrastructure	ongoing; in compliance
16	7.03	Dedicate 2.8 acres of onsite parkland and build park	ongoing; park not yet built
17	7.09	Make Recycled Water facility improvements per Figure 7.2 of SLR SP	ongoing; in compliance
18	7.10	Make storm drainage improvements per Figure 7.4 of SLR SP	ongoing; in compliance
19	7.11	Make floodplain improvements	ongoing; in compliance
20	7.13.01	CC&Rs disclosure statement required	Completed
21	7.13.07	City to allow building permits and occupancy for up to 24 model homes prior to Final Map	ongoing; in compliance
22	7.08	Pay \$300,000 Capacity Offset Fee for sewer improvements	In compliance
23	7.03	Dedicate offsite parkland or pay up to \$3,175,026 as equivalent	partially complete; Multifamily fee still need to be paid with per finals
24	7.04	Secure Ag Easement on 30 acres at APN 067-181-010	In compliance
25	7.06	Implement energy saving measures in development	ongoing; in compliance; solar to be installed with commercial developments
26	7.07	Implement water saving measures in development	ongoing; in compliance
27	7.13.04	Complete Design Review for all major surface public facilities	ongoing
28	5.03.2.b	Pay all Development Impact Fees (DIF) to City per terms of agreement	ongoing; in compliance
29	5.04.4	Pay Early Residential Development Fee (\$262/unit) at time of each annual DA review	Annually; in compliance
30	5.04.6	Pay remaining Prado Road Mitigation Fee	Completed
31	7.12	Make traffic and circulation improvements	Ongoing
32	7.05	Provide Affordable Housing or in lieu payment for commercial per Exhibit F of the DA	Approved mixed use project not started

San Luis Ranch
Summary of Compliance with Mitigation Measures
March 2024

Mitigation Measures

Item	MM ID	Summary Description	Compliance Status
1	AG-3(a)	Agricultural Conflict Avoidance Measures.	SP in compliance; installation in progress
2	AG-3(c)	Buffer Landscaping.	To be installed with Ag site development
3	N-5(c)	Froom Ranch Way Noise Barrier.	TBD subject to field verification
4	REC-1	Parkland In-lieu Fees.	Yes; ongoing with individual projects
5	BIO-2(c)	Froom Ranch Way Bridge Design to Avoid Riparian Areas.	In compliance; annual reporting for 5 years
6	GEO-1	Earthquake and Ground Acceleration Design and Construction Measures.	In compliance; verify with permitting
7	GEO-3	Geotechnical Design.	In compliance; verify with permitting
8	HWQ-1(a)	Stormwater Pollution Prevention Plan.	In compliance; ongoing with each project
9	HWQ-1(b)	Berms and Basins.	In compliance; ongoing with each project
10	HWQ-1(c)	Concept Grading Plan and Master Drainage Plan.	In compliance; ongoing with each project
11	HWQ-3(a)	Stormwater Quality Treatment Controls.	In compliance; ongoing with each project
12	HWQ-3(b)	Stormwater BMP Maintenance Manual.	In compliance; annually with each project
13	HWQ-3(c)	Stormwater BMP Semi-Annual Maintenance Report.	In compliance; semi-annually per project
14	AQ-2(e)	Construction Activity Management Plan.	In compliance
15	BIO-2(a)	Habitat Mitigation and Monitoring Plan	In compliance; annual report required
16	AG-1	Agricultural Conservation.	In compliance
17	AQ-2(a)	Fugitive Dust Control Measures.	In compliance; ongoing with each project
18	AQ-2(b)	Standard Control Measures for Construction Equipment.	In compliance; ongoing with each project
19	AQ-2(c)	Best Available Control Technology (BACT) for Construction Equipment.	In compliance; ongoing with each project
20	AQ-3(a)	Standard Operational Mitigation Measures.	Some aspects TBD; field verification required
21	AQ-3(b)	Off-Site Mitigation.	Some aspects TBD; field verification required
22	BIO-1(a)	Best Management Practices.	In compliance; subject to field verification
23	BIO-1(b)	Worker Environmental Awareness Program Training.	In compliance; subject to field verification
24	BIO-1(c)	Western Pond Turtle and Two-Striped Garter Snake Impact Avoidance and Minimization.	Annual reporting needed to verify compliance
25	BIO-1(d)	California Red-legged Frog, Western spadefoot, and Coast Range Newt Impact Avoidance/Minimization	In compliance; subject to field verification
26	BIO-1(e)	Steelhead Impact Avoidance and Minimization.	In compliance; subject to field verification
27	BIO-1(f)	Great Blue Heron and Monarch Butterfly Impact Avoidance and Minimization.	Annual reporting needed to verify compliance
28	BIO-1(g)	Nesting Birds Impact Avoidance and Minimization.	In compliance; subject to field verification
29	BIO-1(h)	Roosting Bats Impact Avoidance and Minimization.	In compliance; subject to field verification

30	BIO-2(b)	Tree Replacement.	In compliance; annual reporting for 3 years
31	CR-2(a)	Retain a Qualified Principal Investigator.	in compliance
32	CR-2(b)	Unanticipated Discovery of Archaeological Resources.	In compliance; ongoing with each project
33	HAZ-4	Soil Sampling and Remediation	In compliance; ongoing with each project
34	HAZ-6	Naturally Occurring Asbestos Exposure Avoidance and Minimization	In compliance; ongoing with each project
35	HWQ-4	Conditional Letter of Map Revision/Letter of Map Revision.	In compliance
36	N-1(a)	Construction Vehicle Travel Route.	In compliance; ongoing with each project
37	N-1(b)	Construction Activity Timing.	In compliance; ongoing with each project
38	N-1(c)	Construction Equipment Best Management Practices (BMPs).	In compliance; ongoing with each project
39	N-1(d)	Neighbor Property Owner Notification and Construction Noise Complaints	In compliance; subject to field verification
40	AG-3(b)	Agricultural Fencing.	Not completed; requirement of ag owner
41	AQ-2(d)	Architectural Coating.	In compliance; ongoing with each project
42	CR-1(c)	Informational Display of Historic Resources.	TBD
43	N-5(a)	Interior Noise Reduction.	Completed
44	T-1(b); T-8(a); T-9(c)	Intersection 3: Madonna Road & Dalidio Drive/Prado Road Intersection (construct various)	Completed
45	T-1(c)	Intersection 5: Madonna & U.S. 101 Southbound Off Ramp (dedicate ROW; pay fair share cost; TDMP)	Completed
46	T-1(e); T-8(b)	Intersection 9: LOVR and Froom Ranch Way (construct various)	Completed
47	T-1(f); T-8(c)	Intersection 10: LOVR and Auto Park Way (dedicate ROW; pay fair share cost; TDMP)	Completed
48	T-1(g); T-8(g); T-9(l)	Intersection 16: S. Higuera and Tank Farm Road (extend RT pocket to 230'; ROW; pay fair share; TDMP)	Completed
49	T-1(h)	Intersection 21: Prado/Dalidio and Froom Ranch Way (construct roundabout)	Completed
50	T-1(i)	Intersection 25: Prado/Dalidio and SC Project Driveway (construct roundabout)	Completed
51	T-2(a)	Intersection 1: Madonna and LOVR (dedicate ROW; pay fair share cost; TDMP)	Completed
52	T-2(b); T-9(b)	Intersection 2: Madonna and Oceanaire (dedicate ROW; pay fair share cost; TDMP)	Completed
53	T-2(c)	Intersection 5: Madonna & U.S. 101 Southbound Off Ramp (extend LT to 150')	Completed
54	T-2(d)	Intersection 6: Madonna & U.S. 101 Northbound Off Ramp (dedicate ROW; pay fair share cost; TDMP)	Completed
55	T-2(e)	Intersection 7: Madonna and Higuera (dedicate ROW; pay fair share cost; TDMP)	Completed
56	T-2(f); T-9(h)	Intersection 9: LOVR and Froom Ranch Way (construct various)	Completed
57	T-2(g)	Intersection 12: LOVR & U.S. 101 Southbound Off Ramp (extend LT to 320')	Completed
58	T-2(h)	Intersection 13: LOVR & U.S. 101 Northbound Off Ramp (dedicate ROW; pay fair share cost; TDMP)	Completed
59	T-2(i)	Intersection 14: LOVR & Higuera (extend EB RT lane to 180')	Completed
60	T-2(j); T-9(m)	Intersection 18: Prado & Higuera (install 2nd NB LT lane; extend WB RT pocket to 400')	Completed/in compliance
61	T-3(a)	Segments 1-6: Madonna Road--LOVR to Higuera (construct bikeway; Prado ROW; pay fair share cost; TDM)	Partially Complete
62	T-3(b)	Segments 7-8: Higuera--Madonna to Prado (Prado ROW; pay fair share cost; TDMP)	Complete
63	T-3(c)	Segments 13-17: LOVR--Madonna to Higuera (construct bikeway; Prado ROW; pay fair share cost; TDMP)	Complete
64	T-3(d)	Segments 18-20: Dalidio/Prado--Froom to Higuera (construct Class I bikepaths)	Complete
65	T-5	Froom Ranch Way Bridge Construction	Complete
66	T-9(d)	Intersection 4: Madonna and El Mercado (see MM T-1(b))	Complete

67	T-11(a)	NB US 101 Prado Off Ramp (pay fair share, dedicate ROW for overpass and NB ramps; TDMP)	Complete
68	T-11(b)	NB US 101 North of Prado (pay fair share, dedicate ROW for overpass and NB ramps; TDMP)	Complete
69	T-11(c)	NB US 101 North of Madonna (pay fair share, dedicate ROW for overpass and NB ramps; TDMP)	Complete
70	HWQ-4	Conditional Letter of Map Revision/Letter of Map Revision.	Phase 1 complete; Phase 2 pending
71	CR-1(a)	Historical Structure Relocation and Reconstruction Plan.	Reconstruction in progress.
72	CR-1(b)	Archival Documentation of Historic Buildings.	Completed; in compliance
73	N-5(b)	Residential Outdoor Activity Area Noise Attenuation.	In compliance; subject to field verification
74	N-5(d)	U.S. Highway 101 Noise Barrier at Hotel.	In compliance; subject to field verification
75	GEO-2	Operational Seismic Safety Requirement.	In progress
76	N-4(a)	HVAC Equipment.	TBD
77	N-4(b)	Parking Lot/Loading Dock Orientation and Noise Barrier.	TBD
78	AQ-1	Encourage Telecommuting.	TBD
79	T-1(a)	Intersection 1: Madonna and LOVR (optimize signal timing)	Ongoing
80	T-1(d)	Intersection 8: Higuera and South Street (signal timing)	Ongoing
81	T-4	Construction Traffic Management Plan	Ongoing
82	T-5	Froom Ranch Way Bridge Construction	Complete
83	T-6	Project Site Intersection Roundabout Control	Complete
84	T-7	Traffic Calming and/or Reconfiguration of New Neighborhood Streets	Complete
85	T-8(d)	Intersection 12: LOVR & U.S. 101 Southbound Off Ramp (construct Prado Road overpass)	Complete
86	T-8(e)	Intersection 13: LOVR & U.S. 101 Northbound Off Ramp (construct Prado Road overpass)	Complete
87	T-8(f)	Intersection 14: LOVR & S. Higuera (construct Prado Road overpass)	Complete
88	T-9(a)	Intersection 1: Madonna and LOVR (extend NB RT on LOVR to 295'; SB LT on Madonna to 395')	Complete
89	T-9(b)	Intersection 2: Madonna and Oceanaire (extend WB RT on Madonna to 200')	Complete
90	T-9(e)	Intersection 5: Madonna & U.S. 101 Southbound Off Ramp (construct Prado Road overpass)	Complete
91	T-9(f)	Intersection 6: Madonna & U.S. 101 Northbound Off Ramp (construct Prado Road overpass)	Complete
92	T-9(g)	Intersection 8: Higuera and South Street (extend NB Higuera LT to 120')	Complete
93	T-9(i)	Intersection 11: LOVR and Calle Joaquin (construct Prado Road overpass w/ NB and SB ramps)	Complete
94	T-9(j)	Intersection 12: LOVR & U.S. 101 Southbound Off Ramp (construct Prado overpass w/ NB and SB ramps)	Complete
95	T-9(k)	Intersection 14: LOVR & S. Higuera (construct Prado Road overpass w/ NB and SB ramps)	Complete
96	T-10(a)	Segments 1-6: Madonna Road--LOVR to Higuera (construct Prado Road overpass w/ NB and SB ramps)	Complete
97	T-10(b)	Segments 15-16: LOVR--Calle Joaquin to US 101 NB ramps (construct Prado overpass w/ NB and SB ramps)	Complete
98	T-10(c)	Segment 24: Prado/Dalidio--project driveway to Froom (construct Prado overpass w/ NB and SB ramps)	Complete
99	T-11(a)	NB US 101 Prado Off Ramp (pay fair share, dedicate ROW for overpass and NB ramps; TDMP)	Complete
100	T-11(b)	NB US 101 North of Prado (pay fair share, dedicate ROW for overpass and NB ramps; TDMP)	Complete
101	T-11(c)	NB US 101 North of Madonna (pay fair share, dedicate ROW for overpass and NB ramps; TDMP)	Complete

San Luis Ranch
Compliance with Development Agreement, Map Conditions, and Mitigation Measures
March 2024

Map Conditions

Item	Condition	Summary Description	Compliance Status
1	116	Subdivider to hold City harmless and indemnify	Completed
2	117	Map conditional on completing annexation	Annexation completed 10-18-18
3	1	Second point of access needed for Multi-Family	Completed
4	2	Second point of access whenever more than 30 units	Completed
5	3	all streets less than 28 feet to be no parking on both sides; less than 36 feet on one side	Completed
6	4	minimum fire flow of 1,500 gpm within 300 feet of homes; hydrants spaced within 500 feet	Completed
7	22	Include "knuckle" design at San Luis Ranch Road and Haystack Place	Completed
8	23	Include Class I bikeway from Harvest Street to commercial area	Completed
9	24	Include Class I bikeway from San Luis Ranch Road to commercial area	Completed
10	25	Dedicate multiple easements along various roadways	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
11	26	Make all efforts to dedicate 25-foot easement along 101 for maintenance	Completed
12	28	Parallel parking prohibited on Froom Ranch Way	Completed
13	29	Adjust final map and PIPs to include right turn lane on Dogwood approach to Madonna	Completed
14	30, 60	Show all easements on Final Map	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
15	31	Show all offers of dedication on Final Map	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
16	40	show how secondary access will be provided for developments greater than 30 units	Completed
17	41	Fire access to be provided for each building	Completed
18	42	City streets to conform to City Engineering Standards	Completed
19	43	Road alignments to conform to City Engineering Standards	Completed
20	44	Include parking restriction signs within tract	Partially complete/ongoing
21	45	Include center median landscaping on Dalidio and Froom Ranch Way	Completed
22	46	Final street sections to be approved in context of project drainage report	Completed
23	47	Roundabouts to be designed per City Engineering standards	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
24	52	Access rights shall be offered for dedication along Madonna, Dalidio, and Froom Ranch Way	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
25	59	Plans must show all existing structures and proposed improvements	Completed
26	60	Map and PIPs must show all easements	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
27	65	Porous concrete and pavers must be used consistent with Specific Plan	Partial complete - pending development of commercial lots
28	90	Cut and fill slopes to be protected as recommended by soils engineer	Completed
29	93	All plans to show compliance with all regulations	Ongoing - pending environmental agency final approvals
30	96	Indicate revised floodplain on PIPs and Final Map	Complete for Final Map; pending receipt of record drawings for PIPs
31	111	Developer to submit written report verifying compliance with these conditions and mitigation	Ongoing
32	114	Record avigation easements on applicable parcels	In progress/ongoing
33	49	Include line-of-sight analysis for area intersections	Completed
34	50	Subdivision plans to show frontage improvements as needed	Completed
35	51	All resource regulatory permits must be acquired before approval of improvement plans	Completed
36	56	Prepare analysis of trees to be removed and retained within Tree Preservation Plan	Completed /Ongoing - additional trees to be removed 2/2024 - need replanting plan
37	61	If new street paving is phased, it must be shown in Public Improvement Plans	Completed
38	62	Construction phasing plan, truck routes, and staging areas must be shown in PIPs	Completed
39	63	Retaining walls and fences to be approved by Planning Division	Ongoing pending remaining site/lot development
40	64	PIPs must show mailboxes	Completed

41	66	Common areas, linear parkways and paths must be ADA accessible	Completed
42	71	Dry utilities infrastructure to be in place	approved by Utilities Engineer
43	72	Utilities to comply with engineering design standards	approved by Utilities Engineer
44	74	PW and Utilities must approve all water, sewer and utilities layouts	approved by Utilities Director and Public Works Director
45	75	Limit and extent of public utilities to be approved by City Utilities Dept	approved by Utilities Director and Public Works Director
46	76	Gas main to be located in joint trench in accordance with PUC	unless otherwise approved by City Engineer
47	77	PIPs to show location of all water meters	approved by Utilities Director and Public Works Director
48	78	Sewer report needed for design of sewer main for development on Lot 1 and 2	approved by Utilities Director
49	79	Approval of overhead wiring facilities	approved by Utilities Director
50	80	Street widening to require undergrounding of any overhead wires	Completed
51	81	Approval of overhead wiring facilities required in SE portion of site	Ongoing. Need to coordinate with City, Caltrans, PG&E, and billboard easement grantee
52	82	approval of plan for undergrounding utilities	Partial complete pending response to Condition 81
53	83	provide 3 sets of irrigation plans to city	Completed
54	86	PIPs to verify how wetland features to be protected	Completed / ongoing
55	87	PIPs to verify how non-native plants to be contained	Completed / ongoing
56	94	Improvement Plans must include grading, drainage and erosion control plan.	Completed
57	97	Indicate various drainage, well and other features on PIPs	verified by City Engineer
58	98	provide final HEC-RAS modeling for drainage	verified by City Engineer
59	99	final drainage plans must address Cerro San Luis Channel	verified by City Engineer
60	100	final drainage plans must address trash removal	verified by City Engineer
61	104	Bio-retention plans or stormwater BMPs to be approved as part of PIPs	verified by City Engineer
62	105	Detention basin to be designed per Waterways Mgmt Plan Drainage Design Manual	Completed
63	109	Obtain and approve SWPPP	Completed
64	115	Enter into affordable housing agreement with the City, included in DA	Completed--already included in DA
65	7	Dedicate land for Prado Interchange; pay fair share fees for interchange per DA	Complete - Payment made per DA requirements 11/17/23
66	8a	Complete design for Madonna/Dalidio improvements	Complete
67	10a	Complete design for roundabout at Dalidio/Froom Ranch Way	Partially complete; design of 4th roundabout leg to SLO Promenade pending R/W agreement.
68	12a	Complete design for bike path on Madonna between El Mercado and 101 SB	Complete
69	15	Froom Ranch Way design speed not to exceed 35 MPH	Complete
70	16a	Complete design for improvements to Froom Ranch Way/LOVR intersection	Complete
71	17	Madonna/Dalidio and LOVR/Froom to be "bicycle protected" per NACTO guidelines	Complete
72	27	Complete design for in-tract traffic calming improvements	Complete
73	32	Dedicate street tree easements	Completed with Final Map
74	33	Dedicate offsite easements as necessary	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
75	35	Establish encroachment agreement for privately maintained facilities in public ROW	Completed with Final Map
76	37a	pay park in-lieu fees with recordation of NG-10 and -23 map consistent with DA	SFR completed; multifamily being paid with building permit finals
77	38	Make all reasonable efforts to dedicate land for ROW, and show proof of dedication	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
78	39	Demonstrate that land has been acquired as appropriate	Partial complete - pending east leg of roundabout (Embassy Suites and commercial lot)
79	48	Record Notice of Requirements that project is ineligible for Parking District or Neigh Tr Mgmt Plan	Completed with Final Map
80	57	Improvement Plans (including offsite) must be approved prior to Final Map	Completed
81	67	No potable water used during construction; recycled water to be used	Utilities Dept to confirm, permit and monitor
82	73	Relocate utilities affected by 101 interchange improvements	approved by Utilities Director
83	85	Obtain permits from RWQCB, ACOE and CDFW	verified by Community Development or Public Works Dept
84	92	Grading and drainage plans required to show site accessibility	verified by City Engineer
85	95a	Comply with FEMA and City requirements; CLOMR-F approved before construction or fill placement	verified by City Engineer and FEMA
86	108	Verify LID compliance of grading and drainage plans	verified by Project Soils Engineer
87	110	Verify compliance with AQ standards from APCD	in progress/ongoing

88	118	Complete plan to stockpile and salvage topsoil	Natural Resources Manager to approve
89	119	Complete Habitat Mitigation and Monitoring Plan	Natural Resources Manager to approve
90	8b	Make Madonna/Dalidio intersection improvements (per Table 4.12-1 #2 in SLR EIR)	Construction complete.
91	9a	Madonna/Oceanaire pedestrian crossing improvements	Construction complete.
92	10b	Install roundabout at Dalidio/Froom Ranch Way	Partially complete; design of 4th roundabout leg to SLO Promenade pending R/W agreement.
93	11	Construct extension of LOVR/SB 101 ramp	Construction complete.
94	12b	Construct bike path on Madonna between El Mercado and 101 SB	Construction complete.
95	13	Construct Froom Ranch Way bridge over Prefumo Creek	Construction complete.
96	14	Design and construct Froom Ranch Way from LOVR to end; also Class I path and signal at Oceanaire	Construction complete.
97	16b	Make improvements to Froom Ranch Way/LOVR intersection	Construction complete.
98	19	Pay Citywide fees per Development Agreement	see Development Agreement for details
99	53	Install street lighting along public streets	Completed
100	54	Install private lighting based on ARC approval	Ongoing pending development of remaining lots
101	55	Install street trees per condition	Partially complete; pending direction from administration on street tree installation
102	68	Recycled water pipeline infrastructure to be in place	In Progress; resolution in discussion between City and developer
103	69	Water pipeline infrastructure to be in place	Completed
104	70	Sewer infrastructure to be in place	Completed
105	84	Landscape Plan must be consistent with drought provisions	approved by Utilities Director
106	88	Engineering soils testing may be needed on a lot-by-lot basis	Completed
107	89	Soils engineer to certify all grading for final pads prior to building permit issuance	Completed pending receipt of record drawing and soils engineer certification
108	91	Easement agreement needed for Cerro San Luis Channel	verified by City
109	95b	Comply with FEMA/City reqs; LOMR-F submitted to FEMA within 6 months of grading completion	verified by City Engineer and FEMA
110	95c	Comply with FEMA/City reqs; LOMR-F approved by FEMA prior to acceptance of final building pads	verified by City Engineer and FEMA
111	101	Developer to prepare O&M manual for creek maintenance/stormwater BMPs	verified by City Engineer
112	18	Fund Highway 101 Mainline Monitoring	Pending resolution with Caltrans, who has not responded to inquiries from the City
113	113	Provide written disclosure of airport safety and noise issues to potential occupants	Pending verification by Planning
114	36	Notice of requirements related to map conditions to be completed (lots 1, 2 and commercial)	Pending verification by Planning & Engineering
115	37b	pay park in-lieu fees with recordation of NG-30 map consistent with DA	Being paid with final of Building permits/ ongoing
116	9b	Install "hawk" pedestrian signal at Dogwood and Madonna	Construction complete.
117	112	Complete relocation of historic buildings consistent with MM CR-1	Partial complete pending development of the ag heritage site; building permits issued
118	37c	pay park in-lieu fees with recordation of NC map consistent with DA (if housing)	Pending development of NC lot(s), to be collected with building permits
119	20	Pay fairshare mitigation costs as specified in the Development Agreement	see Development Agreement for details; pending confirmation from Planning
120	21	Access rights to Prado, Madonna and Froom dedicated to City; private access on Dalidio RT in and out	Confirmed with Final Map and PIPs.
121	34	Private improvements to be owned and maintained by HOA and/or through CFD	No CFD funds for maintenance. See DA and O&M manual for details
122	58	Demolition permit needed for structure removal, or removal of existing infrastructure	Completed
123	102	Homeowners to be notified of BMP requirements	In progress/ongoing
124	103	Maintenance responsibilities for stormwater infrastructure to be followed by HOA or CFD as applicable	verified by City Engineer and Natural Resources Manager as appropriate
125	106	CC&Rs shall allow for subdivided parcels to be included in HOA	verified by City Engineer
126	107	Creek stabilization to be approved by City as needed	verified by City Engineer



Council Agenda Report

Item 6c

Department: Community Development
Cost Center: 4003
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Timmi Tway, Community Development Director

Prepared By: John Rickenbach, Contract Planner and Callie Taylor, Associate Planner

SUBJECT: 2024 ANNUAL MONITORING FOR THE SAN LUIS RANCH DEVELOPMENT AGREEMENT, MITIGATION MEASURES, AND PROJECT CONDITIONS

RECOMMENDATION

Receive and file the 2024 annual monitoring report for the San Luis Ranch Development Agreement, mitigation measures, and required project conditions.

REPORT-IN-BRIEF

On July 18, 2017, the City Council approved the San Luis Ranch project, including the San Luis Ranch Specific Plan and Vesting Tentative Tract Map (VTTM) 3096, which covers the entire plan area. On July 17, 2018, the Mitigation Monitoring and Reporting Program (MMRP) was amended to address minor changes to the phasing of certain transportation improvements. A Development Agreement (DA) for the project between the City and MI San Luis Ranch, LLC, [was approved by City Council on August 21, 2018](#). On April 16, 2019, the City Council adopted a Mello-Roos Community Facilities District (CFD), pursuant to the DA (Ordinance No. 1661).

Both the DA and MMRP require annual monitoring and reporting of activities per Articles 10 and 11 of the DA in order to determine whether the project is in compliance with all relevant aspects of the DA itself, as well as the Final Environmental Impact Report (FEIR) mitigation measures. The DA includes a variety of provisions related to the timing of development, construction of public infrastructure, payment of fees, and in certain instances reimbursement beyond the project's fair share for public improvements that have citywide benefits. The CFD annual tax report is typically prepared at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report. The CFD annual tax report was last completed and presented to Council on August 15, 2023.

This report addresses activities that have taken place during 2023 through the end of February 2024, and whether those activities are in substantial compliance with the DA, applicable project conditions, and FEIR mitigation measures. Generally speaking, the

bulk of public improvements were completed prior to 2023, both onsite and offsite, which prior to their installation were reviewed and approved by the City's Public Works, Engineering, and/or Utilities departments as appropriate. Some minor follow-ups on these items were completed in 2023.

Substantial housing development has occurred in San Luis Ranch, the design of which was reviewed and approved by the Planning Commission prior to 2022. In all, 577 units were approved through the development review process prior to 2022, and many of these have either been completed or are currently under construction. 206 single-family and 202 multi-family units have been completed since project inception. Of these, 65 single-family and 96 multi-family units were completed in the past year through February 2024. An additional 46 single-family and 94 multi-family units are currently under construction. When these are completed, only 29 units will remain to be built to reach the 577 total units approved to date. The developer estimates that the multi-family portion of the project will be complete by summer 2024, and the single-family residential units will be complete by the end of 2024. Construction on the 64 to 77 affordable housing units on the Lot 7 mixed use site has not yet begun.

As outlined in the report below, the project is in compliance with most applicable provisions of the DA, as well as most relevant FEIR mitigation measures and project conditions. However, further action is needed to bring the project into compliance with several required mitigation measures, Development Agreement provisions, and/or project conditions. City staff will continue to work with the Developer to ensure compliance moving forward. Continued non-compliance or lack of action toward compliance may result in actions being taken by the City to encourage compliance of these required conditions and mitigation measures. Due to the ongoing nature of the project, certain aspects are subject to continual monitoring as development occurs. Given that the main residential project components are nearing completion, this report is intended to provide a final punch list of remaining DA provisions, mitigation measures, and conditions that need to be addressed for compliance upon project completion.

POLICY CONTEXT

The approved San Luis Ranch project was found to be consistent with the General Plan at the time of its approval. This report focuses on determining whether the multi-phase project is in compliance with key provisions related to its approval, notably a Development Agreement, required mitigation measures, and project conditions of approval. Compliance with these provisions is discussed in the body of this report. Both the DA and MMRP require annual monitoring and reporting of activities per Articles 10 and 11 of the DA in order to determine whether the project is in compliance with all relevant aspects of the DA itself, as well as the Final Environmental Impact Report (FEIR) mitigation measures. This annual report is prepared for compliance with those monitoring and reporting requirements. A Community Facilities District for San Luis Ranch has been established to provide funding for infrastructure. The CFD annual report is prepared at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report.

DISCUSSION

Background

On July 18, 2017, the City Council approved the San Luis Ranch project and certified the Final EIR and MMRP. On August 21, 2018, the City Council approved the Development Agreement between the City and MI San Luis Ranch, LLC. In addition, the MMRP was amended at that time to address minor changes to the phasing of certain required transportation improvements. Both the DA and MMRP require annual monitoring and reporting of activities per Articles 10 and 11 of the DA.

The following discusses what aspects of the project were in progress or completed in 2023 through February 2024, and thus the focus of this report. It also provides additional context, with a brief encapsulation of the activities that occurred before 2023, and highlights activities that are anticipated in 2024 and beyond. The San Luis Ranch project site is shown on **Figure 1**.

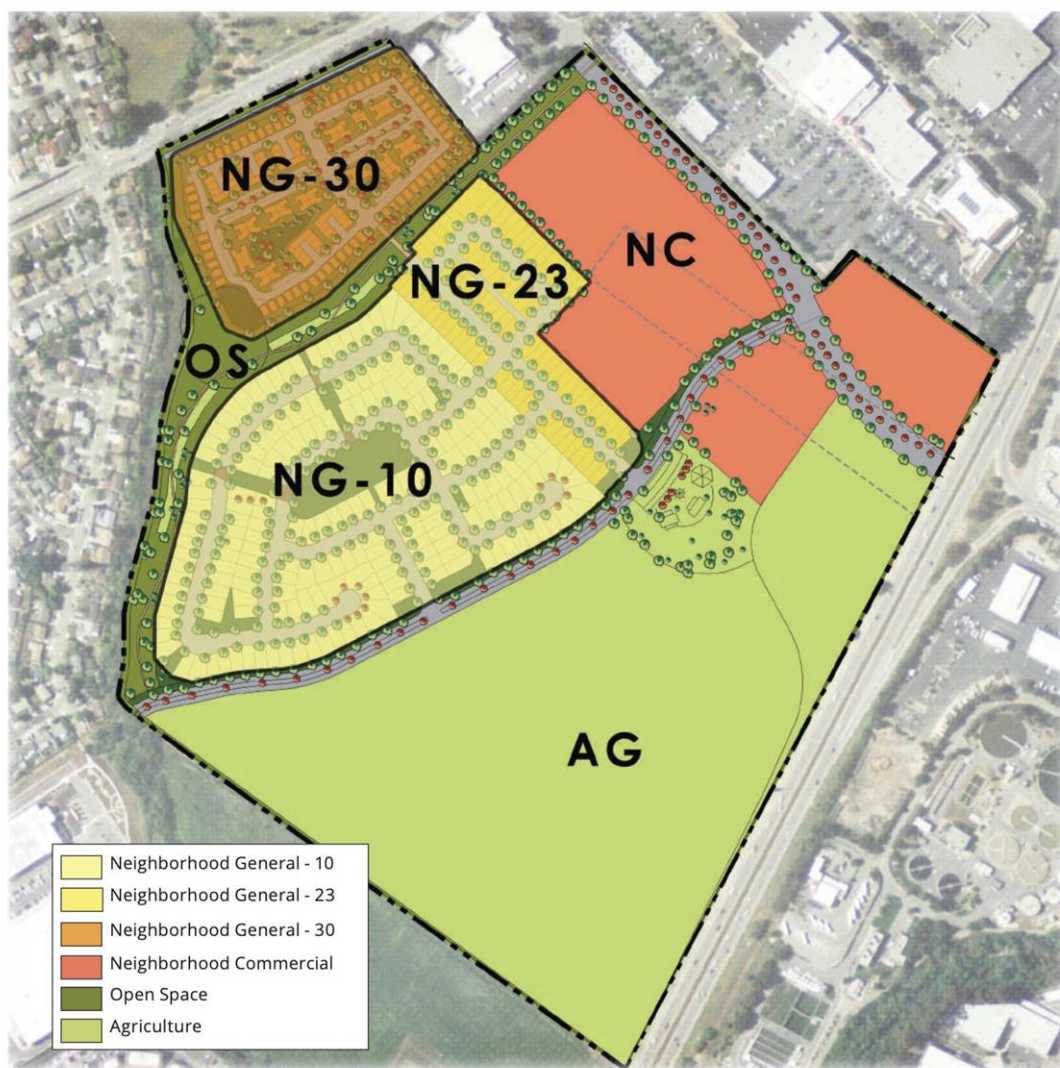


Figure 1. San Luis Ranch Project Area Map

Project Activities Prior to 2023

The following project-related activities occurred prior to 2023:

- A. Specific Plan, VTTM 3096, and Final EIR Approval. The SLRSP was adopted by the City Council in July 2017. VTTM 3096, which covers the entire Specific Plan area, was adopted at the same time as the SLRSP. A Final Environmental Impact Report (“FEIR”) was prepared analyzing the environmental effects of the proposed development, and the City Council certified the FEIR for the project, including adopting CEQA findings and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan.
- B. Specific Plan Amendment and Final Supplemental EIR. On July 17, 2018, the City Council approved a Specific Plan Amendment for the project and adopted a resolution certifying Final Supplemental Environmental Impact Report (“FSEIR”) for the revised project, which was prepared analyzing the environmental effects of a revised development project with modified phasing, and the City Council adopted CEQA Findings and a Statement of Overriding Considerations and an updated Mitigation Monitoring and Reporting Plan.
- C. Development Agreement Approval. The [Development Agreement](#) for the San Luis Ranch project was introduced on July 17, 2018, adopted by the City Council on August 21, 2018, and recorded on September 18, 2018. The DA has not been formally amended since its adoption. However, pursuant to Section 9.03 and 9.04 of the DA, two operating memoranda and two Administrative Amendments were executed by the City Manager and Community Development Director prior to 2023 that clarified certain aspects of implementing the project. These documents are provided as Attachments F, G, I, and J to this report. Consistent with Articles 10 and 11 of the DA, a report documenting compliance with the DA must occur on an annual basis.
- D. CFD Formation. Pursuant to Section 5.02 of the Development Agreement, a Mello-Roos Community Facilities District (CFD) was established and approved by the City Council in February 2019 and formally adopted on April 16, 2019 (Ordinance No. 1661). The CFD also requires an annual report, but this is typically prepared at the end of each fiscal year to coincide with the Citywide budget and is therefore not included in this report.
- E. NG-10 (Single Family Residential). The Specific Plan includes up to 198 traditional single-family 40-foot wide, 3,200 square foot lots. Grading was completed for this 21.5-acre portion of the SLRSP in 2021. Key roadway infrastructure, including the extension of Froom Ranch Way, was completed. In 2022, all internal roadways and backbone utilities were completed, and 71 residential units were completed and occupied, plus construction of the model homes. An additional 34 units were under construction prior to 2023.

- F. NG-23 (Medium Density Residential). The Specific Plan includes up to 83 single-family 30-foot wide, 2,400 to 3,000 square foot lots. Grading was completed for this 7.3-acre portion of the SLRSP site in 2021. In 2022, all internal roadways and backbone utilities were completed, and 70 residential units were completed, with the remaining 13 units under construction prior to 2023.
- G. NG-30 (Multi-Family Residential). The City Council approved Vesting Tentative Tract Map (VTTM) 3150 (which covers this portion of the SLRSP) on April 7, 2020. The Final Map was approved on October 6, 2020. VTTM 3150 is 10.6-acre portion of previously approved VTTM 3096, which further subdivided the multi-family development for 296 condominium lots to be constructed as a variety of unit types with townhomes, stacked flats, and efficiency units. Although the site was graded, no housing development occurred until 2022, when 106 units were completed, with another 92 under construction prior to 2023.
- H. NC (Hotel Project). The Planning Commission approved a Development Plan for a 200-room dual brand hotel on a 3.41-acre site within the NC zone, July 22, 2020.
- I. NC (Commercial Mixed Use Project). Lot 7 under the originally approved VTTM 3096 and Specific Plan was approved for 150,000 square feet of commercial development intended to serve neighborhood residents as well as visitors. On November 17, 2020, the City Council approved a Specific Plan Amendment and VTTM 3142, which would accommodate up to 114,300 SF of commercial and 77 affordable housing units on 11 lots within the subdivision. No development has occurred on that site. Please refer to the discussion of the affordable housing requirements of the Development Agreement under the Project Compliance section of this report for further discussion.
- J. Ag Heritage Center. The Planning Commission approved the design for the Agricultural Heritage and Learning Center portion of the project on October 27, 2021. The 53-acre AG-zoned portion of the Specific Plan includes 31,236 square feet of commercial buildings, including retail, restaurant, a market, and agricultural processing uses. Building permits for the four new shell buildings were issued in September 2022. Historic buildings were moved to the site, and some activity related to their rehabilitation was begun prior to 2023.
- K. Public Improvements. Public Improvement Plans (PIPs) were approved for onsite improvements associated with VTTM 3096, and these were underway prior to 2022, including the extension of backbone roadways and utilities through the site. This included the extension of Dalidio Drive and Froom Ranch Way. PIPs were also approved for offsite improvements associated with Froom Ranch Way west of the site to its intersection with Los Osos Valley Road, and this roadway was completed. Nearly all major onsite and offsite public improvements, including backbone roadways and utilities were completed in 2022. This also includes the central park within the single-family portion of the Specific Plan area. The Prado Road interchange project was still under review, and no grading or construction activities related to this project had begun.

Development and Related Activities in 2023 through February 2024

The following development-related activities took place since the time of the previous annual report related to the DA, MMRP, and Project Conditions, from March 2023 through February 2024:

- A. NG-10 (Single Family Residential). In 2022, all internal roadways and backbone utilities were completed, and 71 residential units were completed and occupied, plus construction of the model homes. An additional 52 units were completed in 2023 and through March 4, 2024, with 46 units currently under construction. There are 29 remaining single-family units that have not yet begun construction. Completion of the single-family units is expected in December 2024, for a total of 198 NG-10 units in this area.
- B. NG-23 (Medium Density Residential). All internal roadways and backbone utilities were completed in 2022, along with 70 residential units. The final 13 units within this development were completed in 2023. This portion of the Specific Plan has been fully built out, with a total of 83 NG-23 units.
- C. NG-30 (Multi-Family Residential). All approved multi-family residential development with VTTM 3150 has either been completed or is under construction. A total of 202 residential units have been completed to date, 96 of which occurred in 2023 and through March 4, 2024. An additional 94 units are under construction. Once these units are completed, all 296 units approved in this area will have been built. Completion is expected in July 2024. The Third DA Administrative Amendment (Attachment K) was signed September 13, 2023, to allow the for-rent Workforce Housing Units to be to be rented to households below 121% area median income in order to make the units eligible to more residents.
- D. NC (Hotel Project). A building permit for the 4-story structure was issued in December 2022, and construction began on the 200-room hotel project in 2023. The hotel has a 2-year construction schedule, with completion expected in early 2025.

Ag Heritage Center. Construction is ongoing, with the shell buildings mostly completed in 2023. Tenant improvement permits are currently in process for several restaurant, brewery, retail, market, and agricultural processing uses. Restoration of the historic structures is nearing completion, with designs consistent with the Cultural Resources report. The center has been named “SLO Ranch Farms and Marketplace” and is expected to be complete and open to the public in summer 2024. An Agricultural Conservation Easement has been recorded for approximately 42 acres of prime farmland. The property owner has leased the land to an organic blueberry farmer who is currently installing crops and site improvements in the area. City Staff is working with the blueberry farmer to ensure compliance with mitigation measures for landscape buffering and fencing on the farm, and permits are being obtained through the City Building Department where required.

- E. Public Improvements. Nearly all major onsite and offsite public improvements, including backbone roadways and utilities were completed prior to 2023. The only substantial remaining public improvement is the fourth leg of the roundabout at Dalidio/Froom Ranch Way, the design of which was approved in 2023. The applicant is in continued negotiations with the property owner to the east for the necessary right of way, which is required before construction can begin. Other minor remaining work includes installing a permanent electrical service to the pedestrian crosswalk across Madonna Road as part of the Tract 3150 improvements, along with a warranty issue with the asphalt pavement in Tract 3096 which the Public Works Department is currently resolving with the developer.

Public and private reimbursement agreements for oversized infrastructure and sewer lines will go to the City Council for its consideration later in 2024, pending receipt of cost documentation from the San Luis Ranch developer. Once received, City staff will prepare reimbursement agreements for Council consideration.

- F. Prado Road Interchange. San Luis Ranch recently fulfilled its required 28% contribution towards the Prado Road interchange per requirements of the Development Agreement, with a contribution of \$28,415,268, consistent with DA Operating Memorandum #3, signed on November 15, 2023 (Attachment H). Reimbursements were credited for oversizing of some infrastructure built by San Luis Ranch, reducing the developer's net financial obligation to \$24,018,752. The developer made a cash payment of \$14,121,072 on November 17, 2023. CFD funds of \$9,897,680, held from the developer's original bond sale in 2020 for project infrastructure, has been reserved for the City to use towards the Prado interchange. Collectively, San Luis Ranch's recent payment and the CFD reserve described above satisfy the developer's full financial obligation toward the Prado Road Interchange. The City has continued the project development process for the Prado Road Interchange in coordination with Caltrans, with the project now advancing from the Project Approval and Environmental Document (PA-ED) phase to the final design phase, with start of construction slated for 2027. The payment of funds constitutes substantial compliance with the Developer's conditions for Prado Road and it will be important to keep the project on schedule or escalating costs could inure to the City.

- G. Hazardous Tree Removals. On February 13, 2024, San Luis Ranch submitted an application to remove eucalyptus trees that posed a hazard to proposed development. Based on an evaluation of the accompanying arborist report, the City Arborist approved 35 trees to be removed, consistent with Municipal Code provisions that allow for the removal of trees that pose an imminent hazard to lives or property. Eight trees were approved for immediate removal, with the other 27 subject to a 10-day appeal period. In a similar action in October 2023, the City also authorized San Luis Ranch to remove four trees as recommended for removal by the applicant's arborist. The removals are currently in process by San Luis Ranch. Another tree removal application was submitted in March 2024 to request removal of an additional six trees. The application is currently under review.

by the City Arborist. All tree removals will be subject to replanting consistent with Mitigation Measures BIO-2(a) and BIO-2(b), which address tree replacement requirements. Refer to the Project Compliance section of this report for additional discussion.

New Applications in 2024 for Which Activities Have Not Yet Begun

- A. Lot 7 Residential Development Application. The San Luis Ranch developer has been working on preliminary plans which propose a predominantly residential development on Lot 7. The original 2017 San Luis Ranch Specific Plan identified that Lot 7 was to deliver 150,000 square feet of commercial development. On November 17, 2020, the City Council approved a Specific Plan Amendment and VTTM 3142 for a mixed-use development on Lot 7 which would accommodate up to 114,300 square feet of commercial and 77 affordable housing units on 11 lots. No final map for VTTM 3142 has been recorded, and no development has occurred pursuant to that approval.

Lot 7 is currently zoned Neighborhood Commercial. The preliminary site plan proposed by the developer as part of its application to alter the current entitlements for Lot 7 contemplates 276 market rate units to be developed by San Luis Ranch and up to 77 affordable units to be developed by Peoples' Self-Help Housing. Approximately 7,000 square feet of commercial space is proposed at the corner of Dalidio and Froom Ranch Way. The Specific Plan application fee has been paid, and the applicant is currently preparing the application materials for submittal. The proposal would require a General Plan amendment and Specific Plan amendment which are expected to be scheduled for City Council review to consider project initiation later this year.

- B. Office Lot. A 4.2-acre parcel is located on the east side of Froom Ranch Way and Dalidio near the future Dalidio Highway 101 interchange. The parcel is zoned Neighborhood Commercial and is identified for between 50,000 and 150,000 square feet of office buildings. Access to this parcel will be provided from the fourth leg of the Dalidio roundabout when right-of-way is acquired and the driveway is constructed in the future. No permits have been issued for construction on the office lot to date.

PROJECT COMPLIANCE

Development Agreement

Implementation of the San Luis Ranch project requires substantial new infrastructure to support new development, most of which is the responsibility of the developer. The approved Development Agreement (DA) for the project describes the developer's responsibilities in that regard.

The DA is a contract authorized by California Planning and Zoning Law and the City's Municipal Code that provides certain benefits to the developer, typically in the way of certainty and assurances to the developer regarding what rules will be applied for the project, in exchange for extraordinary public benefits. For example, the Specific Plan provides more affordable housing units than required by the City's standard inclusionary housing requirements.

Tract 3096 constructed offsite improvements to mitigate for the increase in traffic generated by the development. The developer is also paying fair share fees for projects that are not triggered solely by this development but will ultimately be needed upon build-out of the City. As described in the DA and the conditions of approval, some of the improvements being constructed with Tract 3096 are eligible for reimbursement, including wastewater and transportation infrastructure. Reimbursement agreements outlining the process which will be used to reimburse San Luis Ranch for qualifying oversized infrastructure will be presented to Council as separate agenda items. The reimbursement agreements are planned to provide reimbursement to San Luis Ranch via a combination of transportation impact fees already paid by San Luis Ranch, or pass-through fair share mitigation fees paid by other private developments.

Tract 3096 is meeting the City's agricultural land preservation requirements through a combination of onsite preservation and offsite easements. An Agricultural Conservation Easement was dedicated on January 30, 2019, to preserve 42.56 acres of prime farmland for onsite farming within the San Luis Ranch. Efforts related to this issue are in compliance with DA requirements.

Although the DA also addresses financing issues in great detail, compliance with these provisions will be addressed at the end of Fiscal Year 2023-24 (end of June 2024) in a separate agenda item related to activities under the Community Facilities District (CFD) that was created pursuant to the DA.

Several provisions of the DA warrant discussion because they either address issues that are currently in the process of being implemented, or require further action to bring the project into compliance:

- A. Section 5.04.4. Early Residential Development Fee. This provision of the DA requires the applicant to pay a fee to offset impacts to the City's General Fund for the cost of services associated with residential development in the event units are constructed prior to the commercial component of San Luis Ranch being completed. The DA requires an Early Residential Development Fee of \$262.00 per completed residential unit, less any unoccupied model homes, if the unit is completed before a certificate of occupancy is issued for any commercial use within the project. The cut-off date to establish final permits for calculation of fee is February 28th of each year. As of February 28, 2024, the City has identified a total of 400 residential units to which the fee will apply. (205 SFR Units; 202 MFR Units; 7 Unoccupied Model Homes). The total fee required to be paid for 2024 is \$104,800. Payment was made by MI San Luis Ranch on April 5, 2024 to fulfill this DA requirement. MI San Luis Ranch paid \$56,592 in 2023 based on 216 completed units, and \$9,432 in 2022 based on 36 completed units. Upon the issuance of the first certificate of occupancy for any commercial use in the project, the obligation to pay the Early Residential Development Fee shall terminate and shall thereafter no longer be collected by or paid to the City.
- B. Section 7.05. Affordable Housing Provisions. A key aspect of the approval of the multi-family development Tract 3142 and the Specific Plan amendment approved by City Council in November 2020 was that the commercial parcel on Lot 7 would absorb the majority of the inclusionary affordable housing requirement for San Luis Ranch and be developed as mixed-use. The inclusionary and affordable housing requirements are summarized in [Exhibit F of the DA](#), and the transfer of the required affordable units to Lot 7 was memorialized in the First Administrative Amendment to the DA, recorded in February 2021 (Attachment I). Between 64 to 77 affordable housing units are required to be constructed on Lot 7. This includes 26 affordable units transferred from the NG-30 MFR lot, which are a requirement of the existing project, plus 34 affordable units, which are required to satisfy the inclusionary requirement for the future commercial on Lot 7. That project has not yet been constructed, and until it is, the project will not have fully complied with this crucial provision of the DA. The new application for Lot 7, which would replace the approved mixed-use project contemplated in Tract 3142, will be required to be consistent with the affordable housing provisions of the DA. The development of the affordable housing portion of the project is a crucial component of the project and, should it appear that the developer is not making progress toward the provision of the required affordable housing, staff will consider actions to ensure compliance.
- C. Section 7.06.a. Solar Energy Generation. The DA requires that the project *"provide for accelerated compliance with the City's Energy Conservation Goals and its Climate Action Plan by implementing energy conservation measures significantly above City standards and norms by providing for solar PV energy generation for 100 percent of onsite electrical demand at build-out."* Solar is provided with the single and multi-family housing, but for other aspects of the project, this issue has not yet been fully addressed. For instance, the Ag Heritage Center identified PV

systems as a deferred submittal with the shell building, but the City has not received this submittal yet. PV systems have not been submitted for the hotel site yet, however the site is still under construction. Energy generation on the Lot 7 commercial parcel and the office lots have not yet been identified. City staff will monitor to ensure compliance with the requirements of this provision as the project is built out. Should it appear that the developer is not making progress toward the requirements of this provision, the City will consider actions to ensure compliance.

Attachment A summarizes the project's current compliance status with respect to relevant provisions of the DA. Except as noted above, as of March 2024 the developer is in compliance with all applicable requirements of the DA with respect to project milestones.

Mitigation Monitoring and Reporting Program

As part of the environmental review of a development project, the California Environmental Quality Act (CEQA) requires public lead agencies to impose feasible mitigation measures in order to substantially lessen or avoid the significant adverse effects of the project on the physical environment. All mitigation must be feasible and fully enforceable. Mitigation measures were included in the Final Environmental Impact Report (FEIR) for San Luis Ranch, certified by the City Council on July 18, 2017. Some of the traffic mitigation measures were updated in a subsequent City Council action taken on August 18, 2020. The Mitigation Monitoring and Reporting Program (MMRP) describes the procedures for the implementation of the mitigation measures identified in the FEIR. The MMRP specifies the entity responsible for monitoring the program and when in the process it should be accomplished.

Attachment D is the updated MMRP, showing the current status of compliance with all mitigation measures. In summary, the project is in compliance with all applicable mitigation measures required to date, except as noted below. In some instances, compliance is ongoing (e.g., with respect to biological and cultural resource issues) or currently in process of being completed.

Key mitigation measures currently in the process of being implemented, or require further action to bring the project into compliance, are:

- A. Mitigation Measure AG-3(a). Agricultural Conflict Avoidance Measures. Agricultural buffer, fencing, and related signage are required with the build out of Agricultural Heritage Center and installation of agricultural operations within the Conservation Easement. Installation is in progress, not yet completed.
- B. Mitigation Measure AG-3(b). Agricultural Fencing. Installation of the required agricultural fencing is required in conjunction with current agricultural site development and Agricultural Heritage Center. Installation is in progress, not yet completed.
- C. Mitigation Measure AG-3(c). Agricultural Buffer Landscaping. Installation of agricultural buffer landscaping is required in conjunction with the current site development of the blueberry farm. Installation is in progress, but not yet completed.

- D. Mitigation Measure AQ-1. Encourage Telecommuting. Compliance status to be determined, pending verification from project developer.
- E. Mitigation Measure AQ-3(a). Standard Air Quality Operation Mitigation Measures. With regard to the requirement to use onsite renewable energy systems, compliance status is still to be determined for the Hotel and AG Heritage Center projects.
- F. Mitigation Measure AQ-3(b). Offsite Air Quality Mitigation. Compliance status to be determined, pending verification from project developer that air emissions have been reduced to below daily threshold levels.
- G. Mitigation Measure BIO-1(f). Great Blue Heron and Monarch Butterfly Impact Avoidance and Minimization. City staff has not received required annual reporting for Habitat Enhancement Plan, verification of ongoing maintenance and required tree replantings, including compensatory tree replantings for previous tree removals. Verification of creation of required offsite nesting habitat for great blue herons also needs to be provided by the applicant. This Mitigation measures has not yet been fulfilled, and therefore San Luis Ranch is not in compliance with this requirement.
- H. Mitigation Measure BIO-2(a). Biological Habitat Mitigation and Monitoring Plan. City staff has not received required annual reporting for HMMP, including verification of required riparian habitat replacement at a 2:1 ratio. Annual monitoring is a requirement of the Habitat Mitigation and Monitoring Plan. San Luis Ranch is not in compliance with this mitigation measure and needs to submit annual monitoring and show compliance with replanting requirements.
- I. Mitigation Measure BIO-2(b). Tree Replacement for removals. Compliance status to be determined, pending verification from developer that tree replacements have been completed in accordance with annual reporting monitoring requirements (3 years), and direction from the City's Natural Resources Manager. Additional compensatory plantings will be required for compliance with Municipal Code requirements to mitigate the hazardous tree removals recently authorized in late 2023 and 2024. Currently, San Luis Ranch is not in compliance with this mitigation measure.
- J. Mitigation Measure BIO-2(c). Froom Ranch Way Bridge Design to Avoid Riparian Areas. Compliance status to be determined, pending verification from developer that required tree replacements have been completed accordance with annual reporting monitoring requirements (5 years), and direction from the City's Natural Resources Manager.
- K. Mitigation Measure CR-1(a). Historical Structure Relocation and Reconstruction Plan. Pending completion of reconstruction, currently in progress. Informational signage and a completion letter from the project's historical resources consultant is currently being prepared.
- L. Mitigation Measure T-3(a). Madonna Road Improvements. A component of this measure requires SLR funding an assessment for increasing transit headways. That study is underway as part of Short Range Transit Plan development. SLR did not contribute financially, but the study is underway.

In other cases, compliance cannot yet be determined because the project has not progressed sufficiently to trigger the required mitigation (e.g., items that relate to the design of commercial buildings). All applicable traffic mitigation has been completed as required to date. The only remaining fair share traffic mitigation fees are ongoing payment of Transportation Impact Fees (“TIF”) with each building permit. Attachment B is a summarized version of the MMRP for easy reference, with all mitigation measures put in sequential order of when compliance is required.

Project Conditions

Conditions of approval are imposed by the municipality as part of a land development application to be adhered to and exercised as part of a right granted to the property. Conditions of approval were adopted as part of the San Luis Ranch subdivision map (vesting tentative map for Tract 3096) approved by the City Council on July 18, 2017.

Attachment C shows the current status of compliance with all relevant project conditions. In summary, the project is in compliance or working towards compliance with all applicable project conditions required to date, with exception of the items noted below. Some conditions of approval have been fulfilled, while some are ongoing, and others will be addressed in later phases of development. The compliance status of the following conditions is pending resolution of key actions that are either ongoing or not yet completed:

- A. Condition 18. This requires the applicant to fund “monitoring of Highway 101 mainline merge, diverge, and weave level of service between Marsh & LOVR at occupancy of 100 units and again at occupancy of 200 units of the project. If deemed necessary by the City and Caltrans, components of the Prado Road Interchange Project, such as ramp metering or auxiliary lanes may be advanced.” The City has been in recent contact with Caltrans regarding the steps to fulfill this condition. Caltrans has requested current traffic counts at a couple of locations along the US 101 corridor to help guide their future planning efforts for potential ramp metering or other capacity improvements. City Staff is in contact with the San Luis Ranch developer to collect this information in spring 2024 before schools are out for the summer. Caltrans has not requested a comprehensive monitoring program, operations analysis, or preliminary design for ramp metering.
- B. Conditions 21 and 38. To facilitate the orderly development, the project anticipates future construction of the Prado Road Overpass, and VTTM Conditions of Approval 21 and 38 require the developer to construct a multilane roundabout control at Dalidio Drive and Froom Ranch Way. The first two legs of the roundabout have been installed. The third leg will be the future connection to the Prado Road overpass, and the fourth leg will provide access to the Madonna Plaza and Embassy Suites private development and the San Luis Ranch office lot. The Conditions of Approval require the developer to exhaust all feasible efforts to acquire the necessary off-site dedications, easements, and agreements for construction of the roundabout improvements. The San Luis Ranch developer has

been in negotiations with the adjacent property owner to acquire an access easement to construct the fourth leg of the Dalidio roundabout, and resolution of this requirement appears to be nearing completion. Improvements for the access driveway will be installed when right-of-way easements are obtained.

- C. Condition 55. Street trees are required as a condition of development, and as shown on the conceptual landscape plan approved with Vesting Tentative Tract Map 3096. Street trees shall generally be planted at the rate of one 15-gallon street tree for each 35 lineal feet of property frontage. Froom Ranch Way was constructed without the required street trees. City Staff is continuing ongoing discussions with the developer in an effort to bring this item into compliance.
- D. Condition 68. The implementation of the required recycled water system is currently under discussion between City Utilities staff and the developer. Recycled water lines have been installed, however, installation of recycled water meters and backflow preventors are needed in order to make the system operational. City Staff will continue to work with the developer to complete the recycled water system.

Community Facilities District (CFD)

A Mello-Roos Community Facilities District (CFD) was established and approved by the City Council in February 2019 and formally adopted on April 16, 2019 (Ordinance No. 1661). The CFD for San Luis Ranch is a special tax assessment in the district which was established to fund infrastructure.

The City is authorized to levy the tax through the annual property tax roll. In addition, the City is responsible for the calculation and reporting of the annual special tax in accordance with the Rate and Method of Apportionment. The City prepares the Annual Tax Report for the CFD which reports on the status of the CFD, the costs of CFD, and the amount of special taxes calculated and collected. The City's Finance Department is responsible for preparing an annual report on the CFD at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report. The CFD annual report was last completed and presented to Council on August 15, 2023.

Previous Council or Advisory Body Action

The following City Council or Advisory Body actions have occurred relevant to the project activity currently underway:

- Specific Plan, VTTM 3096, and FEIR Approval. The SLRSP was adopted by the City Council in July 2017. VTTM 3096, which covers the entire Specific Plan area, was adopted at the same time as the SLRSP. The City Council certified the Final Environmental Impact Report for the project, including adopting CEQA findings and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan.

- Specific Plan Amendment and Final Supplemental EIR (FSEIR). On July 17, 2018, the City Council approved a Specific Plan Amendment for the project and adopted a resolution certifying Final Supplemental Environmental Impact Report (“FSEIR”) for the revised project, which was prepared analyzing the environmental effects of a revised development project with modified phasing.
- Development Agreement Approval. The Development Agreement (“DA”) for the San Luis Ranch project was adopted by the City Council on August 21, 2018, and recorded on September 18, 2018.
- Park Design Approval. The Parks and Recreation Commission (PRC) approved the design of the 2.8-acre central park on November 7, 2018.
- Final Map Approval. The Final Map for VTTM 3096 was approved by the City Council on November 27, 2018.
- CFD Formation. Pursuant to Section 5.02 of the Development Agreement, a Mello-Roos Community Facilities District (CFD) was established and approved by the City Council in February 2019 and formally adopted on April 16, 2019 (Ordinance No. 1661).
- Updated Mitigation Measures and FEIR Addendum. The City Council approved updated traffic mitigation measures and adopted a related FEIR Addendum on August 18, 2020.
- Final Map Recordation. The Final Map for VTTM 3096 was recorded on September 14, 2020.
- VTTM 3150 Approval (NG-30 - Multi-Family Residential). The City Council approved VTTM 3150 on April 7, 2020. The Final Map was approved on October 6, 2020.
- NC (Hotel Project). The Planning Commission approved a 200-room dual brand hotel on a 3.41-acre site within the NC zone on July 22, 2020. The project was referred to the Airport Land Use Commission to consider whether it complied with all conditions related to a previous ALUC conformance finding with the ALUP. On September 2, 2020, the ALUC modified one of its previous conditions to ensure compliance.
- NC (Commercial Mixed Use Project). On November 17, 2020, the City Council approved a Specific Plan Amendment and VTTM 3142, which would accommodate up to 114,300 SF of commercial and 77 affordable housing units on 11 lots within the subdivision.

- Agricultural Heritage Center. The Planning Commission approved the design for the Agricultural Heritage and Learning Center portion of the Specific Plan on October 27, 2021.
- Acceptance of Improvements. The City Council adopted a resolution for partial acceptance of public improvements and certification of completion of required private improvements for Tract 3150, a multi-family condominium re-subdivision of Lots 1 and 2 Tract 3096 on February 21, 2023.

Summary

As outlined in this report, while the San Luis Ranch project is moving forward, it appears that the Developer is not in compliance with several required mitigation measures or project conditions. City staff will continue to work with the Developer to ensure compliance moving forward. Continued non-compliance or lack of action toward compliance may result in actions being taken by the City to encourage compliance of these required conditions and mitigation measures.

Public Engagement

An extensive public review process was completed with the approval of the Tentative Map and San Luis Ranch Specific Plan. The annual monitoring of the San Luis Ranch Development Agreement and associated project mitigation measures and conditions have a “notify” level of public engagement, which has been accomplished through this agenda item and associated staff report.

CONCURRENCE

The Community Development Director, Public Works Director, Utilities Director, and Parks and Recreation Director concur with the recommended action.

ENVIRONMENTAL REVIEW

Annual monitoring of the San Luis Ranch DA and MMRP is categorically exempt from California Environmental Quality Act (CEQA) according to CEQA Guidelines Section 15306 (Information Collection), which exempts “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” These actions also qualify for the “common sense” exemption under Section 15061(b)(3), which covers activities “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” Annual monitoring does not change any aspect of the approved San Luis Ranch project, nor does it introduce the potential for any new environmental impacts. Therefore, the proposed action is categorically exempt from further analysis under CEQA.

FISCAL IMPACT

Budgeted: Yes
Funding Identified: Yes

Budget Year: Annually beginning 2023-24

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund				
State				
Federal				
Fees				
Other:				
Total	\$0	\$0	\$0	\$0

Section 5.03.2.(f) of the San Luis Ranch Development Agreement requires the developer to pay for consultant costs related to the annual Mitigation Monitoring and Reporting Program evaluation and Development Agreement review. The consultant's scope of work to prepare this year's annual evaluation and reporting for the San Luis Ranch MMRP and DA review totaled \$8,640. The consultant is contracted by the City and paid for by the San Luis Ranch developer. There are no direct fiscal impacts to the City related to the MMRP and DA annual review and reporting.

Supplemental taxes are assessed and collected on the project through the Community Facilities District to pay for infrastructure. The CFD annual compliance report will be a future agenda item prepared at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report. The CFD annual report was last completed and presented to Council on August 15, 2023.

ALTERNATIVES

1. ***Council could provide specific direction to Staff to work with the SLR Developer on conditions, mitigations, or other requirements.***
2. ***Council could decide to provide direction to staff regarding the annual monitoring report for the San Luis Ranch project and continue the item to a future meeting.***
3. ***Council could decide to reject the annual monitoring report for the San Luis Ranch project.*** This is not recommended since annual monitoring is a requirement of the DA and State Law (California Government Code § 65865.1).

ATTACHMENTS

- A – Summary of Compliance with the San Luis Ranch Development Agreement
- B – Summary of Compliance with the San Luis Ranch MMRP
- C – Summary of Compliance with the San Luis Ranch Project Conditions
- D – San Luis Ranch Mitigation Monitoring and Reporting Plan (March 2024)
- E – [San Luis Ranch Development Agreement](#) (provided via hyperlink)
- F – San Luis Ranch DA Operating Memorandum 1
- G – San Luis Ranch DA Operating Memorandum 2
- H – San Luis Ranch DA Operating Memorandum 3
- I – First Administrative Amendment to San Luis Ranch DA
- J – Second Administrative Amendment to San Luis Ranch DA
- K – Third Administrative Amendment to San Luis Ranch DA

Avila Ranch
Compliance with Development Agreement, Map Conditions, and Mitigation Measures
March 2024

Development Agreement

			Subject to Reimbursement
			Fair Share Payments
Item	DA ID	Summary Description	Timing and Compliance Status
1	1.03.a.1	Agreement terminates on 20th anniversary of effective date (11/2/37)	ongoing; annually
2	1.03.a.2	Agreement terminates on 7th anniv of effective date (11/2/24) if Ph 1-2 backbone infrastructure not in place	ongoing; annually
3	1.03.a.3	Agreement terminates once development and conditions are satisfied	ongoing; annually
4	1.04.1 & 1.04.2	Agreement must be executed 5 days after Ordinance adoption; to County Recorder within 10 days	ongoing; COMPLETED
5	5.03	Form Community Facilities District (CFD) or other financing mechanisms	ongoing; COMPLETED
6	5.04.2.f	Payment of all then-current processing fees for any subsequent planning applications and permits	ongoing; as new applications are made
7	5.04.2.g	Reimbursement/ Credits for developer improvements beyond fair share cost	ongoing; according to reimbursement agreements
8	5.04.2.i	Payment of staff & consultant time associated with: DA Review, MMFP, CFD, election costs, and admin costs	ongoing; monthly
9	5.04.2.j	Payment of California Department of Fish & Wildlife fees + County/Clerk Recorder Fees	prior to finaling NOD on any CEQA document
10	5.05.4.c	City to annually monitor whether there is a General Fund shortfall from fees collected	ongoing; annually
11	6.02.2	City may require oversizing of backbone infrastructure, under certain conditions	as needed
12	6.04.1	Applicant to make all reasonable efforts to purchase off-site improvement properties	as needed
13	7.02.1.b	Developer to complete first two phases and infrastructure within 7 years of effective date	ongoing
14	7.02.1.c	Developer to conform with phasing shown in Table	ongoing
15	7.03	Developer to dedicate 18.25 acres of parkland to satisfaction of PRC	coordinate with PRC
16	7.04	Developer to dedicate at least 50 acres of ag/open space onsite and preserve 50 acres offsite	applicant coordinating with City staff
17	7.05	Provide affordable and workforce housing per Exhibit G	applicant coordinating with City staff
18	7.07	Developer to provide accelerated compliance with energy standards	applicant coordinating with City staff
19	7.08.a	Developer to provide accelerated compliance with Climate Action Plan	applicant coordinating with City staff
20	7.08.c	Install water infrastructure for offsite annexations near Broad and Buckley per Exhibit H	applicant coordinating with City staff
21	7.08.d	Developer to dedicate 20x40 land for future water well site to City on Lots 594, 406, or 398	applicant coordinating with City staff
22	7.11	Construct all needed traffic improvements shown on Exhibit C; plus fair share portions of others	applicant coordinating with City staff
23	7.12	construct and/or fund bike improvements per Exhibit J	applicant coordinating with City staff
24	7.13.6	Developer to provide all cable for internet connections	as utilities are constructed
25	10.01	Annual evaluation of the MMRP and DA to ensure compliance	ongoing; annually
26	11.01	Annual evaluation of the MMRP to ensure compliance	ongoing; annually
27	11.02	Annual evaluation of the DA to ensure compliance	ongoing; annually
28	11.02.02	CDD to issue "Finding of Development Agreement Compliance" based on review	ongoing; annually
29	12.01	Any DA provision out of compliance must be cured within 60 days	ongoing
30	7.09	Build all necessary storm drain facilities	prior to subdivision map approval*
31	5.04.2.b; Amendment 1	Payment of all development impact fees: Citywide, Project Specific, LOVR Interchange	prior to each Final Map recordation
32	5.04.2.c	Payment of development impact fees: Water & Sewer	prior to each Final Map recordation
33	7.13.1	Include airport hazard related language in CC&Rs	with CC&Rs for each subdivision
34	7.10	Build interim fire station on Lot 302 at buildout of 361st unit	prior to construction of 361st unit

Avila Ranch
Compliance with Development Agreement, Map Conditions, and Mitigation Measures
March 2024

Mitigation Measures

Item	MM ID	Summary Description	Compliance Status
1	AG-2a	Install fencing and signs along Buckley to minimize trespass	plans to indicate compliance; installation to be verified in the field Phase 6
2	AG-2b	Landscape plans to include trees and shrubs to minimize dust	plans to indicate compliance; installation to be verified in the field Phase 6
3	AG-2c	Add 20-foot hedgerow of trees along east side of Vachell	completed with Phase 1 improvements
4	BIO-2a	Tank Farm Creek bike path alignment	BMMP completed Jan 2019; field verify as needed
5	BIO-2b	Prepare Biological Mitigation Plan - habitat restoration	BMMP completed Jan 2019; field verify as needed
6	BIO-2c	Prepare Biological Mitigation Plan - wetland and riparian mitigation	BMMP completed Jan 2019; field verify as needed
7	BIO-2d	Preserve southern 275 feet of N-S creek to protect riparian woodland	BMMP completed Jan 2019; field verify as needed
8	BIO-2e	Stockpile emergent vegetation (cattails) to plant later in realigned creek	BMMP completed Jan 2019; field verify as needed
9	BIO-2j	Tank Farm Creek Class I bike bridge to be placed outside mapped riparian	BMMP completed Jan 2019; field verify as needed
10	BIO-3b	Implement special status species protection measures	BMMP completed Jan 2019; field verify as needed
11	BIO-4	Conduct bat surveys in building proposed for demolition	Plan Completed; field monitoring as needed
12	BIO-5a	Shield all lights facing Tank Farm Creek	BMMP completed Jan 2019; field verify as needed
13	BIO-5b	Creek restoration to include native trees to minimize light spillover	BMMP completed Jan 2019; field verify as needed
14	BIO-6	All work within 100 feet of Tank Farm Creek to occur April 15-October 15	BMMP completed Jan 2019; field verify as needed
15	HYD-2a	Submit Master Drainage Plan	Following Sept 2018 Phase 1 Drainage Report; field verify as needed
16	HYD-3a	Submit Cumulative Master Drainage Plan	Following Sept 2018 Phase 1 Drainage Report; field verify as needed
17	HYD-3b	Design bridges, culverts and drainage per City specs	City verifying as needed through review of improvement plans
18	HYD-4a	Geotech study needed for HDD areas - part of Utilities Plan	City verifying as needed through review of improvement plans
19	HYD-4b	Frac-Out Contingency Plan needed for HDD areas - part of Utilities Plan	Frac-Out Plan Prepared April 2022; followed as needed
20	UT-2	Utility infrastructure subject to city approval. Applicant to construct.	City verifying as needed through review of improvement plans
21	AQ-1a	Prepare Construction Activity Management Plan (CAMP)	Completed Feb 2019; field verify as needed
22	AQ-2a	Implement APCD conservation requirements	Shown on plans; need to field verify
23	AQ-2b	Implement APCD AQ Handbook strategies	Shown on plans; field verify as needed
24	BIO-1a	Prepare Biological Mitigation Plan - implement BMPs	BMMP completed Jan 2019; need to field verify BMPs
25	PS-1	Prepare and implement Security Plan with SLOPD	Security Plan submitted in June 2021; Phase 203 Security Plan submitted 10/2023
26	PS-2	Fair Share Contribution to Fire Protection Service as part of CFD	See DA; Impact fees paid with building permits; CFD in place
27	TRANS-3b	Install traffic calming measures required by Policy 8.1.3	Satisfied through Phase 1; subsequent phases will be reviewed for compliance.
28	TRANS-5	Pro Rata share for Buckley/227 roundabout	Complete - AR paid full share to County w/ Phase 1 Map
29	TRANS-8a	Pay LOVR subarea fee	Ongoing w/ each building permit
30	TRANS-8b	Re-time signal at LOVR/Higuera	Complete. Signal timing study provided by AR, City is implementing timing plans.
31	TRANS-14	Pay citywide TIF for Class I bike path from Buckley/Higuera to LOVR/SB101	Satisfied with Citywide TIF payment
32	TRANS-15b	Pay fair share to improve Tank Farm/Higuera	Satisfied with Citywide TIF payment
33	TRANS-15c	Pay fair share to improve Tank Farm/Horizon	Satisfied with Citywide TIF payment
34	TRANS-15d	Pay fair share to improve Buckley/Vachell	Weighted portion of fee paid with each phase. Phase 1 share paid.
35	TRANS-2a	Prepare Transportation Improvement Phasing Plan	Complete with Phase 1
36	TRANS-3a	City to review roadways and driveways for compliance with City standards	Complete for Phase 1
37	AG-1	Agricultural Conservation Easement	In-lieu payment for phase 1 & 2, paid in full.

38	AQ-1c	Develop offsite mitigation strategy 3 months before grading permits	at least 3 months prior to grading permits, per APCD per letter of 3/21/19
39	BIO-1b	Hire biological monitor to oversee construction activities	Monitor approved; field monitoring as needed
40	BIO-2h	Tank Farm Creek project activities to be performed when creek is dry	BMMP completed Jan 2019; field verify as needed
41	CR-3a	Retain archaeologist and Native American monitor before Phase 1	Monitor approved; field monitoring as needed
42	CR-3b	Educational materials prior to grading and construction	Monitor working with construction team
43	GEO-3	Prepare geotech study prior to site development	Following Jan 2019 Geotech Plan
44	GEO-4	Geotech investigation to examine soil settlement	Following Jan 2019 Geotech Plan
45	GEO-5	Geotech investigation to examine soil expansion	Following Jan 2019 Geotech Plan
46	GEO-6	Geotech investigation to examine subsidence	Following Jan 2019 Geotech Plan
47	HAZ-1	Prepare Health and Safety Plan	Following July 2020 Health and Safety Plan
48	HYD-1a	Submit NOI for discharge to SWRCB stormwater unit	WDID for Phase 1 completed; WDID for Phases 2-6 pending
49	HYD-1b	Submit SWPPP 45 days prior to start of work	Completed Jan 2018
50	HYD-1c	Install 8 drainage outlets in Tank Farm Cr during dry season (May-Oct)	Field verification required per WDID
51	NO-1a	Limit grading/construction timing to daylight hours and not on Sunday	Field verify as needed
52	NO-1b	Implement Noise attenuation techniques - BMPs	Field verify as needed
53	TRANS-1	Prepare Construction Transportation Management Plan	Phase 1 CTMP completed; Ongoing with each phase after that
54	AQ-1b	Use low or no emission paints	Field verification required
55	GEO-1	Building and infrastructure design to meet CBC	City staff reviews for compliance as needed.
56	GEO-7	Limit GW pumping during drought	Field verification required
57	NO-3a	Include noise mitigation in residential design	Verified through building plan approvals
58	TRANS-4	Prepare improvement plan for Horizon, Earthwood, and Suburban	Phase 1 portion of obligation complete; will complete remainder in Phase 4
59	TRANS-6	NB RT lane at South/Higuera intersection	Complete
60	TRANS-7a	Higuera/Prado improvements; Prado Road widening	Satisfied through Citywide TIF payment
61	TRANS-7b	Tank Farm/Higuera second SB LT lane	Complete
62	TRANS-10a	Add ADA sidewalks on east side of Higuera from City limit to LOVR	In design, construction required prior to Phase 2
63	TRANS-10b	Add ADA sidewalks on east side of Higuera from Vachell to LOVR	Complete
64	TRANS-10c	Add ADA sidewalks on south side of Suburban from Higuera to Earthwood	Complete
65	TRANS-13	Pay citywide TIF for second SB RT lane at LOVR/Higuera	Satisfied through Citywide TIF payment
66	TRANS-15a	Pay fair share to improve Prado/Higuera	Satisfied through Citywide TIF payment
67	HYD-5	Prepare Development Maintenance Manual	P1 Drainage Report (Sept 2018); Prelim Stormwater O&M Plan PH2-6 (May 2022)
68	TRANS-12	Bus stop provisions	Phase 1 bus turnout complete; Phase 6 turnout pending
69	TRANS-11	Construct 2 bike bridges on Buckley over Tank Farm Creek	Bridge on north side required prior to Phase 2 occupancy, bridge on south side deferred to
70	CR-2a	Data Recovery measures for CA-SLO-2798/H	Field verification required; coordinate with monitor
71	CR-2b	Retain monitor following grading of CA-SLO-2798/H	Monitor approved; field monitoring as needed
72	GEO-2	Retail stores--goods stacked no higher than 8 feet	TBD; in later phase
73	BIO-2g	Prepare post-construction landscape and restoration report for each phase	BMMP completed Jan 2019; field verify as needed
74	BIO-2i	Hydroseed bare soils when grading is completed for each phase	BMMP completed Jan 2019; field verify as needed
75	BIO-3a	City-approved biologist to conduct onsite training to construction workers	BMMP completed Jan 2019; field verify as needed
76	BIO-3c	Survey for CRLF in Tank Farm Creek 48 hours prior to construction	BMMP completed Jan 2019; field verify as needed
77	BIO-3d	Survey for pond turtle in Tank Farm Creek 48 hours prior to construction	BMMP completed Jan 2019; field verify as needed
78	NO-1c	Contractor to inform residents within 300 feet of noise	Field verify as needed
79	NO-3b	Buckley Road rubberized asphalt	PW to verify Buckley Road Widening Plan provisions through PIP approvals

Avila Ranch
Compliance with Development Agreement, Map Conditions, and Mitigation Measures
March 2024

Map Conditions

Item	Condition	Summary Description
1	5	Applicant to hold city harmless
2	1	Submit written report showing compliance with conditions
3	3	Avigation easements must be recorded
4	6	All easements must be shown on Final Map
5	7	All offers of dedication must be shown on Final Map and PIPs
6	8	County-City line must be shown on Final Map and PIPs
7	9	Include 10' wide tree easement and PUE across the front of each Res lot; 15-ft PUE in front of Comm
8	10	Offsite easement dedications as needed
9	11	CFD must be fully operational prior to first phase Map approval
10	15	Offsite ROW to be acquired by developer to the extent possible, otherwise condemnation
11	17	Secondary access required where more than 30 dwellings proposed
12	18	fire access to be provided to satisfaction of fire chief
13	19	All streets to conform to City Engineering Standards and the Specific Plan
14	20	All subdivision improvements to conform to City Engineering Standards and the Specific Plan
15	21	Final street sections to be approved in conjunction with drainage report
16	22	Traffic circle and roundabout to confirm to City Engineering Standards
17	33	Street trees required - one 15-gallon per 35 lineal feet
18	97	Final Map to comply with City Engineering Standards
19	99	Transportation Improvement Phasing Plan to be submitted with each phase
20	119	Dedicate access easements (between lots 7-10; 19-22; 87; 183; 230; 312 or 318; 341/342)
21	123	Add roadway classification sheet to Final Map consistent with EIR recommendations
22	24	Improvement Plans to include line of sight analysis
23	25	Improvement Plans to address all conditions and mitigation
24	29	Jurisdictional permits needed from key agencies
25	34	PIPs to include analysis of tree removal
26	37	PIPs must show all existing improvements and plans to keep or remove
27	38	PIPs must show public and private easements
28	39	street paving to be included in PIPs
29	40	PIPs to include construction phasing and management plan
30	41	Developer to get copy of County as-built for Venture Lane and Vachell Lane; show improvements in PIPs
31	42	Street lighting and other improvements may be required for Venture and Vachell in PIPs
32	43	Retaining wall and/or fence along property lines subject to Planning approval or ARC, SP or exception
33	44	PIPs to show mail receptacles
34	45	Use porous concrete or pavers for private parking areas as feasible
35	46	PIPs to show access to common areas, trails, and linear parkways per ADA and CBC requirements
36	54	City utilities in Buckley/Vachell to be approved by City and County via encroachment permit
37	55	PIPs to show gas main and easements
38	56	PIPs to show water, sewer and storm drains
39	58	Public utilities to be located in accordance with City and PUC
40	59	PIPs to show water meters
41	60	Final sewer report required prior to PIPs

Subject to Reimbursement
Fair Share Payments

Compliance Status

Developer to provide written documentation of compliance with this condition
to be verified prior to map recordation
See DA for fee payment timing provisions
The final map will show the revised right of way once the offers are accepted.
City County line is shown on the Final Map and will be verified with improvement plans record drawings
Confirmed
ok
CFD in place and operational.
ok
Confirmed
Confirmed
confirmed.
confirmed.
done.
done.
to be verified prior to map recordation
part of Final Map review.
Confirmed for Phase 1
part of Final Map review.
part of Final Map review.
Line of sight analysis included in Phase 1 PIP landscape plans. HOA required to maintain parkway.
Progress confirmed and will continue to monitor this issue.
Confirmed and will continue to monitor permitting requirements
Trees to be preserved are identified on the PIP's (Sheet C-2).
included in PIP's
encroachment permit required for pipes that cross public easements
included in PIP's
Confirmed Construction Management Plan provided w/ Phase 1 PIPs.
Improvements included in PIP's
Confirmed there is an existing streetlight at intersection already
Included in PIP's
Mailbox kiosk shown in PIP's
PIP's do not include any private parking areas.
Confirmed
Buckley extension ends at intersection and is administered by County
gas lines shown on PIP's in right of way.
done.
done.
done.
per Utilities dept.

42	61	PIPs to show overhead wire utilities	done.
43	62	Street widening will required undergrounding utilities	widening of existing steets not included in project.
44	63	Underground existing overhead wiring	CDD to approve requested deferrals or waivers. Existing overhead wires on west side of Vachell to remain.
45	65	Irrigation to use recycled water; public park could use recycled water	done.
46	66	Landscape Plan to be consistent with City water conservation efforts	done.
47	68, 69	PIPs to verify how wetland features to be protected; non-native plants to be contained	Natural Resources Manager to verify
48	71	Final pads to include certified pad construction and elevations	verified as needed by City Engineer
49	72	Cut and fill slopes to be protected as recommended by soils engineer	verified as needed by City Engineer
50	73	Easement agreement needed for onsite creeks and channels; CFD HOA or other private maintenance	verified by City
51	74-76	Grading and drainage plans required	verified by City Engineer
52	77	PIPs to include complete grading, drainage and erosion control plans	verified by City Engineer
53	78	Final drainage report and PIPs to consider on- and offsite drainage (Tract 2943--Earthwood)	verified by City Engineer
54	79	Final drainage report and PIPs to consider run-on from 125 Venture	verified by City Engineer
55	80	Final drainage report and PIPs to consider run-on from NE corner of Vachell and Venture	verified by City Engineer
56	82	Indicate revised floodplain on PIPs and Final Map	verified by City Engineer
57	83	Indicate various drainage, well and other features on final map	verified by City Engineer
58	84	provide final HEC-RAS modeling for drainage	verified by City Engineer
59	85, 86	final drainage plans must address trash removal	verified by City Engineer
60	95	Obtain and approve SWPPP	City Engineering to verify with RWQCB
61	101	Earthwood to be restriped for Class II bike lanes	Confirmed
62	121	PIPs to include striped bike lanes on streets with Class II bikeways	Confirmed for Phase 1
63	4	Enter into and record affordable housing agreement with City	Done with phase 1 map
64	14	Notice of Requirements to be recorded at City's written request with recordation of Final Map	Done with phase 1 map
65	16	Prove property title for offsite improvements	done.
66	23	Developer to file Notice of Requirements with each map phase	Done with phase 1 map
67	35	PIPs for onsite and offsite to be approved prior to map recordation	done for phase 1.
68	100	Complete design of Improvement Plans for signal at LOVR/Higuera, sign at Higuera/Buckley for 101 access: Done	Done
69	101	Earthwood extension to be designed	Confirmed, completed with Phase 1
70	116a	Pay fair share fees for roundabout at Buckley/227	Confirmed - AR paid this FULL fee directly to County prior to Phase 1 Final Map recordation.
71	116b	Pay fair share fees for second SB RT lane at Higuera/LOVR	Confirmed, weighted portion of this fee associated with Phase 1 paid prior to final map recordation.
72	116c	Pay fair share fees for Class I bike path from Buckley/Higuera to LOVR/SB 101	Satisfied with payment of Citywide TIF fees
73	116d	Pay fair share fees for widening Prado/Higuera intersection (dual LT, dual thru, RT)	Satisfied with payment of Citywide TIF fees
74	116e	Pay fair share fees for Higuera/Tank Farm cumulative improvements	Satisfied with payment of Citywide TIF fees
75	116f	Pay fair share fees for Tank Farm/Horizon improvements (NB RT or roundabout)	Satisfied with payment of Citywide TIF fees
76	117	Design and initiate improvements to allow two bus stops; Final Map to reflect	Confirmed for Phase 1 PIPs
77	118	Complete design for in-tract traffic calming, per MM TRANS-3b	goes with each map phase
78	26	Separate permits required from SLO County for construction staging; City to review	Encroachment permits issued and will continue to monitor
79	47	No potable water used during construction; recycled water to be used	Utilities Dept to confirm, permit and monitor
80	53	Relocate utilities affected by road improvements outside tract boundary	approved by Utilities Director
81	67	Obtain permits from RWQCB, ACOE and CDFW	verified by Community Development or Public Works Dept
82	94	Verify LID compliance of grading and drainage plans	verified by Project Soils Engineer
83	96	Verfiy compliance with AQ standards from APCD	APCD to verify in a letter
84	128	AG and OS areas to be delineation prior to demolition, subdivision grading and development	PIP's show no work in AG or OS area.
85	129	Grading plan to show interface between AG and OS, creeks, roads, and bikeways	temporary fencing (and possibly permanent) required
86	130	Conduct pre-construction surveys for Vernal Pool Fairy Shrimp where appropriate; consult USFWS	where wetland habitat could be disturbed
87	48	Recycled water pipeline infrastructure to be in place	shown on plans. Will remain a requirement prior to building permits.
88	49	Water pipeline infrastructure to be in place	shown on plans. Will remain a requirement prior to building permits.

89	50	Sewer infrastructure to be in place	shown on plans. Will remain a requirement prior to building permits.
90	51, 52	Dry utilities infrastructure to be in place	approved by Utilities Engineer
91	57	public utilities to be approved by City Engineer	shown on plans. Will remain a requirement prior to building permits.
92	64	Preliminary undergrounding plans to be processed through PG&E	Processed through PG&E
93	70	Engineering soils testing may be needed on a lot-by-lot basis; final pds to be approved	as determined by City Engineer or Building Official
94	81	Demonstrate compliance with FEMA and City floodplain management requirements	verified by City Engineer and FEMA
95	98	Construction to occur consistent with EIR phasing	otherwise DP and EIR may require amendment
96	101	Earthwood extension to be built	Complete
97	102	Suburban improvements from S. Higuera to Earthwood designed and construction initiated	Portion required for Phase 1 (Suburban from Higuera to Earthwood) complete
98	105	Install Class II bike lanes along Vachell, between Buckley and Higuera	Complete
99	110	Construct roundabout - Earthwood and Venture	Complete
100	111	Initiate construction of S. Higuera sidewalks - between Vachell and LOVR	Complete
101	112	Initiate NB extension of RT lane from Higuera to South	Complete
102	114	Initiate Higuera/Tank Farm near-term improvements - second SB left turn to Tank Farm	Complete
103	115	pay applicable citywide, LOVR subarea and AASP subarea transportation impact fees	Ongoing w/ each building permit
104	122	Trip reduction plan is required; draft required prior to Phase 1 building permits	Trip Reduction Plan approved by Transportation Division
105	124	Install continuous sidewalk along Vachell from Venture northward	Complete
106	125	Design and install SB LT lane on Vachell at Venture	Complete
107	126	Design ramp meter at SB 101/LOVR and submit to Caltrans for approval and encroachment permit	Part 1 of COA 126 (Design & Install Ramp Meter at LOVR SB On-Ramp) is ongoing
108	126	Design ramp meter at SB 101/Higuera and submit to Caltrans for approval and encroachment permit	Part 2 of COA 126 (Design Ramp Meter at US 101/S. Higuera) has been eliminated
109	2	Noise and safety disclosures to potential occupants and owners	will be part of required disclosure statement to home buyers.
110	102	Complete Suburban improvements	Portion required for Phase 1 complete.
111	103	Vachell/Venture; Vachell/Earthwood--access restricted to emergency, transit and bikes--completed	Complete. Access restrictions on Vachell/Earthwood and Vachell/Venture removed
112	111	Complete S. Higuera sidewalks - between Vachell and LOVR	Complete
113	112	Complete NB extension of RT lane from Higuera to South	Complete
114	114	Complete Higuera/Tank Farm near-term improvements - second SB left turn to Tank Farm	Complete
115	117	Complete bus stops	Earthwood bus stop completed; verifying routes with SLO Transit/RTA
116	122	Trip reduction plan is required; approval required prior to Phase 1 occupancy	Complete, approved by Transportation Division
117	126	Complete construction of SB 101/LOVR ramp meter	Ongoing, design in progress. COA revised w/ Phase 1 Final Map, no longer tied to Phase 1
118	116g	Pay fair share fees for Buckley/Vachell improvements (signal or roundabout)	Confirmed, weighted portion of this fee associated with Phase 1 paid prior to final map recordation.
119	100	Design and construction of Buckley ext must be initiated before Phase 2 building permits	Extension complete
120	104	Higuera/Vachell--access restricted to emergency, transit and bikes--construction initiated	Temp left turn restrictions installed. Permanent improvements still required prior to Phase 2
121	111	Initiate construction of S. Higuera sidewalks - between LOVR and City limit	Portion from LOVR to Vachell complete. Portion from City Limits to Vachell required prior to Phase 2
122	100	Buckley, signal, Class I bike path, Vachell, streetlights must be built prior to Phase 2 occupancy	complete
123	104	Higuera/Venture--access restricted to emergency, transit and bikes--completed	See above.
124	111	Complete S. Higuera sidewalks - between LOVR and City limit	See above.
125	106	Complete design of improvements and make efforts to acquire needed offite land	TBD
126	102	Improvements from Earthwood to Horizon initiated	TBD
127	106	Initiate construction of Jespersen connection to Suburban	TBD
128	107	Initiate construction of Buckley Road frontage improvements	TBD
129	110	Construct roundabout - Jespersen and Venture	TBD
130	110	Construct roundabout - Jespersen and Wright	TBD
131	102	Improvements from Earthwood to Horizon completed	TBD
132	106	Complete Jespersen improvements	TBD
133	107	Complete Buckley improvements	TBD
134	12	All private improvements to be owned and maintained by HOA	ongoing as appropriate
135	13	All stormwater facilities to be owned and maintained by HOA	ongoing as appropriate

136	27	Stormwater BMPs for Buckley Road subject to review and approval from SLO County	to be verified by SLO County
137	28	Detailed plans for offsite improvements needed	Ongoing
138	30	Access rights for key roadways to be offered	Ongoing, with each map
139	31	Subdivider to install public street lights per city (and where applicable) County standards	Ongoing, with each phase
140	32	Private street light allowed per City standards and/or ARC approvals	ongoing with each phase subject to ARC
141	36	Demo permit required for removal of existing buildings and infrastructure	ongoing as appropriate
142	87	Developer to prepare O&M manual for creek maintenance/stormwater BMPs	verified by City Engineer
143	88	Homeowners to be notified of BMP requirements	ongoing; with home sales
144	89-93	Maintenance responsibilities for creeks to be followed by HOA or CFD as applicable	verified by City Engineer and Natural Resources Manager as appropriate
145	103	remove the above access restrictions	completed with Buckley extension
146	108	Specifications for Buckley intersection connections	completed
147	109	Construct 2 bike bridges, one on each side of the existing Buckley-Tank Farm bridge	Bridge on north side required prior to Phase 2. South side prior to Phase 4 per Council.
148	113	Pay fair share of Higuera/Prado near-term improvements - Prado bridge, left-turn lane at intersection	Satisfied with Citywide TIF payment
149	120	On-street parking shall be prohibited except on local streets	Confirmed for Phase 1
150	127	Provide potential for water well irrigation in OS/AG areas; wells to be approved by the city	timing uncertain

MITIGATION MONITORING AND REPORTING PROGRAM

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the San Luis Ranch Project, proposed in the City of San Luis Obispo, California. Public Resources Code Section 21081.6(a)(1) requires that a Lead Agency adopt an MMRP before approving a project in order to mitigate or avoid significant impacts that have been identified in an Environmental Impact Report (EIR). The purpose of the MMRP is to ensure that the required mitigation measures identified in the EIR are implemented as part of the overall project development process. In addition to ensuring implementation of mitigation measures, the MMRP provides guidance to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs. Where an impact was identified to be less than significant in the EIR, no mitigation measures were required.

The San Luis Ranch Project consists of a Specific Plan, General Plan Amendment/Pre-Zoning, and Development Plan/Vesting Tentative Tract Map for a 131-acre project site, including annexation of the site into the City of San Luis Obispo. The project includes construction of up to 580 residential units, 150,000 square feet of commercial development, 100,000 square feet of office development, and a 200-room hotel, with a portion of the site preserved for agriculture and open space uses. The following table summarizes the mitigation measures for each issue area identified in the Final EIR as updated through the Final Supplemental EIR for the project. Specifically, the table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring conditions; and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification.

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
Agricultural Resources						
<p>AG-1 Agricultural Conservation. Prior to issuance of any grading permits, the project proponent shall provide that for every one (1) acre of Important Farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) on the site that is permanently converted to non-agricultural use as a result of project development, one (1) acre of land of comparable agricultural productivity shall be preserved in perpetuity. The land dedicated to agriculture pursuant to this measure shall be of size, location and configuration appropriate to maintain a viable, working agricultural operation. The acreage required to meet the 1:1 ratio may be met by the off-site agricultural conservation easement/deed restriction proposed by the project applicant, as long as this land meets the conditions outlined in this measure. Said mitigation shall be satisfied by the applicant through:</p> <p>1) Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the City or qualifying entity which has been approved by the City, such as the Land Conservancy of San Luis Obispo, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall therefore total a minimum of 56 acres of Prime Farmland. The land covered by said on- and/or off-site easement(s) or deed restriction(s) shall be located within or contiguous to the City's Urban Reserve Line or Greenbelt subject to review and approval of the City's Natural Resources Manager; or</p> <p>2) Making an in-lieu payment to a qualifying entity which has been approved by the City, such as the Land Conservancy of San Luis Obispo, to be applied toward the future purchase of a minimum of 56 acres of Prime Farmland in San Luis Obispo County, together with an endowment amount as may be required. The payment amount shall be determined by the qualifying entity or a licensed appraiser; or</p> <p>3) Making an in-lieu payment to a qualifying entity which has been approved by the City and that is organized for conservation purposes, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of 56 acres of Prime Farmland in San Luis</p>	<p>Prior to issuance of any grading permits for the project, the applicant shall provide evidence of the recorded easement(s), deed restriction(s), or evidence of payment to the City Planning Department or qualifying entity for approval to demonstrate compliance with this measure.</p> <p>Notices, payment of in-lieu fees, and/or dedication of agricultural conservation easements shall be completed by the applicant prior to development plan approval.</p>	<p>The City shall ensure compliance with Land Use Element Policy 8.6.3. The City shall make the final decision on the specific requirements for agricultural mitigation prior to development plan approval.</p> <p>Compliance Status:</p> <p>City staff worked with development team in 2019 on Final map, which slightly modified the acreages of ag preserved onsite. City staff verified substantial conformance with this mitigation measure in August 2019.</p>	<p>City of San Luis Obispo Planning Department or qualifying entity; City of San Luis Obispo Natural Resources Manager.</p>		10-19	Yes

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>Obispo County. The amount of the payment shall be determined by the qualifying entity or a licensed appraiser; or</p> <p>4) Any combination of the above.</p>						
<p>AG-3(a) Agricultural Conflict Avoidance Measures. The following language shall be added to Section 4.2.1, Agricultural Buffer, of the San Luis Ranch Specific Plan:</p> <p><i>Agricultural buffers will include City-approved measures to reduce availability of public access to agricultural cultivation areas adjacent to the project site (e.g., fencing, signs, etc.). Future residents will be notified of agricultural buffers as part of purchase or lease agreements.</i></p>	<p>The applicant shall add the agricultural buffer specifications to the Specific Plan.</p> <p>Agricultural buffers to be installed on site per Specific Plan requirements</p>	<p>The City Natural Resources Manager shall make the final decision on the specific requirements for agricultural conflict avoidance measures prior to development plan approval for the project, and shall ensure that agricultural conflict avoidance measures are implemented in compliance with applicable General Plan policies.</p> <p>Compliance Status: Language added to revised and updated Specific Plan following 8-21-18 amendment. Installation in progress.</p>	<p>City of San Luis Obispo Natural Resources Manager.</p>		8-18	<p>Specific Plan – Yes Installation – In Progress</p>
<p>AG-3(b) Agricultural Fencing. The project applicant shall coordinate with the City to fund installation of fencing and signs along Froom Ranch Way and Dalidio Drive/Prado Road to minimize potential for increases in trespass and vandalism of adjacent agricultural areas.</p>	<p>The applicant shall clearly identify agricultural fencing within the development plan and tract map.</p>	<p>The City Natural Resources Manager shall review the development plan and VTTM to ensure that design includes installation of fencing and signs as required under Mitigation Measures AG-3(b) and AG-3(c). The City Natural Resources Manager shall also review the final landscape plan to ensure that the species mix and density of proposed plantings would provide an adequate landscape buffer. Field inspections at appropriate phases of project construction shall confirm installation and compliance with Mitigation Measures AG-3(b) and AG-3(c).</p>	<p>City of San Luis Obispo Natural Resources Manager.</p>			<p>In progress</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
		Compliance Status: Not completed. City staff is requiring installation of this with current ag site Agreement.				
AG-3(c) Buffer Landscaping. To reduce the potential for noise, dust, and pesticide drift to affect future residents on the project site, the project applicant shall ensure that project landscape plans include planting of a windrow of trees and shrubs within the agricultural buffer along Froom Ranch Way at a sufficient density to buffer the site from surrounding agricultural operations.	The applicant shall clearly identify buffer landscaping within the development plan and tract map.	The City Natural Resources Manager shall review the development plan and VTTM to ensure that design includes installation of fencing and signs as required under Mitigation Measures AG-3(b) and AG-3(c). The City Natural Resources Manager shall also review the final landscape plan to ensure that the species mix and density of proposed plantings would provide an adequate landscape buffer. Field inspections at appropriate phases of project construction shall confirm installation and compliance with Mitigation Measures AG-3(b) and AG-3(c). Compliance Status: Required through the Specific Plan; installation not yet completed.	City of San Luis Obispo Natural Resources Manager.			TBD
Air Quality						
AQ-1 Encourage Telecommuting. The project applicant or developers of individual projects within the Specific Plan Area shall include provisions to encourage employers within the proposed commercial, office, and hotel components of the project to implement telecommuting programs and include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.	The project applicant or developers of individual projects within the Specific Plan Area shall submit proof that employers within the proposed commercial, office, and hotel components of the project have either implemented telecommuting programs or include teleconferencing capabilities,	The Community Development Department shall verify teleconferencing capabilities, if feasible, are included in tenant improvements prior to issuance of occupancy permits. Compliance Status: Required and noted on Tract Map. To be verified when development occurs.	City of San Luis Obispo Community Development Department.		1-20 4-20 7-20 11-20	Ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
	or proof that such a program is infeasible.					
<p>AQ-2(a) Fugitive Dust Control Measures. Construction projects shall implement the following dust control measures so as to reduce PM₁₀ emissions in accordance with SLOAPCD requirements.</p> <ul style="list-style-type: none"> • Reduce the amount of the disturbed area where possible; • Water trucks or sprinkler systems shall be used during construction in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water or a SLOAPCD-approved dust suppressant shall be used whenever possible, to reduce the amount of potable water used for dust control. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control; • All dirt stock pile areas shall be sprayed daily as needed; • Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities; • Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established; • All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD; • All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used; • Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site; 	<p>Future development shall incorporate the listed provisions into development plans prior to issuance of grading permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure construction is in accordance with approved plans.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future grading will require field verification.</p>	<p>City of San Luis Obispo Community Development Department.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Yes; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ul style="list-style-type: none"> All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114; Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible; All of these fugitive dust mitigation measures shall be shown on grading and building plans; and The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition. 						
<p>AQ-2(b) Standard Control Measures for Construction Equipment. The following standard air quality mitigation measures shall be implemented during construction activities at the project site:</p> <ul style="list-style-type: none"> Maintain all construction equipment in proper tune according to manufacturer's specifications; Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); Use diesel construction equipment meeting ARB'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 ARB's 2007 or cleaner certification standard for on-road 	<p>Future development shall incorporate the listed provisions into development plans prior to issuance of grading permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure construction is in accordance with approved plans.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future grading will require field verification.</p>	<p>City of San Luis Obispo Community Development Department.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Yes; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>heavy-duty diesel engines, and comply with the State On-Road Regulation;</p> <ul style="list-style-type: none"> Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOX exempt area fleets) may be eligible by proving alternative compliance; On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles: <ol style="list-style-type: none"> Shall not idle the vehicle's primary diesel engine for greater than 5-minutes at any location, except as noted in Subsection (d) of the regulation; and, Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit; In addition to the state required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors: <ol style="list-style-type: none"> Signs that specify the no idling areas shall be posted and enforced at the site. Diesel idling within 1,000 feet of sensitive receptors is not permitted; Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; 						

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>4. Use of alternative fueled equipment is recommended;</p> <ul style="list-style-type: none"> • Electrify equipment when feasible; • Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and • Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. 						
<p>AQ-2(c) Best Available Control Technology (BACT) for Construction Equipment. The following BACT for diesel-fueled construction equipment shall be implemented during construction activities at the project site, where feasible:</p> <ul style="list-style-type: none"> • Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines where feasible; • Repowering equipment with the cleanest engines available; and • Installing California Verified Diesel Emission Control Strategies, such as level 2 diesel particulate filters. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm 	<p>Future development shall incorporate the listed provisions into development plans prior to issuance of grading permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure construction is in accordance with approved plans.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future grading will require field verification.</p>	<p>City of San Luis Obispo Community Development Department.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Yes; ongoing with individual projects</p>
<p>AQ-2(d) Architectural Coating. To reduce ROG and NOX levels during the architectural coating phase, low or no VOC-emission paint shall be used with levels of 50 g/L or less.</p>	<p>Future development shall incorporate the listed provisions into development plans prior to issuance of grading permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure construction is in accordance with approved plans.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map. To be field verified prior to building permits.</p>	<p>City of San Luis Obispo Community Development Department.</p>			<p>TBD</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
AQ-2(e) Construction Activity Management Plan. Emissions reduction measures and construction practices required to comply with Mitigation Measures AQ-2(a) through AQ-2(d) shall be documented in a Construction Activity Management Plan (CAMP) and submitted to SLOAPCD for review and approval at least three months before the start of construction. The CAMP shall include a Dust Control Management Plan, tabulation of on and off-road construction equipment (age, horse-power and miles and/or hours of operation), construction truck trip schedule, construction work-day period, and construction phasing. If implementation of the Standard Mitigation and Best Available Control Technology measures cannot bring the project below the Tier 1 threshold (2.5 tons of NOX+ROG per quarter), off-site mitigation shall be implemented in coordination with SLOAPCD to reduce NOX and ROG emissions to below the Tier 1 threshold.	Future development shall incorporate the listed provisions into development plans prior to issuance of grading permits.	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure construction is in accordance with approved plans.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future grading will require field verification.</p>	City of San Luis Obispo Community Development Department.			
AQ-3(a) Standard Operational Mitigation Measures. Prior to issuance of grading permits, the applicant shall define and incorporate into the San Luis Ranch Specific Plan standard emission reduction measures from the SLOAPCD CEQA Air Quality Handbook to reduce emissions to below daily threshold levels. Emission reduction measures shall include, but would not be limited to: <ul style="list-style-type: none"> • Increase the building energy rating by 20 percent above 2013 Title 24 requirements (used in the California Emissions Estimator Model) or consistent with 2016 Title 24 requirements, whichever is stricter. Measures used to reach the 20 percent rating cannot be double counted; • Utilize onsite renewable energy systems (e.g., solar, wind, geothermal, low-impact hydro, biomass and bio-gas); and • Provide bicycle-share program. In addition, the proposed hotel component of the Specific Plan shall participate in the SLO Car Free Program, provide incentives to car-free travelers, and promote the program in their communication tools.	Future development shall incorporate the listed provisions into development plans and submit proof that emissions have been reduced to below daily threshold levels through a combination of these measures and off-site mitigation (described in Mitigation Measure AQ-3[b]) prior to issuance of grading permits.	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Community Development staff shall verify installation in accordance with approved building plans.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. With regard to the requirement to use onsite renewable energy systems, compliance status is still to be determined for the Hotel and AG Heritage Center projects.</p>	City of San Luis Obispo Community Development Department.		1-20 4-20 7-20 11-20 10-21	Ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>AQ-3(b) Off-Site Mitigation. If implementation of standard emission reduction measures from the SLOAPCD CEQA Air Quality Handbook described in Mitigation Measure AQ-3(a) is insufficient to reduce emissions to below daily threshold levels, then the applicant shall coordinate with SLOAPCD to provide funding for off-site emission reduction measures to reduce emissions to below daily threshold levels. In accordance with SLOAPCD methodology, the excess emissions shall be multiplied by the cost effectiveness of mitigation as defined in the State's current Carl Moyer Incentive Program Guidelines to determine the annual off-site mitigation amount. This amount shall then be extrapolated over the life of the project to determine total off-site mitigation. Off-site emission reduction measures may include, but would not be limited to:</p> <ul style="list-style-type: none"> • Developing or improving park-and-ride lots; • Retrofitting existing homes in the project area with SLOAPCD-approved wood combustion devices; • Retrofitting existing homes in the project area with energy-efficient devices; • Constructing satellite worksites; • Funding a program to buy and scrap older, higher emission passenger and heavy-duty vehicles; • Replacing/re-powering transit buses; • Replacing/re-powering heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles); • Funding an electric lawn and garden equipment exchange program; • Retrofitting or re-powering heavy-duty construction equipment, or on-road vehicles; • Re-powering marine vessels; • Re-powering or contributing to funding clean diesel locomotive main or auxiliary engines; • Installing bicycle racks on transit buses; • Purchasing particulate filters or oxidation catalysts for local school buses, transit buses or construction fleets; • Installing or contributing to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG, conductive and inductive electric vehicle charging, etc.); • Funding expansion of existing transit services; 	<p>Future development shall incorporate the listed provisions into development plans and submit proof that emissions have been reduced to below daily threshold levels through a combination of the measures described in Mitigation Measure AQ-3(a) and this off-site mitigation prior to issuance of grading permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Compliance status to be determined, pending verification from project developer that air emissions have been reduced to below daily threshold levels.</p>	<p>City of San Luis Obispo Community Development Department.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Some aspects TBD; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ul style="list-style-type: none"> Funding public transit bus shelters; Subsidizing vanpool programs; Subsidizing transportation alternative incentive programs; Contributing to funding of new bike lanes; Installing bicycle storage facilities; and Providing assistance in the implementation of projects that are identified in City or County Bicycle Master Plans. 						
Biological Resources						
<p>BIO-1(a) Best Management Practices. The applicant shall ensure the following general wildlife Best Management Practices (BMPs) are required for construction activity within the San Luis Ranch Specific Plan Area:</p> <ul style="list-style-type: none"> No pets or firearms shall be allowed at the project site during construction activities. All trash that may attract predators must be properly contained and removed from the work site. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from Prefumo Creek and in a location where a spill would not drain toward aquatic habitat. A plan must be in place for prompt and effective response to any accidental spills prior to the onset of work activities. All workers shall be informed of the appropriate measures to take should an accidental spill occur. Pallets or secondary containment areas for chemicals, drums, or bagged materials shall be provided. Should material spills occur, materials and/or contaminants shall be cleaned from the project site and recycled or disposed of to the satisfaction of the Regional Water Quality Control Board (RWQCB). Prior to construction activities in areas adjacent to Prefumo Creek and Cerro San Luis Channel, the drainage features shall be fenced with orange construction fencing and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing should be located a 	<p>Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.</p>	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>	<p>City of San Luis Obispo approved Environmental Monitor.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Yes; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>minimum of 20 feet from the edge of the riparian canopy or top of bank and shall be maintained throughout the construction period for each phase of development. Once all phases of construction in this area are complete, the fencing may be removed.</p> <ul style="list-style-type: none"> To control sedimentation during and after project implementation, appropriate erosion control BMPs (e.g., use of coir rolls, jute netting, etc.) shall be implemented to minimize adverse effects on Prefumo Creek. No plastic monofilament netting shall be utilized on site. Construction equipment shall be inspected at the beginning of each day to ensure that wildlife species have not climbed into wheel wells or under tracks since the equipment was last parked. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the area by a qualified biological monitor or otherwise trained personnel. All vehicles and equipment shall be in good working condition and free of leaks. Environmentally Sensitive Areas shall be delineated by a qualified biologist prior to construction to confine access routes and construction areas. Construction work shall be restricted to daylight hours (7:00 AM to 7:00 PM) to avoid impacts to nocturnal and crepuscular (dawn and dusk activity period) species. No construction night lighting shall be permitted within 100 yards of the top of the Prefumo Creek bank. Concrete truck and tool washout shall be limited to locations designated by a qualified biologist such that no runoff will reach Prefumo Creek or Cerro San Luis Channel. All open trenches shall be constructed with appropriate exit ramps to allow species that accidentally fall into a trench to escape. Trenches will remain open for the shortest period necessary to complete required work. Existing facilities and disturbed areas shall be used to the extent possible to minimize the amount of disturbance and all new access roads other than the Froom Ranch Way Bridge shall be cited to avoid high quality habitat and minimize habitat fragmentation. In the event that construction must occur within the creek or creek setback, a biological monitor shall be 						

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
present during all such activities with the authority to stop or redirect work as needed to protect biological resources.						
<p>BIO-1(b) Worker Environmental Awareness Program Training. Prior to the initiation of construction activities (including staging and mobilization), the applicant shall ensure all personnel associated with project construction attend a Worker Environmental Awareness Program (WEAP) training.</p> <ul style="list-style-type: none"> The training shall be conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. 	WEAP training requirements shall be included on project plans and shall be submitted for review and approval by the City prior to the approval of grading and construction permits.	<p>The Environmental Monitor shall verify environmental compliance of the construction personnel in accordance with WEAP training requirements.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>	City of San Luis Obispo approved Environmental Monitor.		<p>1-20 4-20 7-20 11-20 10-21</p>	Yes; ongoing with individual projects
<p>BIO-1(c) Western Pond Turtle and Two-Striped Garter Snake Impact Avoidance and Minimization. The applicant shall ensure the following actions are implemented to avoid and minimize potential impacts to western pond turtle and two-striped garter snake (these reptiles utilize similar habitats; therefore, implementation of the proposed measures for western pond turtle are also suitable and appropriate for two-striped garter snake):</p> <ul style="list-style-type: none"> A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas that may serve as potential western pond turtle habitat. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate the any western pond turtle the shortest distance possible to a location that contains suitable 	Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted to for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>	City of San Luis Obispo approved Environmental Monitor.		<p>1-20 4-20</p>	Yes; ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>habitat that is not likely to be affected by activities associated with the project.</p> <ul style="list-style-type: none"> Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable. 						
<p>BIO-1(d) California Red-legged Frog, Western spadefoot, and Coast Range Newt Impact Avoidance and Minimization. The applicant shall implement the following to avoid and minimize potential impacts to CRLF. Because coast range newt and western spadefoot are amphibians that utilize similar habitats to CRLF, implementation of the following measures provided for CRLF shall be implemented for these species as well.</p> <ul style="list-style-type: none"> Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF. Ground disturbance shall not begin until written approval is received from the USFWS that the biologist is qualified to conduct the work. If the USFWS does not authorize the relocation of CRLF occurring within the project site, CRLF found within the project site shall be avoided with a 100-foot buffer and no activities shall occur within that buffer until the CRLF has left the project site on its own. Areas of the project site that lie within 100 feet upland from riparian or jurisdictional areas shall be surrounded by a solid temporary exclusion fence (such as silt fencing) that shall extend at least three feet above the ground and be buried into the ground at least 6 inches to exclude CRLF from the project site. Plastic monofilament netting or other similar material will not be used. The location of the fencing shall be determined by a qualified biologist. The fence shall remain in place throughout construction activities. Installation of the exclusion fencing shall be monitored by a qualified biologist to ensure that it is installed correctly. During new grading activities in habitats within 100 feet upland from riparian or jurisdictional areas, a qualified biologist shall be on-site to recover any spadefoot toads 	<p>Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.</p>	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>	<p>City of San Luis Obispo approved Environmental Monitor.</p>			

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>that may be excavated/unearthed with native material or found under vegetation. If the animals are in good health, they shall be immediately relocated to a designated release area. If they are injured, the animals shall be turned over to an approved wildlife rehabilitator until they are in a condition to be released into the designated release area.</p> <ul style="list-style-type: none"> To ensure that diseases are not conveyed between work sites by the approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times. 						
<p>BIO-1(e) Steelhead Impact Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to steelhead:</p> <ul style="list-style-type: none"> Before any activities begin on the project, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the steelhead and its habitat, the specific measures that are being implemented to conserve this species for the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. During the duration of project activities, all trash that may attract predators will be properly contained and secured, promptly removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from the work areas. All refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). The monitor shall ensure that contamination of suitable habitat does not occur during such operations. Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur. 	<p>Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted to for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.</p>	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>	<p>City of San Luis Obispo approved Environmental Monitor.</p>		<p>1-20 4-20</p>	<p>Yes; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ul style="list-style-type: none"> The number of access routes, size of staging areas, and the total area used for construction activities shall be limited to the minimum area necessary to achieve the project goals. The City will only permit work within the immediate vicinity of Prefumo Creek for times of the year when potential impacts to steelhead would be minimal. Work shall be restricted during the wet season (October 15 through April 30) and should ideally occur during the late summer and early fall during the driest portion of the year; however, water may still be present during construction. If work is proposed in the streambed and water is present during construction, a diversion will be required to dewater the work area and the following avoidance and minimization measures will apply: <ol style="list-style-type: none"> Upstream and downstream passage for fish, including juvenile steelhead, shall be provided through or around the construction site at all times construction is occurring within the Prefumo Creek streambed. A qualified biologist shall conduct a pre-construction survey and be present onsite during the diversion installation and dewatering process to capture and relocate any trapped steelhead and/or other fish. Upon approval from the NMFS, the biologist(s) must relocate these individuals the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project. Dewatering operations shall employ a five millimeter mesh screen fastened to the intake hose to exclude fish and other wildlife species from the pump. Steelhead shall be excluded from the construction zone with block nets installed upstream and downstream the of the bridge construction zone. The distance upstream and downstream for block net installation will depend on the type of construction activities occurring in the streambed. To control sedimentation during and after project implementation, the following BMPs shall be implemented. If the BMPs are somehow ineffective, consultation with the City and appropriate resource 						

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>agencies will be undertaken, and all attempts to remedy the situation will commence immediately.</p> <ol style="list-style-type: none"> 1. It shall be the owner's/contractor's responsibility to maintain control of the entire construction operations and to keep the entire site in compliance. 2. The owner/contractor shall be responsible for monitoring erosion and sediment control measures (including but not limited to fiber rolls, inlet protections, silt fences, and gravel bags) prior, during and after storm events, monitoring includes maintaining a file documenting onsite inspections, problems encountered, corrective actions, and notes and a map of remedial implementation measures. 3. Erosion shall be controlled by covering stockpiled construction materials (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.) over 2.0 cubic yards that are not actively being used, consistent with the applicable construction general permit, or through other means of erosion control approved by the City (e.g., surrounding with straw bales or silt fencing). The site shall be maintained to minimize sediment-laden runoff to any storm drainage system including existing drainage swales and/or sand watercourses. <ol style="list-style-type: none"> a. Construction operations shall be carried out in such a manner that erosion and water pollution will be minimized. b. State and local laws concerning pollution abatement shall be complied with. c. If grading operations are expected to denude slopes, the slopes shall be protected with erosion control measures immediately following grading on the slopes. 4. Specifically, in order to prevent sedimentation and debris from entering Prefumo Creek during construction, silt fencing shall be installed along the top of the banks on the west side of the channel prior to the onset of construction activities. <ul style="list-style-type: none"> • The project biologist will monitor construction activities, in stream habitat, and overall performance of BMPs 						

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>and sediment controls for the purpose of identifying and reconciling any condition that could adversely affect steelhead or their habitat. The biologist will halt work if necessary and will recommend site-specific measures to avoid adverse effects to steelhead and their habitat.</p> <ul style="list-style-type: none"> Equipment will be checked daily for leaks prior to the initiation of construction activities. A spill kit will be placed near the creek and will remain readily available during construction in the event that any contaminant is accidentally released. In addition to these avoidance and minimization measures, Mitigation Measure BIO-2(a) would also ensure that potential temporary and permanent indirect impacts to steelhead from the project are reduced as much as practicable. 						
<p>BIO-1(f) Great Blue Heron and Monarch Butterfly Impact Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to overwintering monarch butterflies and nesting great blue herons.</p> <ul style="list-style-type: none"> Tree trimming/removal and construction activities that affect eucalyptus trees near or within the monarch overwintering grove or active great blue heron nests identified in the <i>San Luis Ranch Monarch Trees Inspection Memo, Results of 2015 and 2016 San Luis Ranch Heron Rookery Surveys Memo, and San Luis Ranch – Prefumo Creek Widening Biological Constraints Memo</i> prepared by Althouse and Meade (Appendix F), shall not be conducted during the monarch butterfly overwintering season from October 1 through March 31 if monarch butterflies are present, or while great blue heron nests are active from February 1 to August 31. If construction activities must be conducted during these periods, a qualified biologist shall conduct overwintering monarch surveys and/or nesting great blue heron surveys within one week of habitat disturbance. If surveys do not locate clustering monarchs or nesting great blue herons, construction activities may be conducted. If clustering monarchs and/or nesting great blue herons are located, no construction activities shall occur within 100 feet of the edge of the overwintering grove and/or active nest(s) until the qualified biologist determines that no more 	<p>Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted to for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.</p>	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification. Ongoing requirements per habitat enhancement plan, tree protection plan, and open space easement. Annual reporting needed to verify compliance.</p>	<p>City of San Luis Obispo approved Environmental Monitor.</p>		<p>1-20 4-20</p>	<p>Annual reports needed to comply; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>monarchs are overwintering in the grove or the nest(s) are no longer active.</p> <ul style="list-style-type: none"> A qualified biologist shall prepare and implement a habitat enhancement plan prior to issuance of grading permits to enhance and restore overwintering and nesting habitat that is to be preserved. The habitat enhancement plan shall include native shrubs and trees such as Monterey Cypress (<i>Hesperocyparis macrocarpa</i>) that may support heron roosting and monarch butterfly overwintering. As eucalyptus trees senesce, they shall be replaced with native species. Native trees and shrubs shall also be used to supplement gaps in canopy or act as windbreaks. Create new offsite nesting habitat for great blue herons to mitigate for removal of onsite nesting habitat. With a qualified biologist present, the current rookery may be moved to a suitable offsite location where the same great blue herons can resume nesting, following methods detailed in Crouch et al. (2002). It should be noted that creating offsite nesting habitat for great blue herons is experimental and that the relocation techniques described in Crouch et al. (2002) were used to relocate black-crowned night heron (<i>Nycticorax nycticorax</i>). In addition, an agreement with the City will be required prior to implementation of the offsite strategy on their property. The methods detailed in Crouch et al. (2002) include: <ul style="list-style-type: none"> This entails at least one year of pre-construction monitoring of the rookery, where the timing of rookery activities will be noted: arrival of breeding adults, egg laying, hatching, and fledging. During this time, audio recordings of adults and juveniles shall be made. Following the completion of the nesting season in late summer, a certified arborist specializing in the translocation of trees will examine the mature trees onsite and work with the City's Natural Resources Manager to determine whether or not it is feasible to relocate the mature trees containing nests across Madonna Road to a suitable location at Laguna Lake Open Space. Prior to the start of the next nesting season (based on timing of adult arrival in previous years), nesting adults will be recruited to the new location 						

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
via decoys and playback of vocalizations. The new location will be monitored regularly by a qualified biologist for the following three breeding seasons.						
BIO-1(g) Nesting Birds Impact Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds: <ul style="list-style-type: none"> For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal. The surveys shall include the disturbance area plus a 500-foot buffer around the site. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 300 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to occur in the fall and winter (between September 1 and February 14), after fledging and before the initiation of the nesting season. 	Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted to for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>	City of San Luis Obispo approved Environmental Monitor.		1-20 4-20	Yes; ongoing with individual projects
BIO-1(h) Roosting Bats Impact Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to roosting bats: <ul style="list-style-type: none"> Prior to issuance of grading permits, a qualified biologist shall conduct a survey of existing structures within the project site to determine if roosting bats are present. The survey shall be conducted during the non-breeding season (November through March). The biologist shall have access to all interior attics, as needed. If a colony of bats is found roosting in any structure, further surveys shall be conducted sufficient to determine the 	Special status species protection plans and surveys shall be prepared by the applicant and shall be submitted to for review and approval by the City prior to the approval of grading and construction permits. Any required permits shall be obtained from the state and federal agencies prior to issuance of grading permits.	<p>The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.</p> <p>Compliance Status:</p>	City of San Luis Obispo approved Environmental Monitor.		1-20 4-20	Yes; ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>species present and the type of roost (day, night, maternity, etc.) If the bats are not part of an active maternity colony, passive exclusion measures may be implemented in close coordination with CDFW. These exclusion measures must include one-way valves that allow bats to exit the structure but are designed so that the bats may not re-enter the structure.</p> <ul style="list-style-type: none"> If a bat colony is excluded from the project site, appropriate alternate bat habitat as determined by a qualified biologist shall be installed on the project site or at an approved location offsite. Prior to removal of any trees over 20 inches diameter-at-breast-height (DBH), a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, in close coordination with CDFW shall install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed. 		<p>Required in Specific Plan and noted on Tract Map and Grading Plans. Current grading efforts comply. Future compliance to be determined through field verification.</p>				
<p>BIO-2(a) Habitat Mitigation and Monitoring Plan. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared which will provide a minimum 2:1 ratio (replaced: removed) for temporary and permanent impacts to riparian habitat. The HMMP will identify the specific mitigation sites and it will be implemented immediately following project completion. The HMMP shall include, at a minimum, the following components:</p> <ul style="list-style-type: none"> Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by habitat type); Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]; Description of the proposed compensatory mitigation site (location and size, ownership status, existing 	<p>The HMMP required by Mitigation Measure BIO-2(a) shall specify the location, timing, species composition, and maintenance of all restored, enhanced, and newly established riparian and wetland areas, and tree replacement. The applicant shall submit the HMMP to the City for approval prior to recordation of the VTTM, and shall update and resubmit to the City prior to each phase of construction.</p>	<p>The City shall review and approve the HMMP (and associated tree replacement requirements) for compliance prior to issuance of grading permits and the onset of construction for each phase, as well as the onset of construction of the Froom Ranch Way Bridge crossing. The applicant shall submit annual documentation to the City and appropriate agencies demonstrating compliance with HMMP requirements. The City shall review and approve the final Froom Ranch Way Bridge crossing design for compliance prior to issuance of grading</p>	<p>City of San Luis Obispo Natural Resources Manager; City of San Luis Obispo Community Development Department.</p>		<p>1-19</p>	<p>HMMP prepared; annual report needed to comply</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>functions and values of the compensatory mitigation site);</p> <ul style="list-style-type: none"> Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]); Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule); Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports); Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 80 percent relative cover by vegetation type; An adaptive management program and remedial measures to address negative impacts to restoration efforts; Notification of completion of compensatory mitigation and agency confirmation; and Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). 		<p>permits. Replacement plants shall be monitored by a qualified biologist for 5 years with a goal of at least 70 percent survival at the end of the 5-year period. Supplemental irrigation may be provided during years 1 to 3; however, supplemental watering shall not be provided during the final two years of monitoring.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. HMMP prepared by developer and verified by City staff. Annual reporting needed to verify compliance.</p>				
<p>BIO-2(b) Tree Replacement. Riparian trees four inches or greater measured at diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1 (replaced: removed). Trees 24 inches or greater inches DBH shall be replaced in-kind at a minimum ratio of 10:1. Willows and cottonwoods may be planted from live stakes following guidelines provided in the California Salmonid Stream Habitat Restoration Manual for planting dormant cuttings and container stock (CDFW 2010).</p> <ul style="list-style-type: none"> Tree replacement shall be conducted in accordance with a Natural Habitat Restoration and Enhancement Plan to be approved by the City's Natural Resource Manager. 	<p>Tree and vegetation replacement shall occur within the same construction phase as tree and vegetation removal.</p>	<p>The City shall review and approve the tree replacement requirements for compliance prior to issuance of grading permits and the onset of construction for each phase. Replacement plants shall be monitored by a qualified biologist for 5 years with a goal of at least 70 percent survival at the end of the 5-year period. Supplemental irrigation may be provided during years 1 to 3; however, supplemental watering</p>	<p>City of San Luis Obispo Natural Resources Manager; City of San Luis Obispo Community Development Department.</p>			<p>Ongoing for 3 years from onset of tree planting for individual projects; need annual report to comply</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ul style="list-style-type: none"> The Natural Habitat Restoration and Enhancement Plan shall prioritize the planting of replacement trees on-site where feasible, but shall allow that replacement trees may be planted off-site with approval of the City's Natural Resource Manager. Replacement trees may be planted in the fall or winter of the year in which trees were removed. All replacement trees will be planted no more than one year following the date upon which the native trees were removed. 		<p>shall not be provided during the final two years of monitoring.</p> <p>Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Periodic onsite monitoring needed during grading and construction activities; long-term compliance with annual inspections for 3 years. No reports have been submitted to verify compliance</p>				
<p>BIO-2(c) Froom Ranch Way Bridge Design to Avoid Riparian Areas. The Froom Ranch Way Bridge crossing footings shall be placed outside mapped riparian areas. The placement of the bridge and footings shall be indicated on the Development Plan, VTTM, and HMMP, and shall show the bridge's placement in relation to existing vegetation and the bed and bank of Prefumo Creek.</p>	<p>Tree and vegetation removal associated with the construction of the Froom Ranch Way Bridge crossing shall be replaced during or immediately subsequent to completion of that project component.</p>	<p>The City shall review and approve the HMMP for compliance prior to issuance of grading permits and the onset of construction for each phase, as well as the onset of construction of the Froom Ranch Way Bridge crossing. The applicant shall submit annual documentation to the City and appropriate agencies demonstrating compliance with HMMP requirements. The City shall review and approve the final Froom Ranch Way Bridge crossing design for compliance prior to issuance of grading permits. Replacement plants shall be monitored by a qualified biologist for 5 years with a goal of at least 70 percent survival at the end of the 5-year period. Supplemental irrigation may be provided during years 1 to 3; however, supplemental watering shall not be provided during the final two years of monitoring.</p> <p>Compliance Status:</p>	<p>City of San Luis Obispo Natural Resources Manager; City of San Luis Obispo Community Development Department.</p>			<p>Ongoing for 5 years starting with bridge activities; annual monitoring reports needed</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
		Required in Specific Plan and noted on Tract Map and Grading Plans. Periodic onsite monitoring needed during bridge construction activities; long-term compliance for 5 years. Annual reporting required but not submitted.				
Cultural Resources						
CR-1(a) Historical Structure Relocation and Reconstruction Plan. In order to implement Specific Plan Policy 2.5, a relocation and reconstruction plan for the former spectator's barn/viewing stand, main residence, and main barn shall be developed by a qualified historic architect. The plan shall include a structural/architectural report documenting existing integrity and conditions and include detailed treatment methods and measures to ensure that historic integrity is retained and that all identified character defining features will be preserved.	The project applicant shall prepare the relocation and reconstruction plan for the main residence and the spectators' barn/viewing stand to the satisfaction of the Community Development Director prior to the issuance of project grading permits. Project grading plans shall detail phasing and include sufficient detail to demonstrate the sequencing and completion of the relocation and reconstruction plan.	The City shall confirm completion of and approve the relocation and reconstruction plan and archival documentation. The City shall also review applicable plans for compliance with recommendations of the relocation and reconstruction plan and periodically inspect the site to ensure compliance. Compliance Status: Plan verified by city staff, and relocation is completed. Reconstruction in progress.	City of San Luis Obispo Community Development Director.		11-19	In progress. Not complete.
CR-1(b) Archival Documentation of Historic Buildings. The applicant shall provide archival documentation of the San Luis Ranch Complex in as-built and as-found condition in the form of an Historic American Building Survey (HABS) Level II documentation. The documentation shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation (NPS 1990), and shall include large-format photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards for History and/or Architectural History (NPS	The applicant shall complete archival documentation of the San Luis Ranch Complex prior to the removal, relocation, reconstruction, and/or demolition of the structures on the project site to the satisfaction of the Community Development Director.	The City shall confirm completion of and approve the archival documentation. The City shall confirm submittal of the documentation to the History Center of San Luis Obispo County and the San Luis Obispo County Library. Compliance Status: City staff confirmed archival documentation.	City of San Luis Obispo Community Development Director.		11-19	Yes

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
1983). The original archival-quality documentation shall be offered as donated material to the History Center of San Luis Obispo County. Archival copies of the documentation shall also be submitted to the San Luis Obispo County Library.						
CR-1(c) Informational Display of Historic Resources. A retrospective interpretive display detailing the history of the San Luis Ranch Complex and the project site, its significance, and its important details and features shall be developed by the applicant. The information should be incorporated into a publicly-accessed building on the project site, such as the proposed Agricultural Heritage Facilities and Learning Center, or a publicly-accessed outdoor location. The display shall include images and details from the HABS documentation described in Mitigation Measure CR-1(b) and any collected research pertaining to the historic property. The content shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards for History and/or Architectural History (NPS 1983).	The applicant shall develop and install an informational display of the site's identified historical resources prior to opening of the Agricultural Heritage Facilities and Learning Center to the public.	The information display shall be prepared in accordance with recommendations of a qualified historic consultant and shall be approved by the Community Development Director. Compliance Status: Displays will need to be reviewed by Cultural Heritage Committee, pending final development plans for Ag Heritage Center	City of San Luis Obispo Community Development Director.			TBD
CR-2(a) Retain a Qualified Principal Investigator. In accordance with Conservation and Open Space Policies 3.5.6 and 3.5.7, a qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology (hereafter qualified archaeologist), shall be retained to carry out all mitigation measures related to archaeological resources. Monitoring shall involve inspection of subsurface construction disturbance at or in the immediate vicinity of known sites, or at locations that may harbor buried resources that were not identified on the site surface. A Native American monitor shall also be present because the area is a culturally sensitive location. The monitor(s) shall be on-site on a full-time basis during earthmoving activities, including grading, trenching, vegetation removal, or other excavation activities.	The project applicant shall retain a qualified principal investigator prior to the issuance of grading permits.	The City shall confirm the qualifications of and approve the applicant's choice of a qualified principal investigator. Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Monitor hired and in place.	City of San Luis Obispo Community Development Department.		11-19 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects
CR-2(b) Unanticipated Discovery of Archaeological Resources. In the event that archaeological resources are exposed during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the cultural resource. In the event that any artifact or an unusual amount of bone or shell is encountered	The project applicant shall retain a qualified Native American monitor prior to the issuance of grading permits. The requirement that construction work be stopped in the event of discovery of	The City shall confirm the qualifications of and approve the applicant's choice of a qualified Native American monitor. The City shall also inspect the site periodically during grading and demolition	City of San Luis Obispo Community Development Department.			Yes; ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
during construction, work shall be immediately stopped and relocated to another area. The lead agency shall stop construction within 100 feet of the exposed resource until a qualified archaeologist/paleontologist can evaluate the find (see 36 CFR 800.11.1 and CCR, Title 14, Section 15064.5[f]). Examples of such cultural materials might include: ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; historic trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they must be avoided or will be mitigated consistent with State Historic Preservation Office (SHPO) Guidelines.	archaeological resources shall be included on construction plans prior to the issuance of grading permits.	to ensure compliance with this measure. The City shall review construction plans and periodically inspect project construction to ensure compliance with this measure. Compliance Status: Required in Specific Plan and noted on Tract Map and Grading Plans. Ongoing monitoring in place; no unanticipated resources yet discovered. Ongoing.				
Geology and Soils						
GEO-1 Earthquake and Ground Acceleration Design and Construction Measures. Design and construction of the buildings, roadway infrastructure and all subgrades shall be specifically proportioned to resist Design Earthquake Ground Motions (Design amax) of SD1=0.481 and SDS=0.832 and engineered to withstand Maximum Considered Earthquake (MCE) peak ground acceleration (PGAM) equal to 0.519 g, as described in the Soils Engineering Report for the project (GeoSolutions, Inc., 2015). The design should take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available.	These requirements shall be incorporated into project design plans submitted for approval before the issuance of grading and building permits.	The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Compliance Status: Noted on Tract Map and grading plans. City Engineering to verify prior to building permits.	City of San Luis Obispo Community Development Department.			Yes; included on map approvals To be verified with permits
GEO-2 Operational Seismic Safety Requirement. For retail stores included in the project, goods for sale may be stacked no higher than 8 feet from the floor in any area where customers are present, unless provisions are made to prevent the goods from falling during an earthquake of up to 7.5 magnitude. The stacking or restraint methods shall be reviewed and approved by the City before approval of occupancy permits, and shall be a standing condition of occupancy.	These requirements shall be incorporated into project site plans submitted for approval before the approval of final development plan.	The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Compliance Status:	City of San Luis Obispo Community Development Department.			Yes; included on map approvals To be verified with permits

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
		Noted on Tract Map and grading plans. City Engineering to verify prior to occupancy clearance.				
GEO-3 Geotechnical Design. The project plans and specifications shall include the geotechnical recommendations included in the Soils Engineering Report, prepared by GeoSolutions, Inc. on May 29, 2015. Recommendations therein that shall be incorporated into the final project building plans include specification for the following components of development preparation and design: <ul style="list-style-type: none"> • Building Pad Preparation • Paved Areas Preparation • Pavement Design • Interlocking Concrete Pavers • Conventional Foundations • Post-Tensioned Slabs • Slab-On-Grade Construction • Retaining Walls • Exterior Concrete Flatwork 	These requirements shall be incorporated into project site plans submitted for approval before the issuance of grading and building permits.	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Community Development staff shall verify installation in accordance with approved building plans.</p> <p>Compliance Status: Noted on Tract Map and grading plans. City Engineering to verify prior to occupancy clearance.</p>	City of San Luis Obispo Community Development Department.			Yes; included on map approvals To be verified with permits
Hazards and Hazardous Materials						
HAZ-4 Soil Sampling and Remediation. Prior to issuance of any grading permits, a contaminated soil assessment shall be completed in the portions of land to be graded for development. Soil samples shall be collected under the supervision of a professional geologist or environmental professional to determine the presence or absence of contaminated soil in these areas. The sampling density shall be in accordance with guidance from San Luis Obispo County Environmental Health Services, so as to define the volume of soil that may require remediation. Laboratory analysis of soil samples shall be analyzed for the presence of organochlorine pesticides, in accordance with EPA Test Method SW8081A, and heavy metals in accordance with EPA Test Methods 6010B and 7471A. If soil sampling indicates the presence of pesticides or heavy metals exceeding applicable environmental screening levels, the soil assessment shall identify the volume of contaminated soil to be excavated.	The contaminated soils assessment and remediation program, if necessary, shall be submitted and approved by the City's Community Development Department and applicable regulatory oversight agency prior to the issuance of project grading permits.	<p>As applicable, the Community Development Department shall ensure implementation of a remediation program according to the measures included therein and as approved by a regulatory oversight agency.</p> <p>Compliance Status: Noted on Tract Map and grading plans. Soil sampling is ongoing consistent with health and safety Plan.</p>	City of San Luis Obispo Community Development Department.		11-19 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
If concentrations of contaminants exceed EPA action levels and therefore warrant remediation, contaminated materials shall be remediated either prior to concurrent with construction and an Environmental Site Assessment (ESA) shall be prepared. Cleanup may include excavation, disposal, bio-remediation, or any other treatment of conditions subject to regulatory action. All necessary reports, regulations and permits shall be followed to achieve cleanup of the site. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation and under the direction of the lead oversight agency. The remediation program shall also be approved by a regulatory oversight agency, such as the San Luis Obispo County Environmental Health Services, the Regional Water Quality Control Board (RWQCB), or DTSC. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.						
HAZ-6 Naturally Occurring Asbestos Exposure Avoidance and Minimization: a. Prior to earthwork activities, a site-specific health and safety plan shall be developed per California Occupational Safety and Health Administration (CalOSHA) requirements. The plan shall include appropriate health and safety measures if NOA is detected in soil or bedrock beneath the project site. All construction workers that have the potential to come into contact with contaminated soil/bedrock and groundwater shall be knowledgeable of the requirements in the health and safety plan, which includes proper training and personal protective equipment. The health and safety plan shall prescribe appropriate respiratory protection for construction workers. b. Prior to beginning construction, a soil and bedrock analysis for asbestos using polarized light microscopy and transmission electron microscopy by a qualified laboratory shall be conducted. Samples of soil shall be collected from multiple locations across the site, and bedrock samples shall be collected from locations	The measures to avoid and minimize exposure to NOA shall be included on project grading and building plans, and submitted to and approved by the City's Community Development Department and, as applicable, California Professional Geologist prior to the issuance of project grading and building permits.	As applicable, the Community Development Department shall ensure implementation of avoidance and minimization measures included therein and as approved by a California Professional Geologist. Compliance Status: Noted on Tract Map and grading plans. Health and Safety Plan submitted and accepted by City.	City of San Luis Obispo Community Development Department.		11-19 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>where excavation into bedrock is anticipated. If NOA is detected, appropriate regulations pertaining to excavation, removal, transportation, and disposal of NOA shall be followed. The sampling strategy shall take into account the locations of potential source areas, and the anticipated lateral and vertical distribution of contaminants in soil and/or groundwater. The results of the investigation shall be documented in a report that is signed by a California Professional Geologist. The report shall include recommendations based upon the findings for additional investigation/remediation if contaminants are detected above applicable screening levels (e.g., excavate and dispose, groundwater and/or soil vapor extraction, or in situ bioremediation).</p> <p>c. During earthwork activities, appropriate procedures shall be incorporated in the event that NOA is detected in soil or bedrock beneath the project site. These procedures shall be followed to eliminate or minimize construction worker or general public exposure to potential contaminants in soil. Procedures shall include efforts to control fugitive dust, contain and cover excavation debris piles, appropriate laboratory analysis of soil for waste characterization, and segregation of contaminated soil from uncontaminated soil. The applicable regulations associated with excavation, removal, transportation, and disposal of contaminated soil shall be followed (e.g., tarping of trucks and waste manifesting). These procedures may be subject to San Luis Obispo APCD requirements under the California ARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.</p>						
Hydrology and Water Quality						
<p>HWQ-1(a) Stormwater Pollution Prevention Plan. All required actions shall be implemented pursuant to a SWPPP and SWMP to be prepared by the project applicant and submitted by the City to the Regional Water Quality Control Board under the NPDES Phase II program. At a minimum, the SWPPP/SWMP shall including the following BMPs:</p> <ul style="list-style-type: none"> The use of sandbags, straw bales, and temporary desilting basins during project grading and construction during the rainy season to prevent discharge of sediment-laden runoff into stormwater facilities; 	<p>The project applicant shall prepare a SWPPP and SWMP that identifies construction-related staging and maintenance areas, and at a minimum, the BMPs identified in Mitigation Measure HWQ-1(a). The SWPPP and notices shall be submitted for review and approval by the City prior to the initiation of construction.</p>	<p>The City shall ensure compliance with the SWPPP. A Geotechnical Engineer or an Engineering Geologist shall be made available to monitor technical aspects of the grading activities, including installation of the drainage outlets and associated headwalls and aprons. The City shall also inspect the site during grading to</p>	<p>City of San Luis Obispo Community Development Department.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Yes; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ul style="list-style-type: none"> Revegetation as soon as practicable after completion of grading to reduce sediment transport during storms; Installation of straw bales, wattles, or silt fencing at the base of bare slopes before the onset of the rainy season (October 15th through April 15th); Installation of straw bales, wattles, or silt fencing at the project perimeter and in front of storm drains before the onset of the rainy season (October 15th through April 15th); and/or Alternative BMPs as approved by the RWQCB as part of the SWPPP submittal. 	<p>The SWPPP/SWMP shall be designed to address erosion and sediment control during all phases of development of the site until all disturbed areas are permanently stabilized.</p>	<p>monitor runoff and after conclusion of grading activities.</p> <p>Compliance Status: Noted on Tract Map and grading plans. SWPPP was submitted prior to issuance of grading permits.</p>				
<p>HWQ-1(b) Berms and Basins. As specified in the SWPPP, the applicant shall be required to manage and control runoff by constructing temporary berms, sediment basins, runoff diversions, or alternative BMP's as approved by the RWQCB as part of the SWPPP submittal, in order to avoid unnecessary siltation into local streams during construction activities where grading and construction shall occur in the vicinity of such streams.</p> <ul style="list-style-type: none"> Berms and basins shall be constructed when grading commences and be periodically inspected and maintained. The project applicant shall sufficiently document, to the CCRWQCB satisfaction, the proper installation of such berms and basins during grading. 	<p>The applicant shall include required berms and basins on project design plans which must be reviewed and approved by the City prior to the approval of the VTTM.</p>	<p>The City shall ensure compliance with runoff control requirements. A Geotechnical Engineer or an Engineering Geologist shall be made available to monitor technical aspects of the grading activities, including installation of the berms and basins. The City shall also inspect the site during grading to monitor runoff and after conclusion of grading activities.</p> <p>Compliance Status: Noted on Tract Map and grading plans. SWPPP was submitted prior to issuance of grading permits.</p>	City of San Luis Obispo Community Development Department.		1-20 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects
<p>HWQ-1(c) Concept Grading Plan and Master Drainage Plan. As specified in the SWPPP and the City's Floodplain Management Regulations, the applicant shall be required to submit a Grading Plan and Master Drainage Plan to the Planning Division and City Public Works Director for approval prior to approval of the VTTM. The grading and drainage plans shall be designed to minimize erosion and water quality impacts, to the extent feasible, and shall be consistent with the project's SWPPP. The plans shall include the following:</p>	<p>The project applicant shall prepare a Grading Plan and Master Drainage Plan. The Grading Plan and Master Drainage Plan shall be submitted for review and approval by the City prior to the approval of the VTTM. The grading and drainage plans shall be designed to minimize</p>	<p>The City shall ensure compliance with the grading and drainage plans. A Geotechnical Engineer or an Engineering Geologist shall be made available to monitor technical aspects of the grading activities, including installation of the drainage outlets and associated headwalls and aprons. The City</p>	City of San Luis Obispo Community Development Department.		1-20 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>a. Graded areas shall be revegetated with deep-rooted, native, non-invasive drought tolerant species to minimize slope failure and erosion potential. Geotextile fabrics shall be used if necessary to hold slope soils until vegetation is established;</p> <p>b. Temporary storage of construction equipment shall be limited to a minimum of 100 feet away from drainages on the project site; and</p> <p>c. Erosion control structures shall be installed.</p> <p>d. Demonstrate peak flows and runoff for each phase of construction.</p> <p>e. Be coordinated with habitat restoration efforts, including measures to minimize removal of riparian and wetland habitats and trees (Mitigation Measures BIO-2[a] and BIO-2[b]).</p> <p>f. Grading and drainage plans shall be submitted for review and approval by the Planning Division. The applicant shall ensure installation of erosion control structures prior to beginning of construction of any structures, subject to review and approval by the City.</p>	<p>erosion and water quality impacts, to the extent feasible, and shall be consistent with the project's SWPPP.</p>	<p>shall also inspect the site during grading to monitor runoff and after conclusion of grading activities.</p> <p>Compliance Status: Noted on Tract Map and grading plans. Master Drainage Report was part of the plan review process and was submitted and approved prior to approval of the Onsite and Offsite Improvement Plans.</p>				
<p>HWQ-3(a) Stormwater Quality Treatment Controls. BMP devices shall be incorporated into the stormwater quality system depicted in the Master Drainage Plan (refer to Mitigation Measure HWQ-1[c]). The final design of the stormwater quality system shall be reviewed and approved by the City.</p> <p>The Master Drainage Plan shall contain the following relevant BMPs:</p> <ul style="list-style-type: none"> • Vegetated bioswales to reduce sediment and particulate forms of metals and other pollutants along corridors of planted grasses. • Vegetated buffer strips to reduce sediment and particulate forms of metals and nutrients. 	<p>BMP devices shall be incorporated into the stormwater quality system depicted in the Master Drainage Plan (refer to Mitigation Measure HWQ-1[c]). The final design of the stormwater quality system shall be reviewed and approved by the City.</p>	<p>The applicant shall demonstrate inclusion of BMPs within the VTTM, Utilities Plan, and Master Drainage Plan, which shall be submitted for review and approval by the City prior to Development Plan approval and VTTM recordation.</p> <p>Compliance Status: Noted on Tract Map and grading plans. Stormwater BMP Maintenance Manual, referred to as an Operation and Maintenance (O&M) Manual, was submitted and approved as part of the Public Improvement Plan review process. It is anticipated that O&M Manual may need to be updated if any field changes occur.</p>	<p>City of San Luis Obispo Community Development Department and Public Works Department.</p>		<p>1-20 4-20 7-20 11-20 10-21</p>	<p>Yes; ongoing with individual projects</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
HWQ-3(b) Stormwater BMP Maintenance Manual. The project applicant shall prepare a development maintenance manual for the stormwater quality system BMPs (refer to Mitigation Measure HWQ-3[a]). The maintenance manual shall include detailed procedures for maintenance and operations of all stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer's maintenance specifications. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., October 15th) and immediately after the end of the rainy season (i.e., May 15th). The manual shall also require that all devices be checked after major storm events.	The project applicant shall prepare a development maintenance manual for the stormwater quality system BMPs according to the specifications in this measure.	The maintenance manual shall be submitted for review and approval by the City prior to Development Plan approval and VTTM recordation. Compliance Status: Noted on Tract Map and grading plans. Stormwater BMP Maintenance Manual, referred to as an Operation and Maintenance (O&M) Manual, was submitted and approved as part of the Public Improvement Plan review process. It is anticipated that O&M Manual may need to be updated if any field changes occur.	City of San Luis Obispo Community Development Department and Public Works Department.		1-20 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects
HWQ-3(c) Stormwater BMP Semi-Annual Maintenance Report. The property manager(s) or acceptable maintenance organization shall submit to the City of San Luis Obispo Public Works Department a detailed report prepared by a licensed Civil Engineer addressing the condition of all private stormwater facilities, BMPs, and any necessary maintenance activities on a semi-annual basis (October 15th and May 15th of each year). The requirement for maintenance and report submittal shall be recorded against the property.	The property manager(s) or acceptable maintenance organization shall submit to the City of San Luis Obispo Public Works Department a detailed report prepared by a licensed Civil Engineer addressing the condition of all private stormwater facilities, BMPs, and any necessary maintenance activities on a semi-annual basis (October 15th and May 15th of each year)	The maintenance reports shall be submitted for review and approval by the City on a semi-annual basis and shall be included with the VTTM recordation. Compliance Status: Noted on Tract Map and grading plans. The requirement for semi-annual reporting will start after the completion of installation of BMPs.	City of San Luis Obispo Community Development Department and Public Works Department.			Yes; included on map approvals To be verified as required
HWQ-4 Conditional Letter of Map Revision/Letter of Map Revision. The applicant, in conjunction with the City of San Luis Obispo, shall prepare the CLOMR application and obtain a LOMR from FEMA.	The applicant shall prepare the CLOMR application and submit it to FEMA.	The City will confirm that FEMA has approved the CLOMR prior to issuance of a grading permit, and LOMR prior to occupancy.	City of San Luis Obispo Community Development Department.			Yes

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
		Compliance Status: CLOMR has been submitted to and approved by FEMA.				

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
Noise						
N-1(a) Construction Vehicle Travel Route. Construction vehicles and haul trucks shall utilize roadways which avoid residential neighborhoods and sensitive receptors where possible. The applicant shall submit a proposed construction vehicle and hauling route for City review and approval prior to grading/building permit issuance. The approved construction vehicle and hauling route shall be used for soil hauling trips prior to construction as well as for the duration of construction.	Construction plans shall note construction hours and truck routes, and shall be submitted to the City for approval prior to grading and building permit issuance for each project phase. The Community Development department shall confirm that construction noise reduction measures are incorporated in plans prior to approval of grading/building permit issuance.	City staff shall ensure compliance throughout all construction phases. Building inspectors and permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints. Compliance Status: Noted on Tract Map and grading plans.	City of San Luis Obispo Community Development Department.		1-20 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects
N-1(b) Construction Activity Timing. Except for emergency repair of public service utilities, or where an exception is issued by the Community Development Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur daily between the hours of 7:00 PM and 7:00 AM, or any time on Sundays, holidays, or after sunset, such that the sound creates a noise disturbance that exceeds 75 dBA for single family residential, 80 dBA for multi-family residential, and 85 dBA for mixed residential/commercial land uses across a residential or commercial property line.	Construction plans shall note construction hours and shall be submitted to the City for approval prior to grading and building permit issuance for each project phase. Schedule and neighboring property owner notification mailing list shall be submitted 10 days prior to initiation of any earth movement. The Community Development department shall confirm that construction noise reduction measures are incorporated in plans prior to approval of grading/building permit issuance. All construction workers shall be briefed at a pre-construction meeting on construction hour limitations. A workday schedule will be adhered to for the duration of construction for all phases.	City staff shall ensure compliance throughout all construction phases. Building inspectors and permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints. Compliance Status: Noted on Tract Map and grading plans. Periodic onsite monitoring; verify through complaints and follow up.	City of San Luis Obispo Community Development Department.		1-20 4-20 7-20 11-20 10-21	Yes; ongoing with individual projects
N-1(c) Construction Equipment Best Management Practices (BMPs). For all construction activity at the project site, noise attenuation techniques shall be employed to	Construction plans shall note construction Best Management Practices	City staff shall ensure compliance throughout all construction phases. Building	City of San Luis Obispo Community		1-20 4-20 7-20	Yes; ongoing with

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include:</p> <ul style="list-style-type: none"> • Sound blankets on noise-generating equipment. • Stationary construction equipment that generates noise levels above 65 dBA at the project boundaries shall be shielded with barriers that meet a sound transmission class (a rating of how well noise barriers attenuate sound) of 25. • All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. • For stationary equipment, the applicant shall designate equipment areas with appropriate acoustic shielding on building and grading plans. Equipment and shielding shall be installed prior to construction and remain in the designated location throughout construction activities. • Electrical power shall be used to power air compressors and similar power tools. • The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday. No movement of heavy equipment shall occur on Sundays or official holidays (e.g., Thanksgiving, Labor Day). • Temporary sound barriers shall be constructed between construction sites and affected uses. 	<p>(BMPs) and shall be submitted to the City for approval prior to grading and building permit issuance for each project phase. BMPs shall be identified and described for submittal to the City for review and approval prior to building or grading permit issuance. BMPs shall be adhered to for the duration of the project. The applicant shall provide and post signs stating these restrictions at construction site entries. Signs shall be posted prior to commencement of construction and maintained throughout construction. Schedule and neighboring property owner notification mailing list shall be submitted 10 days prior to initiation of any earth movement. The Community Development department shall confirm that construction noise reduction measures are incorporated in plans prior to approval of grading/building permit issuance.</p> <p>All construction workers shall be briefed at a pre-construction meeting on how, why, and where BMP measures are to be implemented. A workday schedule will be adhered to for the duration of construction for all phases.</p>	<p>inspectors and permit compliance staff shall periodically inspect the site for compliance with activity schedules and respond to complaints.</p> <p>Compliance Status: Noted on Tract Map and grading plans. Periodic onsite monitoring; verify through complaints and follow up.</p>	Development Department.		11-20 10-21	individual projects
<p>N-4(a) HVAC Equipment. Retail HVAC equipment shall be shielded and located on building rooftops, or a minimum of 100 feet from the nearest residential property line.</p>	<p>These requirements shall be incorporated into project site plans submitted for approval before the issuance of grading and building permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of operating permits. The Community Development Department shall site inspect to</p>	City of San Luis Obispo Community Development Department.		11-20	On tract map; field verify as needed

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
		<p>ensure development is in accordance with approved plans prior to occupancy clearance. Community Development staff shall verify compliance in accordance with approved building plans.</p> <p>Compliance Status: Noted on Tract Map. Will apply once commercial component begins.</p>				
<p>N-4(b) Parking Lot/Loading Dock Orientation and Noise Barrier. If parking areas or loading docks would be located within 250 feet of the residential properties to the west, a masonry noise barrier shall be installed along the eastern boundary of the proposed residences adjacent to the commercial land use area on the eastern portion of the project site. The noise barrier shall be constructed of any masonry material with a surface density of at least three pounds per square foot, and shall have no openings or gaps.</p>	<p>These requirements shall be incorporated into project site plans submitted for approval before the issuance of grading and building permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of operating permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Community Development staff shall verify compliance in accordance with approved building plans.</p> <p>Compliance Status: Noted on Tract Map. Will apply once commercial component begins.</p>	<p>City of San Luis Obispo Community Development Department.</p>		11-20	On tract map; field verify as needed
<p>N-5(a) Interior Noise Reduction. The project applicant shall implement the following measures, or similar combination of measures, which demonstrate that interior noise levels in proposed residences adjacent to Froom Ranch Way and Madonna Road, hotel, and offices would be reduced below the City's 45 dBA CNEL interior noise standard. The required interior noise reduction shall be achieved through a combination of standard interior noise reduction techniques, which may include (but are not limited to):</p>	<p>These requirements shall be incorporated into all construction documents submitted for approval before the issuance of grading permits.</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.</p>	<p>City of San Luis Obispo Community Development Department.</p>		1-20 4-20 7-20 11-20	Yes; ongoing with individual projects; field verify as needed

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ul style="list-style-type: none"> In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units (Passive ventilation may be provided, if mechanical ventilation is not necessary to achieve interior noise standards, as demonstrated by a qualified acoustical consultant). All exterior walls shall be constructed with a minimum STC rating of 50, consisting of construction of 2 inch by 4 inch wood studs with one layer of 5/8 inch Type "X" gypsum board on each side of resilient channels on 24 inch centers and 3 ½ inch fiberglass insulation. All windows and glass doors shall be rated STC 39 or higher such that the noise reduction provided will satisfy the interior noise standard of 45 dBA CNEL. An acoustical test report of all the sound-rated windows and doors shall be provided to the City for review by a qualified acoustical consultant to ensure that the selected windows and doors in combination with wall assemblies would reduce interior noise levels sufficiently to meet the City's interior noise standard. All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two 90 degree turns in the duct. All windows and doors shall be installed in an acoustically-effective manner. Sliding window panels shall form an air-tight seal when in the closed position and the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors shall seal air-tight around the full perimeter when in the closed position. <p>The applicant shall submit a report to the Community Development Department by a qualified acoustical consultant certifying that the specific interior noise reduction techniques included in residential, hotel, and office components of the project would achieve interior noise levels that would not exceed 45 dBA CNEL.</p>		<p>Community Development staff shall verify installation in accordance with approved building plans.</p> <p>Compliance Status: Noted on Tract Map and project plans. Will require verification and site inspection.</p>				
<p>N-5(b) Residential Outdoor Activity Area Noise Attenuation. Outdoor activity areas (e.g., patios and hotel pool areas) associated with shared multifamily residential recreational spaces, hotel, commercial, and office uses shall be protected from sound intrusion so that they meet the City's exterior standard of 60 dBA CNEL. Outdoor activity</p>	<p>These requirements shall be incorporated into all construction documents submitted for approval before</p>	<p>The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to</p>	<p>City of San Luis Obispo Community Development Department.</p>		<p>1-20 4-20 7-20 11-20</p>	<p>Yes; ongoing with individual projects; field</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
areas shall be oriented away from traffic noise such that intervening buildings reduce traffic noise or shall include noise barriers capable of reducing traffic noise levels to meet the City's exterior standard. Hotel pool areas shall be located a minimum of 500 feet from the U.S. 101 right-of-way. Noise barriers may be constructed of a material such as tempered glass, acrylic glass, or masonry material with a surface density of at least three pounds per square foot, and shall have no openings or gaps. The applicant shall submit a report to the Community Development Department by a qualified acoustic consultant certifying that the specific outdoor noise reduction techniques in combination with the orientation of outdoor activity areas of shared multifamily residential recreational spaces, hotel, commercial, and offices would achieve exterior noise levels that would not exceed 60 dBA CNEL.	the issuance of grading permits.	ensure development is in accordance with approved plans prior to occupancy clearance. Community Development staff shall verify installation in accordance with approved building plans. Compliance Status: Noted on Tract Map and project plans. Will require verification and site inspection.				verify as needed
N-5(c) Froom Ranch Way Noise Barrier. A masonry noise barrier or alternative barrier, such as a landscaped berm, shall be installed along the southern property line of residential lots that abut Froom Ranch Way to protect outdoor activity areas (patios and pools) at these residences from sound intrusion from traffic along Froom Ranch Way. The noise barrier or berm shall provide, at minimum, a 6 foot high barrier between Froom Ranch Way and the neighboring residences from the final grade of whichever use (i.e., Froom Ranch Way or residences) has a higher final elevation. If a masonry noise barrier is implemented, the noise barrier shall be constructed of any masonry material with a surface density of at least three pounds per square foot, and shall have no openings or gaps. If an alternative material is used, the developer shall submit a report to the Community Development Department by a qualified acoustical consultant certifying that the specific exterior noise reduction techniques included would achieve exterior noise levels that would not exceed 60 dBA CNEL.	These requirements shall be incorporated into all construction documents submitted for approval before the issuance of grading permits.	The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Community Development staff shall verify installation in accordance with approved building plans. Compliance Status: Noted on Tract Map and project plans. Will require verification and site inspection.	City of San Luis Obispo Community Development Department.			TBD
N-5(d) U.S. Highway 101 Noise Barrier at Hotel. If the hotel includes an outdoor activity area (such as a patio or pool) a masonry noise barrier or alternative barrier, such as berms, landscaping, or glass, must be installed along the eastern property line of the hotel where it abuts the U.S. 101 right of way to protect these outdoor activity areas from sound intrusion from traffic along U.S. 101. If a masonry noise barrier is implemented, the noise barrier shall provide,	These requirements shall be incorporated into all construction documents submitted for approval before the issuance of grading permits.	The Community Development Department shall verify compliance prior to issuance of grading permits. The Community Development Department shall site inspect to ensure development is in accordance with approved plans	City of San Luis Obispo Community Development Department.		7-20	Yes; ongoing with hotel project; field verify as needed

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
at minimum, an 8 foot high barrier between U.S. 101 and the hotel from the final grade of whichever use (i.e., U.S. 101 or hotel) has a higher final elevation. Such a noise barrier shall be constructed of any masonry material with a surface density of at least three pounds per square foot, and shall have no openings or gaps. If an alternative material is used, the developer shall submit a report to the Community Development Department by a qualified acoustical consultant demonstrating that the specific exterior noise reduction techniques included in the hotel component of the project would achieve exterior noise levels that would not exceed 60 dBA CNEL.		<p>prior to occupancy clearance. Community Development staff shall verify installation in accordance with approved building plans.</p> <p>Compliance Status: Noted on Tract Map and project plans. Project design includes interior courtyard, but will require verification and site inspection.</p>				

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
Recreation						
REC-1 Parkland In-lieu Fees. The project applicant shall pay parkland in-lieu fees in accordance with the City's parkland in-lieu fee program for the parkland shortage. The project's specific fee shall be determined by the City at the time of project approval, after accounting for parkland provided within the San Luis Ranch Specific Plan Area. The in-lieu fees collected from the project shall be directed to new projects or improvements to existing parks and recreation facilities within the City of San Luis Obispo parks system.	The project applicant shall pay parkland in-lieu fees in accordance with the City's parkland in-lieu fee program prior to Development Plan approval.	The Parks and Recreation Department shall verify compliance prior to Plan approval. Compliance Status: Noted on Tract Map and project plans. Payment pending. Verify payment with Parks and Rec.	City of San Luis Obispo Parks and Recreation Department.		1-20 4-20 7-20 11-20	Yes; ongoing with individual projects; verify payment with Parks and Rec
Transportation						
T-1(b), T-8a), T-9(c). Madonna Road & Dalidio Drive/Prado Road Intersection 1. Extend existing westbound left turn lane on Madonna Road to Dalidio Drive/Prado Road to 310' 2. Install 2nd westbound 310' left turn lane on Madonna Road to Dalidio Drive/Prado Road 3. Install eastbound 250' right turn pocket on Madonna Road to Dalidio Drive/Prado Road 4. Install 2nd northbound left shared with through-lane on Prado Road/Dalidio Drive to Madonna Road 5. Prohibit westbound U-turns on Madonna Road 6. Provide split phase operations & optimize signal timing	Implementation of improvements shall occur prior to building permits or occupancy.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			Yes
T-1(e), T-2(f), T-8(b), T-9(h). Los Osos Valley Road & Froom Ranch Way Intersection 1. Install dedicated 230' right turn lane on northbound Froom Ranch Way approach to Los Osos Valley Road 2. Extend right turn lane on southbound Froom Ranch Way approach to Los Osos Valley Road to 110' 3. Install 2nd southbound left turn lane on Froom Ranch Way approach to eastbound Los Osos Valley Road	Implementation of improvements shall occur with Froom Bridge construction.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			Yes
T-1(f), T-8(c). Los Osos Valley Road & Auto Parkway Intersection	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism	City Public Works staff shall confirm payment of applicable	City of San Luis Obispo Public			Yes

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<ol style="list-style-type: none"> 1. Pay Fair Share Impact fees for Signalization (Prior to Building Permits or Occupancy) 2. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement). 3. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy) 	consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.	fees, dedication of ROW, and completion of TDMP. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	Works Department.			
T-2(g). Los Osos Valley Road & U.S. 101 Southbound Off Ramp <ol style="list-style-type: none"> 1. Extend off ramp left turn lane to 320' 	Implementation of improvements shall occur by building permits or occupancy.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			Complete
T-2(h). Los Osos Valley Road & U.S. 101 Northbound Off Ramp <ol style="list-style-type: none"> 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement). 2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy) 	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.	City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP. Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase.	City of San Luis Obispo Public Works Department.		11-2023	Prado – Complete TDMP ongoing with each phase
T-1(c), T-2(c). Madonna & U.S. 101 Southbound Off Ramp <ol style="list-style-type: none"> 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as 	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP and Madonna ramp	City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP. Compliance Status:	City of San Luis Obispo Public Works Department.			Prado – Complete TDMP ongoing with each

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
<p>established in San Luis Ranch Development Agreement).</p> <p>2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)</p> <p>3. Extend northbound Madonna Road left turn lane to 150' (Prior to Building Permits or Occupancy)</p>	<p>extension to be established prior to building permits or occupancy.</p>	<p>ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase.</p>				<p>phase</p>
<p>T-2(d). Madonna & U.S. 101 Northbound Off Ramp</p> <p>1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement).</p> <p>2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)</p>	<p>The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.</p>	<p>City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP.</p> <p>Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase.</p>	<p>City of San Luis Obispo Public Works Department.</p>			<p>Prado – Complete</p> <p>TDMP ongoing with each phase</p>
<p>T-2(e). Madonna & Higuera Street</p> <p>1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement).</p> <p>2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)</p>	<p>The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.</p>	<p>City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP.</p> <p>Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase.</p>	<p>City of San Luis Obispo Public Works Department.</p>			<p>Prado – Complete</p> <p>TDMP ongoing with each phase</p>
<p>T-2(a). Madonna & Los Osos Valley Road</p> <p>1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement).</p>	<p>The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.</p>	<p>City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP.</p> <p>Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP</p>	<p>City of San Luis Obispo Public Works Department.</p>			<p>Prado – Complete</p> <p>TDMP ongoing with each phase</p>

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)		completed and being implemented with each phase.				
T-1(g), T-8(g), T-9(l). Higuera Street & Tank Farm Road 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement). 2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy) 3. Extend northbound right turn pocket to 230' and channelize movement (Prior to Building Permits or Occupancy)	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP and extended NB right turn pocket to be completed prior to building permits or occupancy.	City Public Works staff shall confirm payment of applicable fees. City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase.	City of San Luis Obispo Public Works Department.			Prado – Complete TDMP ongoing with each phase
T-2(j), T-9(m). Prado Road & Higuera Street Intersection 1. Install 2nd U.S. 101 northbound left turn lane 2. Extend westbound right turn pocket to 400'	Implementation of improvements shall occur by building permits or occupancy.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Completed.	City of San Luis Obispo Public Works Department.			Complete
T-2(i). Los Osos Valley Road & Higuera Street 1. Extend eastbound right turn lane to 180'	Implementation of improvements shall occur by building permits or occupancy.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Completed.	City of San Luis Obispo Public Works Department.			Complete
T-1(h), T-1(i). Install Multilane Roundabout at Prado/Dalidio & Froom Intersection	Implementation of improvements shall occur with	City Public Works staff shall ensure implementation of these improvements following	City of San Luis Obispo Public			Yes

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
	Prado/Dalidio Road construction.	approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. In compliance.	Works Department.			
T-6. Install Multilane Roundabout Control or Restricted Access at Prado Road/Dalidio Drive & Project Driveways	Implementation of improvements shall occur with Prado/Dalidio construction.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			Partially Complete
T-3(d). Parallel Class I Multiuse Paths or Bike Boulevard Fair Share Payment: 1. Higuera Street (Madonna Road to Prado Road) 2. Los Osos Valley Road (Madonna Road to Higuera Street) 3. Madonna Road (Los Osos Valley Road to Higuera Street) Construct: 4. Prado Road/Dalidio Drive (Froom Ranch Way to Higuera Street)	Payment of fair share for implementation identified improvements shall occur per Development Agreement. Implementation of Prado Road/Dalidio Drive improvement shall occur with Prado construction.	City Public Works staff shall ensure implementation of this measure. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			TBD
T-3(a). City Transit Headway Optimization 1. Fund assessment of decreasing traffic headways to 25 min	Implementation of improvements shall be ongoing as determined necessary by City Public Works.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			TBD

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
T-1(a, d). City Signal Timing Optimization	Implementation of improvements shall be ongoing as determined necessary by City Public Works.	City Public Works staff shall ensure implementation of these improvements following approval of the final design plans for the Specific Plan Area. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			TBD
T-7. Traffic Calming and/or Reconfiguration of New Neighborhood Streets	The project applicant shall include neighborhood traffic circles at key intersections and traffic-calming features on final design plans for development within the Specific Plan Area.	City Public Works staff shall confirm inclusion of neighborhood traffic circles at key intersections and traffic-calming features, and approve final design plans prior to issuance of grading permits. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			TBD
T-5. Froom Ranch Way Bridge Construction	The Froom Ranch Way bridge connection shall be completed prior to any residential or non-residential building permits or occupancy permits.	City Public Works staff shall confirm implementation of this measure. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			Yes
T-4. Construction Traffic Management Plan	The project applicant shall submit the construction traffic management plan for review and approval by the City prior to the initiation of construction.	The City shall ensure compliance with the construction traffic management plan through routine monitoring throughout all phases of project construction. Compliance Status:	City of San Luis Obispo Public Works Department.			Ongoing

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
		Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.				
T-1(a). Madonna & Los Osos Valley Road 1. City optimize signal timing to accommodate increased project volumes	Ongoing by City.	City Public Works staff shall monitor timing as needed. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			TBD
T-2(b), T-9(b). Madonna Road & Oceanaire Drive 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement). 2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.	City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP. Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase	City of San Luis Obispo Public Works Department.			Prado – Complete TDMP ongoing with each phase
T-1(d). Higuera Street & South Street 1. City optimize signal timing to accommodate increased project volumes	Ongoing by City.	City Public Works staff shall monitor timing as needed. Compliance Status: Noted on Tract Map and project plans. Public Works to verify. Applies to all traffic mitigation.	City of San Luis Obispo Public Works Department.			TBD
T-11(a). Prado & U.S. 101 Northbound Off Ramp 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement).	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.	City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP. Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP	City of San Luis Obispo Public Works Department.			Prado – Complete TDMP ongoing with each phase

Mitigation Measure	Plan Requirements and Timing	Monitoring Requirements and Status	Responsible Agency or Party	Compliance Verification		
				Initial	Date	Compliance
2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)		completed and being implemented with each phase				
T-11(b). North of Prado & U.S. 101 Northbound Off Ramp 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement). 2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.	City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP. Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase	City of San Luis Obispo Public Works Department.			Prado – Complete TDMP ongoing with each phase
T-11(c). North of Madonna & U.S. 101 Northbound Off Ramp 1. Pay Fair share costs and dedicate necessary ROW for construction of the Prado Road Overpass & NB Ramps (Timing & Amount of Fair Share Payments as established in San Luis Ranch Development Agreement). 2. Develop a Travel Demand Management Plan consistent with section 2.4.3 and to the satisfaction of the Public Works Director (Prior to Building Permits or Occupancy)	The developer shall pay fair share mitigation fees in accordance with a City-adopted funding mechanism consistent with the Development Agreement. TDMP to be established prior to building permits or occupancy.	City Public Works staff shall confirm payment of applicable fees, dedication of ROW, and completion of TDMP. Compliance Status: ROW dedicated with Final Map. Prado Fair Share payment made 11/2023. TDMP completed and being implemented with each phase.	City of San Luis Obispo Public Works Department.			Prado – Complete TDMP ongoing with each phase

**OPERATING MEMORANDUM NUMBER ONE
BETWEEN
THE CITY OF SAN LUIS OBISPO
AND MI SAN LUIS RANCH, LLC**

The Development Agreement by and among the City of San Luis Obispo (the “City”) and MI San Luis Ranch LLC (“SLR”) adopted by the City Council by Ordinance No. 1649 (2018 Series) (the “Development Agreement”), provides in Section 9.03 of the Development Agreement that compliance with the requirements of the San Luis Ranch Specific Plan (the “Specific Plan”), the Conditions of Approval (the “Conditions of Approval”) for the San Luis Ranch Project (the “Project”), the conditions of approval for Vesting Tentative Tract Map. No. 3096 (the “VTTM”), and provisions of the Development Agreement (collectively, the Specific Plan, the Conditions of Approval, the VTTM, and the Development Agreement may be referred to collectively as the “Project Approvals”) require a close degree of cooperation between the City and SLR and refinements and further development of the Project may demonstrate that clarifications are appropriate with respect to the details of performance. The Development Agreement further provides that if and when City and Owner agree that such clarifications are necessary or appropriate, they may effect such clarifications through operating memoranda approved by the City and SLR.

With this Operating Memorandum, City and SLR wish to clarify certain conditions in the Project Approvals in order to carry out the intent of the City and SLR with respect to the design and development of the Project. Capitalized terms used in this Operating Memorandum shall carry the same definitions as those set forth in the Development Agreement.

A. PURPOSE:

The purpose of this Operating Memorandum is to identify a basic framework between the City and SLR, for allowing SLR to proceed with the recording of a Final Map with respect to the VTTM and to facilitate the construction of the improvements as contemplated under the terms of the Development Agreement. This Operating Memorandum will reduce certain uncertainties associated with the orderly development of the Project, provide for the effective and efficient development of public facilities, infrastructure and services, a wide range of housing types, densities and affordable housing options, and provide significant public benefits to the City and its residents. The parties acknowledge that a credit and reimbursement agreement will be duly approved and executed between the parties prior to the recording of the Final Map.

B. CLARIFICATIONS:

1) The Intersection of Dalidio Drive and:

a) **Froom Ranch Way** - In accordance with Section 6.03.1(c) of the Development Agreement, the City hereby allows as an interim design alternative the conceptual intersection as depicted in the attached Exhibit A. The interim design alternative will be shown as an acceptable alternative on the Final Map prior to recording.

Following January 1, 2020, and upon 60-day notice from City, SLR agrees to complete necessary acquisitions and begin construction of the Multilane Roundabout at Prado & Froom as approved in the Public Improvement Plans, prior to City Submission of the Draft Final Environmental Determination and Project Report to CalTrans. Following the 60-day notice from City, SLR agrees to substantially complete construction of the roundabout (such that there are no conflicts with interchange construction) on or before October 1, 2020.

The City's agreement hereunder shall be conditioned upon SLR posting a bond with the City in the amount reasonably estimated for the acquisition and construction of the ultimate roundabout improvements contemplated for said location. Nothing herein shall relieve SLR of the responsibility of constructing such improvements, including any costs associated with removal of any interim improvements, if necessary.

b) **Adjacent Off-Site Parking** - The City and SLR contemplate that off-site right of way acquisitions from either or both of the adjacent Embassy Suites and Madonna Plaza properties may impact existing parking on such properties, and the parties anticipate currently that such acquisitions are not likely to create a conflict with current zoning code minimum parking space requirements. In the event that a future conflict is identified, the City shall diligently review a Minor Use Permit submitted to (i) reduce the parking requirements for such properties and/or Lot 9 of the VTTM and/or (ii) allow shared parking between such properties with the goal that such off-site acquisitions will not inhibit future development of those properties or otherwise affect their development value. Nothing herein shall be deemed to be a pre-committal on the part of the City to approval such Minor Use Permit.

c) **Madonna Road** - The City will allow interim improvements to be constructed at the intersection of Dalidio Drive and Madonna Road that do not require off-site acquisitions from the adjoining U.S. Postal Office as the processing time for acquisition of federal property could unreasonably delay the project. Prior to approval of such interim improvements SLR shall complete the intersection design in accordance with its mitigation measures and conditions of approval and enter into an off-site acquisition agreement with the City which shall include an estimated schedule on-time performance measures.

Nothing herein shall relieve SLR of the responsibility for construction of its mitigation and conditions of approval requirements, including any costs associated with removal of any such interim improvement, if actually constructed and shall post bonds in an amount sufficient to construct SLR's approved PIP improvements.

d) **Prado Road Interchange: Various Access/Drainage/Aesthetic area reservations on Hotel and Office Lots** - There shall be a reservation of easements, both temporary and permanent, to construct and maintain necessary structures, access easements, maintenance easements, flood control and treatments infrastructure and the Prado Road interchange, which shall minimize to the greatest extent feasible any permanent easements on the Hotel (VTTM Lot 8) and Office (VTTM Lot 9) Lots. No slopes shall be constructed and no slope easements shall be reserved or required on VTTM Lots 8 or 9 with respect to the support of the contemplated Prado interchange/bridge improvements. SLR shall work cooperatively with the City and

CalTrans for the design and construction of the structures required for the Prado interchange/bridge improvements, which such costs shall be included in the cost of the bridge and overpass improvements. The City shall reasonably consider SLR's reservation of parking and access easements to Lot 303 under the proposed overpass unless the area is needed for implementation of the Prado Road Interchange or if such reservations would impair necessary flood conveyance/treatment, and subject to approval by CalTrans. SLR shall have the right to reserve easements for parking and access to Lot 303 under the proposed overpass if reasonably feasible.

Regarding the Prado Road Interchange, the City agrees to notify and meet with SLR if any material changes occur that may affect the interface between the interchange and SLR properties, at key project mile stones, and City shall include SLR in the review of the Draft Environmental Determination, Draft Project Report, and Project Plans & Specification materials. The City agrees to accommodate meeting, status updates, and information requests from SLR that are within its authority. The City will endeavor to include SLR in all relevant meetings it hosts with CalTrans, however nothing in this agreement should be construed to commit or obligate the State to attendance.

2) Left Turn Access to Retail and Hotel Lots - Mitigation measure T1(i) requires access restrictions on Prado/Dalidio and Map Condition #10 requires dedication of access rights to the City along Madonna, Dalidio, Prado, and Froom Ranch Way. The City agrees to reasonably consider the approval of design exceptions for left turn in only lanes/pockets submitted by SLR, which shall not be unreasonably withheld, delayed, or conditioned except as required within the context of public health and safety and applicable standards and design guidelines.

3) Oversizing of Facilities & Infrastructure, including Off-Site and On-Site Roundabout Design and Protected Bike Intersections: Per Section 6.02.2 Oversizing of project Facilities & Infrastructure of the San Luis Ranch Development Agreement, the City will reasonably consider reimbursement and/or fee credits for costs & expenses associated with oversized public facilities, including without limitation, Roundabouts and/or Protected Bike Intersections design elements required by the City that are above and beyond the applicable express standards and/or design guidelines.

For each design element, request for reimbursement and/or fee credits shall be made in writing and include the following:

- a. Identify FMAP #, Submittal #, & City Comment #.
- b. Identify the applicable mitigation measure/condition of approval, and the standard and/or design guideline document associated with the oversized design element.
- c. Identify the FMAP #, Page #, and provide a brief description of where and how the associated changes have been made.
- d. Provide supporting explanation on how the design element is oversized.
- e. Provide a line item accounting of the cost difference between baseline requirement and oversized requirement.

4) Reimbursement of excess costs above SLR Fair Share Obligations – LOVR/Froom Ranch Way and Tank Farm and Higuera Right Turn – Section 5.03.2(e)

provides that in the event that SLR installs infrastructure improvements beyond its “fair share” obligations, then the City would “provide credits against any fees charged by the City for such improvements beyond the Project’s “fair share” obligation and to provide reimbursements, funded by Development Impact Fees paid by other developers, including traffic impact fees, or funded from other sources, but excluding sewer and water connection fees.” With regard to Froom Ranch Way and LOVR Intersection Widening, SLR’s fair share is 20%, and with regard to Higuera & Tank Farm Road, SLR’s fair share is 5%. With respect to Higuera & Tank Farm Road, Mitigation measure T-1(g) requires a channelized 230’ NB right turn pocket to be constructed as part of SLR offsite mitigation requirements. The parties acknowledge that it is unlikely that others shall construct such improvements. SLR has agreed that it will design, acquire right-of-way, and construct such improvements. The City, however, has concluded that these improvements were not included within the City’s Citywide Transportation Impact Fee in a manner that would allow the City to provide fee credits as contemplated by Section 5.03.2(e) of the Development Agreement. In light of the foregoing the parties agree as follows:

a) With the exception of Improvements at Froom & LOVR, the City shall present to City Council for consideration an update of the Citywide Transportation Impact Fee program incorporating the above described improvements and their costs, currently scheduled for July 2, 2019.

(i) Costs for consideration of inclusion in the fee program shall be limited to engineering, right of way acquisition, and construction.

(ii) Any general fund reimbursements that may arise as a result of inclusion in the fee program shall not be recommended for appropriation before fiscal year 2024-25.

b) For Improvements at Froom & LOVR the City shall prepare the necessary Travel demand modeling & AB1600 nexus studies and present to Council for consideration of inclusion into the fee program and corresponding development agreement amendments, currently scheduled for October 1, 2019, to include the following:

(i) Costs for consideration of inclusion in the fee program shall be limited to only engineering, construction, and right of way acquisition of mitigation measure T-2(f). All costs associated with the protected bicycle intersection elements shall not be considered for inclusion in the fee program.

(ii) SLR shall provide line item construction cost estimates and corresponding schematic of improvements specific to mitigation measure T-2(f) excluding bicycle protected intersection elements.

(iii) SLR shall fund, via a development services agreement, the necessary travel demand modeling & AB1600 nexus studies.

(iv) Any general fund reimbursements that may arise as a result of inclusion in the fee program shall not be recommended for appropriation before fiscal year 2024-25.

c) If the Council Adopts the impact fee amendments as described above, SLR agrees to process an amendment of Sections 5.03.2(b)(1)(i) and 5.03.2(b)(2)(i) of the Development Agreement to include the amount of the increase in the Transportation DIF fee resulting from the City's inclusion of such improvements in the Citywide Transportation Impact Fees as contemplated in section 4(a) of this Operating Memorandum (i.e., the amount of change in the Transportation Impact Fees from the 2018 DIF Update to the amount of the new Transportation Impact Fees resulting from the City's inclusion of such improvements in the Transportation Impact Fees) as an element of the Vested DIF (i.e., the amount of the Vested DIF shall be increased by the change resulting from the inclusion of such improvements in the Citywide Transportation Fees).

d) If the Council Adopts the transportation impact fee amendment as described above SLR shall be entitled to transportation impact fee crediting for project costs as adopted within the updated transportation impact fee program.

e) Any further requests for additions of eligible costs into the Citywide Transportation Impact Fee program shall require renegotiation of the Development Agreement.

5) Off-Site Dedications: The City agrees that the completion, bonding, or waiver, as provided in the Development Agreement, of Off-Site Dedications for purposes of the contemplated construction of improvements at the property shall be deemed, in all instances, to be a condition for the issuance of occupancy permits, and not building or construction permits as allowed under the Development Agreement, and to avoid undue delay, prejudice and additional costs to SLR. Further, for purposes of completion of such Off-Site Dedications, SLR shall be deemed to have satisfied the same if: (i) the Off-Site areas to be acquired for dedication have been appraised; (ii) a reasonable purchase offer has been made to the landowner based upon such appraisal; and (iii) the purchase offer has been rejected, refused or ignored. For avoidance of doubt, SLR agrees that (i) no rental units shall be rented and (ii) there shall be no close of escrow to a future homebuyer of any for sale residential unit until the construction of such improvements has been completed, bonded for, or waived in accordance with the Development Agreement. SLR shall include such restriction in any sales of undeveloped land to any future builders.

6) Extension of 101 off-ramp at LOVR: SLR EIR mitigation measure T-2(g) requires the extension of the SB left turn pocket at LOVR & US 101 SB Ramps, as described in the EIR. SLR has agreed to submit to CalTrans an alternative configuration of a two-lane offramp configuration in lieu of mitigation measure T-2(g) provided CalTrans accepts design exceptions as necessary to make a two-lane offramp configuration cost comparable to the improvements contemplated by mitigation measure T-2(g). If CalTrans does not accept the design exceptions necessary to make the two-lane offramp configuration cost comparable to the improvements described in mitigation measure T-2(g) as submitted by SLR (the "Submission"), the City shall accept implementation of the Submission as SLR's full and complete satisfaction of such mitigation measure.

7) Relocation of Small Billboards for Prado Interchange: SLR and City agree that under the terms of the Agricultural Conservation Easement approved by the City, that the small billboards located at the site of the proposed Prado Interchange are Improvements which the terms of the easement allowed to be relocated. To the extent that such relocation requires further review and approval of the City under City Ordinance Section 15.40.600, the City shall

not unreasonably delay such review by the Community Development Director under Section 15.40.480 and/or the Architectural Review Commission if so required.

8) Offer of Dedication Large Billboard Location: SLR shall dedicate the portion of Lot 309 required for the Prado Interchange/Southbound ramp in accordance with the express provisions of Section 6.02.3(b) of the Development Agreement. SLR agrees to submit a draft ordinance for City Attorney and City Manager review, and for Council consideration for the sole and limited purpose of relocating the Large Billboard on the Dalidio property.

9) Relocation of Very Low Income Residential Units: SLR proposes to work with Peoples' Self-Help Housing for construction of the Project's affordable housing units, as follows: the 26 units proposed to be located on NG-30 would be relocated to VTTM Lot 7 and constructed in conjunction with 34 units proposed thereon as part of mixed use project on VTTM Lot 7. The City shall reasonably consider and diligently process an application to facilitate such proposal. In the event that SLR determines that such proposal is infeasible or if the City does not approve the moving of the 26 affordable units from the NG-30 site, then SLR will build the 26 affordable units on NG-30 and shall either (i) pay the affordable housing fee in lieu of construction of the 34 units or (ii) construct the 34 units on or offsite as allowed by the Development Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

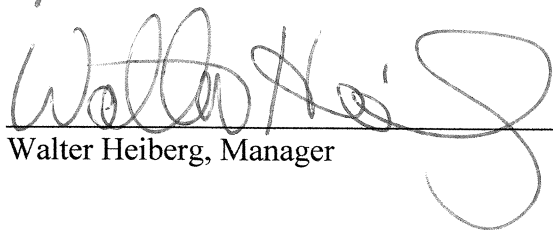
FOR City:

Date: 5-8-19


Derek Johnson, City Manager

FOR SLR:

Date: 5-7-19


Walter Heiberg, Manager

APPROVED AS TO FORM:


J. CHRISTINE DIETRICK
City Attorney

"Exhibit A"

ROUNDABOUT / HOOK RAMP
ACCESS

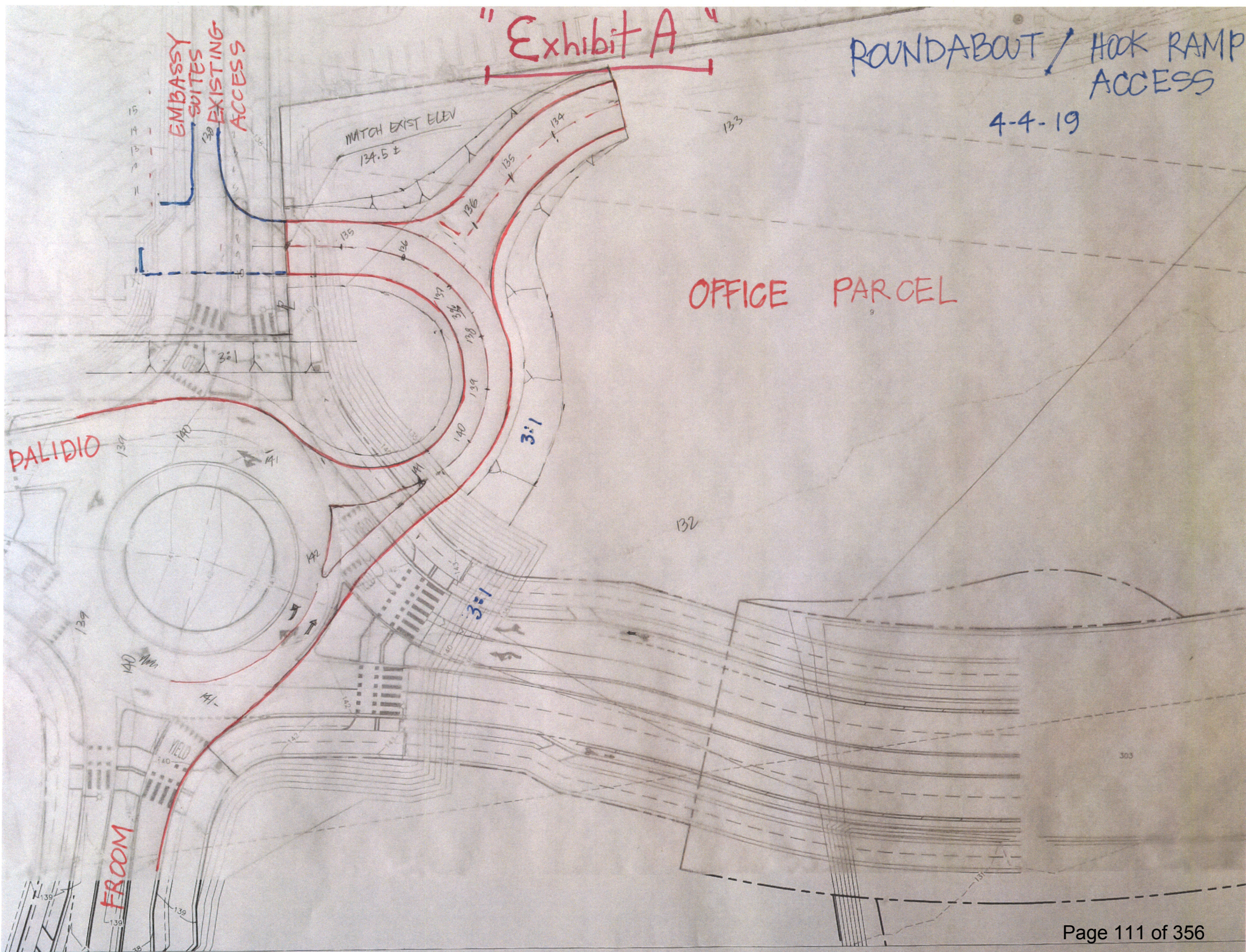
4-4-19

OFFICE PARCEL

EMBASSY
SUITES
EXISTING
ACCESS

PALIDIO

FROM



**OPERATING MEMORANDUM NUMBER TWO
BETWEEN
THE CITY OF SAN LUIS OBISPO
AND MI SAN LUIS RANCH, LLC**

The Development Agreement by and among the City of San Luis Obispo (the “City”) and MI San Luis Ranch LLC (“SLR”) dated as of on or about September 18, 2018, and which became effective on October 18, 2018 (the “Development Agreement”), provides in Section 9.03 of the Development Agreement that compliance with the requirements of the San Luis Ranch Specific Plan (the “Specific Plan”), the Conditions of Approval (the “Conditions of Approval”) for the San Luis Ranch Project (the “Project”), the conditions of approval for Vesting Tentative Tract Map. No. 3096 (the “VTTM”), and provisions of the Development Agreement (collectively, the Specific Plan, the Conditions of Approval, the VTTM, and the Development Agreement may be referred to collectively as the “Project Approvals”) require a close degree of cooperation between the City and SLR and refinements and further development of the Project may demonstrate that clarifications are appropriate with respect to the details of performance. The Development Agreement further provides that if and when City and SLR agree that such clarifications are necessary or appropriate, they may effect such clarifications through operating memoranda approved by the City and SLR.

With this Operating Memorandum, City and SLR wish to clarify certain conditions in the Project Approvals in order to carry out the intent of the City and SLR with respect to the design and development of the Project. Capitalized terms used in this Operating Memorandum shall carry the same definitions as those set forth in the Development Agreement.

A. PURPOSE:

The purpose of this Operating Memorandum is to identify a basic framework between the City and SLR, for allowing SLR to proceed with the recording of a Final Map with respect to the VTTM and to facilitate the construction of the improvements as contemplated under the terms of the Development Agreement. This Operating Memorandum will reduce certain uncertainties associated with the orderly development of the Project, provide for the effective and efficient development of public facilities, infrastructure and services, a wide range of housing types, densities and affordable housing options, and provide significant public benefits to the City and its residents.

The City and SLR previously entered into Operating Memorandum No. 1, which addressed certain issues listed below. This Operating Memorandum No. 2 is intended to provide further clarity on these points.

The City anticipates that the City Council will consider a Resolution regarding the CEQA Addendum and updated traffic study discussed herein at its August 18, 2020 meeting and the City Manager will also update the Council on Clarifications agreed to in this Operating Memorandum by the City Manager as provided in the Development Agreement.

B. CLARIFICATIONS:

1) Future Dedication of Large Billboard Location: SLR shall dedicate Lots 303, 307, 308, 309, and 311 required for the Prado Interchange/Southbound ramp in accordance with the express provisions of Section 6.02.3(a) of the Development Agreement. SLR shall retain

Lot 310, which includes the Large Billboard. SLR shall place a covenant in favor of the City against Lot 310 prohibiting the construction of any new structures on Lot 310, except as expressly permitted under the City's nonconforming structures ordinance. In the event that CalTrans ever requires Lot 310 or any portion thereof for construction of the Prado Interchange/Southbound ramp, then SLR shall dedicate Lot 310 to CalTrans in its then current condition.

2) Roundabout Right of Way: SLR has engaged in direct conversations, both in conjunction with the City and separately, with the owner of the Embassy Suites property (the "Embassy Suites Owner") for acquisition of additional public right of way necessary for the roundabout required by the City (the "Roundabout Right of Way"). SLR has presented both market appraisals and offers to the Embassy Suites Owner that exceed the value of the area for the Roundabout Right of Way shown on the appraisals, but the Embassy Suites Owner has declined such offers. The City acknowledges that SLR has used and is continuing to use reasonable good faith efforts to secure such necessary Roundabout Right of Way. Upon notification from SLR that SLR has exhausted all reasonable good faith efforts to secure such necessary Roundabout Right of Way together with documentation regarding such efforts, the City shall, within thirty (30) days of the date of such submission, make a determination of how to proceed with regard to the Roundabout Right of Way in accordance with Section 6.03.1(b) of the Development Agreement.

3) Higuera and Tank Farm Road: Under the original EIR, the SLR Project was responsible for 5% of the need for additional traffic improvements at the intersection of Higuera and Tank Farm Road. The original conditions of approval contemplated that SLR would fund and construct improvements to extend the northbound right-turn pocket length, subject to reimbursements for costs exceeding the Project's fair share obligation. Subsequent changes to the SLR Project land use plan have reduced the total amount of traffic anticipated to be generated by the SLR Project. An updated traffic study prepared by a qualified transportation engineering professional has concluded that with these changes to the SLR Project, the northbound right-turn pocket improvements are no longer warranted at this time. Notwithstanding this reduction, SLR has agreed to continue to fund future improvements at this intersection in the amount of Forty-two Thousand Five Hundred Dollars (\$42,500), which reflects SLR's prior fair share obligation as identified on Table 3 of the San Luis Ranch Financing Plan. This fee will be paid at the time of recordation of the final map for Tract 3096. Upon payment of such fee, all conditions and mitigation measures related to this intersection shall be deemed satisfied in full, as outlined in the accompanying CEQA addendum. Either the City or another entity selected by the City will undertake such improvements at a time in the future to be determined by the City in its sole discretion. The City shall use its best efforts to consider and adopt a resolution to remove any conditions of approval inconsistent with this paragraph.

4) Cost Reimbursement Issues: Since the execution of the Development Agreement, the public infrastructure costs being allocated to the SLR Project have increased over Ten Million Dollars (\$10,000,000) beyond what was contemplated in the Development Agreement. In addition, pursuant to the Development Agreement, the City was to reimburse SLR for oversized or excess public infrastructure being installed by SLR beyond SLR's fair share in the amount of Two Million Dollars (\$2,000,000).

(a) The Parties have agreed that SLR's payment toward the Prado Interchange shall be reduced by Two Million Dollars (\$2,000,000) in lieu and in full satisfaction of the City's Two Million Dollar (\$2,000,000) reimbursement obligation described above.

(b) The City and SLR will agree to work in good faith to negotiate a private reimbursement agreement with other benefitted properties in amount equal to about 50% of the cost of 24" sewer line identified as item #24 on Table 3 of the San Luis Ranch Financing Plan.

(c) Other than the reimbursements set forth in items (a) and (b) above, SLR agrees to not seek any additional reimbursements notwithstanding anything to the contrary in the Development Agreement.

5) Affordable Housing Development:

As provided in Operating Memorandum No. 1, SLR is continuing to pursue the relocation of the Project's affordable housing units originally contemplated for NG-30 (Tract 3150) to VTTM Lot 7 for inclusion in a mixed use project on Lot 7. In order to facilitate potential grant funding to assist in construction of the Prado Interchange, SLR has submitted an application to the City to increase the total number of affordable units to be constructed on VTTM Lot 7 from 34 to between 64 and 77 units. The City shall reasonably consider and diligently process an application to facilitate such proposal.

SLR agrees that it will transfer the portion of VTTM Lot 7 identified for the affordable housing development (currently identified as Lot 11) (the "Affordable Lot") to Peoples' Self Help Housing (the "Affordable Developer"), subject to a deed restriction that requires the Affordable Developer to build a minimum of 64 affordable housing units with a mix of affordability at both the low and very low income levels. Per Planning Commission Resolution No. PC-1006-20, the Community Development Director is authorized to modify the base inclusionary housing requirement to allow the transfer of 26 very-low income units from the NG-30 site (Tract 3150) to the VTTM Lot 7 if the City Council approves the transfer as part of its action on the VTTM Lot 7 project. The timing and other development requirements shall be as set forth in an Affordable Housing Regulatory Agreement, which the parties shall negotiate in good faith in conjunction with the transfer of the Affordable Lot to the Affordable Developer.

SLR will consider converting 25 units on Lots 3 and 4 of Tract 3150 (the loft efficiency units) to moderate affordable units, which would bring the total number of affordable units to 15% of the Project's total units.

The City anticipates that it may receive grant funds of up to approximately Seven Million Dollars (\$7,000,000) due to these changes to the SLR Project. In the event that the City secures such grant funding prior to January 15, 2021, the City agrees to allocate up to a total amount of Two Million Dollars (\$2,000,000) (the "Affordable Subsidy") at the rate of \$80,000 per unit, to SLR to partially offset the costs associated with the development of moderate income units on Lots 3 and 4 of Tract 3150, described above. Alternatively, the City may fund the Affordable Subsidy from other affordable housing fees previously collected by the City. The Affordable Subsidy shall be remitted to SLR no later than February 28, 2021. In the event that the City does not remit the Affordable Subsidy by such date, the units on Lots 3 and 4 of Tract 3150 may be offered as market rate units.

The timing of construction and/or completion of the affordable units on Lots 3 and 4 of Tract 3150 shall not be a condition precedent to issuance of building permits or certificates of occupancy, as applicable, for the other Lots in Tract 3150, including the town home lots (Lots 5, 6, and 7), the condominium lots (Lots 1 and 2), the clubhouse lot (Lot 8), or the common-area improvements (Lots 9 and 10).

In the event that SLR in its sole judgment determines that such proposal is infeasible, or if the City does not approve SLR's application, then the terms of Operating Memorandum No. 1 shall control.

6) Extension of 101 Southbound Off-ramp at LOVR: As a supplement to the provisions of Operating Memorandum No. 1 related to this intersection, SLR, the City, and CalTrans have discussed implementing the original design submitted by SLR consistent with the original mitigation measure and approvals as well as interconnecting the existing traffic signals at the 101 off-ramp/LOVR and the LOVR/Calle Joaquin intersections to provide CalTrans with the ability to coordinate the timing of these signals to reduce potential back-up onto US 101. SLR will fund such interconnectivity up to Ten Thousand Dollars (\$10,000), payable at final map recordation.

7) Prado and South Higuera Road Intersection Improvements: Under the original EIR, the SLR Project was responsible for 10% of the need for additional traffic improvements at the intersection of Prado and South Higuera Road. The original conditions of approval provided that SLR would install the contemplated improvements, subject to reimbursements. Subsequent changes to the SLR Project land use plan have reduced the total amount of traffic anticipated to be generated by the SLR Project. An updated traffic study prepared by a qualified transportation engineering professional has concluded that with these changes to the SLR Project, the intersection improvements are no longer warranted at this time. Changes to the SLR Project have reduced the need for such improvements to a level of less than significance. Notwithstanding this reduction, SLR has agreed to continue to fund future improvements at this intersection in the amount of Seventy-five Thousand Dollars (\$75,000), which reflects SLR's prior fair share obligation as identified on Table 3 of the San Luis Ranch Financing Plan. This fee will be paid at the time of recordation of the final map for Tract 3096. Upon payment of such fee, all conditions and mitigation measures related to this intersection shall be deemed satisfied in full, as outlined in the accompanying CEQA addendum. Either the City or another entity selected by the City will undertake such improvements at a time in the future to be determined by the City in its sole discretion. The City shall use its best efforts to consider and adopt a resolution to remove any conditions of approval inconsistent with this paragraph.

8) CFD Bonding Issues. In reviewing the issuance of bonds for the SLR Project's CFD, the City will allow a bond sale or sales in an amount not to exceed the amount stated in the Rate & Method of Apportionment (RMA) dated April 2, 2019, provided that the total special tax rate will not exceed that stated in the RMA. All funds generated by the bond issuance for the CFD shall be used to support the development of the public infrastructure required by the SLR Project as set forth in the RMA and the Development Agreement. To the extent that unspent funds accrue from Special Tax revenue (referred to as "Paygo Funds" meaning the use of special tax revenue to directly fund the cost of acquisition, construction, and improvement of authorized facilities not financed by bonds, as part of an acquisition agreement with the City), any such Paygo Funds shall be allocated on a 50-50 split between costs attributable to SLR and costs attributable to the City.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

FOR City:

Date: 8-7-2020

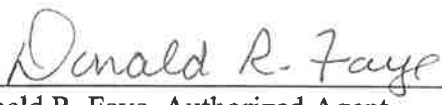


Derek Johnson, City Manager

FOR SLR:

MI SAN LUIS RANCH, LLC,
a Delaware limited liability company

Date: 8-7-2020

By: 

Donald R. Faye, Authorized Agent

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF
THE MANAGEMENT COMMITTEE
OF
MI ENTITLEMENT IV, LLC**

- Authority to Act

THE UNDERSIGNED, being the sole representative of the Management Committee of MI Entitlement IV, LLC, a Delaware limited liability company (the “Company”), acting pursuant to the provisions of the Limited Liability Company Agreement of the Company dated February 11, 2014, as amended by that certain First Amendment to Limited Liability Company Agreement of the Company dated as of February 11, 2014; as further amended by that certain Second Amendment to Limited Liability Company Agreement of the Company dated as of April 22, 2015; and as assigned pursuant to that certain Assignment and Assumption of Membership Interest (MI Entitlement IV, LLC) dated as of February 12, 2020 (“Assignment Agreement”) (collectively, the “Operating Agreement”), hereby adopts the following actions by written consent:

WHEREAS, pursuant to the Assignment Agreement, all right, title and interest in the Company and its entire membership interest and voting rights therein were assigned by GGCCB, LLC, a California limited liability company, to Presidio Merced Land IV Passive, LLC, a Delaware limited liability company (“PML4P”), leaving PML4P as the sole member and manager of the Company.

WHEREAS, pursuant to Section 5.5 and Sections 5.6.9 and 5.6.27 of the Operating Agreement, the Management Committee of the Company has the right to approve all Major Decisions concerning the business and affairs of the Company, including the approval of any document that is to be recorded against any property owned by any Subsidiary LLC and any matter which under the terms of a Subsidiary LLC agreement requires the approval of the Company or of the manager of a Subsidiary LLC;

WHEREAS, the Company, acting as Manager of **MI SAN LUIS RANCH, LLC**, a Delaware limited liability company, (“SLR”) believes it to be in the best interests of SLR to authorize Donald R. Faye to executed certain documents as more specifically set forth in the Action by Unanimous Written Consent of the Manager of MI San Luis Ranch, LLC, attached hereto as Exhibit “A” (the “Manager Consent”);

WHEREAS, SLR is a Subsidiary of the Company;

WHEREAS, the Company, acting as Manager of SLR, believes it to be in the best interests of SLR, to acknowledge and accept Donald R. Faye as an authorized agent of the Company, on behalf of SLR as more specifically set forth in the Manager Consent; and

WHEREAS, the Management Committee finds it to be in the best interests of the Company to approve the acts of the Company set forth in the Manager Consent.

NOW THEREFORE BE IT RESOLVED that the attached Manager Consent is approved, and the Company, as Manager of SLR, a Subsidiary LLC of the Company, is authorized to execute that certain Manager Consent attached hereto as Exhibit "A".

IN WITNESS WHEREOF, the undersigned has executed this Action by Unanimous Written Consent effective as of July 22, 2020.

MANAGEMENT COMMITTEE:


DONALD R. FAYE

EXHIBIT “A”
“MANAGER CONSENT”

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF
THE MANAGER
OF
MI SAN LUIS RANCH, LLC**

- Acknowledgement of Authority for Donald R. Faye to Sign

THE UNDERSIGNED, being the Manager of MI San Luis Ranch, LLC, a Delaware limited liability company (the "Company"), formerly known as MI Dalidio, LLC, acting pursuant to the provisions of the Limited Liability Company Agreement of the Company dated January 9, 2014, as amended by that certain First Amendment to Limited Liability Company Agreement of Company dated as of May 8, 2014 (collectively, the "Operating Agreement"), hereby adopts the following actions by written consent:

WHEREAS, pursuant to Section 3.2 of the Operating Agreement, the Manager of the Company shall have the authority to bind the Company to any third party with respect to any matter;

WHEREAS, the Manager finds it to be in the best interests of the Company to authorize Donald R. Faye to execute, as Authorized Agent of the Company, the final map and any and all recordable documents, instruments, statements or similar items related thereto in connection with the Company's mapping of all or a portion of the property owned by the Company (the "Property").

NOW THEREFORE BE IT FURTHER RESOLVED, Donald R. Faye is hereby authorized by the Manager to sign and execute documents described herein on behalf of the Company as may be applicable to the process of mapping the Property.


IN WITNESS WHEREOF, the undersigned has executed this Action by Unanimous Written Consent effective as of July 22, 2020.

MANAGER:

MI ENTITLEMENT IV, LLC
a Delaware limited liability company

By: Presidio Merced Land IV Passive, LLC
a Delaware limited liability company

Its: Manager

By: 
Michael M. Sullivan
Its: Authorized Representative

**OPERATING MEMORANDUM NUMBER THREE
BETWEEN
THE CITY OF SAN LUIS OBISPO
AND MI SAN LUIS RANCH, LLC**

The Development Agreement by and between the City of San Luis Obispo (the “City”) and MI San Luis Ranch LLC (“SLR”) dated as of on or about September 18, 2018, and which became effective on October 18, 2018 (the “Development Agreement”), provides in Section 9.03 of the Development Agreement that compliance with the requirements of the San Luis Ranch Specific Plan (the “Specific Plan”), the Conditions of Approval (the “Conditions of Approval”) for the San Luis Ranch Project (the “Project”), the conditions of approval for Vesting Tentative Tract Map. No. 3096 (the “VTTM”), and provisions of the Development Agreement (collectively, the Specific Plan, the Conditions of Approval, the VTTM, and the Development Agreement may be referred to collectively as the “Project Approvals”) require a close degree of cooperation between the City and SLR and refinements and further development of the Project may demonstrate that clarifications are appropriate with respect to the details of performance. The Development Agreement further provides that if and when City and SLR agree that such clarifications are necessary or appropriate, they may implement such clarifications through operating memoranda approved by the City and SLR.

Capitalized terms used in this Operating Memorandum shall carry the same definitions as those set forth in the Development Agreement.

A. PURPOSE:

The purpose of this Operating Memorandum is to clarify how the Parties will implement the final funding of the Prado Overpass improvements, described in Exhibit C to the Development Agreement as the Prado Road/US 101 Interchange and North Bound Ramps (Exhibit C, Table 3, Item 4) and Prado Southbound Ramps (Exhibit C, Table 3, Item 5), collectively, the “Prado Overpass Improvements”). The final cost estimate for the Prado Overpass Improvements, as of the date of this Agreement, have been established at One Hundred One Million Four Hundred Eighty-Three Thousand One Hundred Dollars (\$101,483,100.00) and SLR’s share of the Prado Overpass Improvements (the “Prado Road Interchange Mitigation Fee”) is Twenty-Eight Million Four Hundred Fifteen Thousand Two Hundred Sixty-Eight Dollars (\$28,415,268.00) which is equal to 28% of \$101,483,100.00.

Section 5.04.6 of the DA provides that SLR shall pay its portion of the Prado Road Interchange Mitigation Fee prior to the issuance of occupancy permits within the Specific Plan Area that generate a cumulative total of 233 PM Peak Hour Trips. The Parties acknowledge that the City has issued occupancy permits that exceed this threshold and that such action does not constitute a waiver by the City of any related breach or alleged breach of the Development Agreement by SLR, nor does such action constitute any waiver by the City of remedies for any breach of the Development Agreement, all of which are expressly acknowledged and reserved to the City.

The parties intend through this Operating Memorandum to confirm the final contribution amount from SLR for its share of the Prado Road Interchange Mitigation Fee and to document the method and timing for payment.

The City and SLR previously entered into Operating Memorandum No. 1, Operating Memorandum No. 2, Administrative Amendment No. 1, and Administrative Amendment No. 2,

to address certain items with respect public improvements associated with the recordation of Final Subdivision Maps for the Project.

B. CLARIFICATIONS:

1) Prado Overpass improvements: The Parties acknowledge that the final cost for the Prado Road Overpass Improvements for purposes of the DA is One Hundred and One Million Four Hundred Eighty-Three Thousand One Hundred Dollars (\$101,483,100.00), and SLR's responsibility under the DA of this is Twenty-Eight Million, Four Hundred Fifteen Thousand Two Hundred Sixty-Eight Dollars (\$28,415,268.00), which shall be satisfied as follows:

A. In Operating Memorandum No. 2, the City acknowledged and agreed that "SLR's payment toward the Prado Interchange shall be reduced by Two Million Dollars (\$2,000,000) in lieu and in full satisfaction of the City's Two Million Dollar (\$2,000,000) reimbursement obligations" for oversized or excess public infrastructure described in Operating Memorandum No. 2.

B. The City acknowledges and agrees that SLR is entitled to reimbursements for additional public infrastructure in the amount of Two Million Three Hundred Ninety-Six Thousand Five Hundred Fourteen Dollars and Fifty-Eight Cents (\$2,396,514.58), which such amount shall be applied as a credit to SLR's share of the Prado Road Interchange Mitigation Fee. These reimbursements include One Million Nine Hundred Fifty-Six Thousand Eight Hundred Forty-Eight Dollars and Twenty-Three Cents (\$1,956,848.23) eligible for the LOVR/ Froom Intersection improvements and Four Hundred Thirty-Nine Thousand Six Hundred Sixty-Six Dollars and Thirty-Five Cents (\$439,666.35) eligible for the Froom Ranch Way Widening infrastructure. Such amounts have been documented through contracts and cancelled checks provided to the City on November 9, 2023.

C. SLR shall remit to the City the sum of Fourteen Million One Hundred Twenty-One Thousand Seventy-Two Dollars and Seventy-Six Cents (\$14,121,072.76) within five (5) business days of the mutual execution of this Operating Memorandum.

D. The Parties acknowledge and agree that the City is currently holding funds generated from the Project's Community Facilities District ("CFD") in the amount of Nine Million Eight Hundred Ninety-Seven Thousand Six Hundred Eighty Dollars and Sixty-Six Cents (\$9,897,680.66). Pursuant to Section 11 of that certain Funding, Construction and Acquisition Agreement, dated as of October 20, 2020, between the City and SLR (the "Funding, Construction and Acquisition Agreement"), SLR hereby requests, and the City hereby agrees, to apply such amount as a credit toward SLR's Prado Road Interchange Mitigation Fee. Upon application of such amount for such purpose, SLR agrees that it shall have no further right under the Funding, Construction and Acquisition Agreement or any other document to request disbursements, credits or reimbursements from the proceeds of the City of San Luis Obispo Community Facilities District No. 2019-1 (San Luis Ranch) Special Tax Bonds, Series 2021. SLR further agrees that the City may request the trustee establish such separate subaccounts as may be necessary or desirable to effectuate such application of proceeds.

E. Application pursuant to the Funding, Construction and Acquisition Agreement of the amount of Nine Million Eight Hundred Ninety-Seven Thousand Six Hundred Eighty Dollars and Sixty-Six Cents (\$9,897,680.66), together with the remittance of Fourteen Million One Hundred Twenty-One Thousand Seventy-Two Dollars and Seventy-Six Cents (\$14,121,072.76)

and reimbursements of Two Million Three Hundred Ninety-Six Thousand Five Hundred Fourteen Dollars and Fifty-Eight Cents (\$2,396,514.58) noted in item B, shall together constitute full and final satisfaction of SLR's obligation under the Development Agreement related to the Prado Road Overpass Improvements and the Prado Road Interchange Mitigation Fee.

F. SLR shall retain the right to collect a "Gap Shortfall" (as defined in the Funding, Construction and Acquisition Agreement) from generated special taxes in excess of other obligations of the CFD, provided that the City shall not under any circumstance be obligated to pay SLR any amount in excess of funds actually collected by the City. In addition, SLR shall be entitled to all remaining non-applied public and private reimbursements. Lastly, should a 2nd bond sale take place, SLR shall be entitled to additional reimbursement, payment or credit from the revenues generated from the 2nd CFD bond sale in the manner and subject to the conditions specified in the Funding, Construction and Acquisition Agreement, and the City agrees to assist with the 2nd bond sale in a timely manner.

Promptly upon full execution of this Operating Memorandum, the City shall release any building permits or final Certificates of Occupancy that the City would have otherwise issued prior to this Operating Memorandum, but that been withheld pursuant to Section 5.04.6 of the Development Agreement.

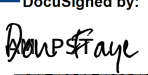
IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

FOR CITY OF SAN LUIS OBISPO:

Date: 11/15/2023 | 1:08 PM DocuSigned by:

798D822E72C34501
 Derek Johnson, City Manager

FOR MI SAN LUIS RANCH, a Delaware Limited Liability Company:

Date: 11/15/2023 | 7:42 PM DocuSigned by:

CAE185AE4325434...
 Donald R. Faye, Authorized Agent

2021014110

Tommy Gong
San Luis Obispo - County Clerk-Recorder
02/23/2021 11:11 AM

CONFORMED COPY

Copy of document recorded.
Has not been compared with original.

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

City of San Luis Obispo
c/o City Clerk
990 Palm Street
San Luis Obispo, CA 93401

Recording Fees Exempt Pursuant to
Government Code § 27383

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

FIRST ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT (the "First Administrative Amendment") is made in San Luis Obispo County, California as of February 17, 2021, by and between the City of San Luis Obispo, a California general law city ("City"), and MI San Luis Ranch LLC ("SLR"). The City and SLR may be referred to herein as a "Party" or, collectively, as the "Parties."

RECITALS

A. The City and SLR entered into that certain Development Agreement dated on or about September 18, 2018 (the "Development Agreement"), which was recorded against certain real property located within the City as described in the Development Agreement (the "Property") as Instrument No. 2018039139 in the San Luis Obispo Recorder's Office. All terms not specifically defined in this First Administrative Amendment shall have the meanings ascribed to them in the Development Agreement.

B. Section 9.04 of the Development Agreement provides that minor modifications to any Project Approval may be approved by the Planning Director through an Administrative Amendment where such amendments or modifications are both minor and substantially conform to the material terms of the Development Agreement.

C. In addition, Section 9.03 of the Development Agreement provides that because the implementation of the Project requires a close degree of cooperation between the Parties certain refinements and clarifications may be appropriate to facilitate the proposed development and that when the Parties agree that such clarifications are necessary or appropriate, the Parties may effect such clarifications through operating memoranda approved by the Parties. The Parties entered into two prior Operating Memoranda setting forth clarifications to the Project Approvals.

D. The Parties desire to enter into this Administrative Amendment to set forth the Parties' understanding and agreement with regard to changes in the location and quantity of affordable housing units within the Project, as approved by the Planning Commission (Resolution #PC-1006-20) and City Council (Resolution #11192), which changes the Planning Director has determined are minor and substantially conform to the material terms of the

Development Agreement and the Applicable Law and are appropriate to be memorialized in an Administrative Amendment.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are hereby incorporated into the operative provisions of this First Administrative Amendment by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and the SLR agree as follows:

Section 1. Affordable Housing Development:

(a) As of the date of this First Administrative Amendment, SLR has caused the Final Map for Tract 3150 (NG-30) to be recorded as Instrument No. 2020064761 in the San Luis Obispo Recorder's Office, and the City has approved a re-subdivision of VTTM Lot 7 as Tentative Tract Map 3142 ("TTM 3142").

(b) Tract 3150 Obligations. As described in the prior Operating Memoranda, with the approval of TTM 3142, the obligation to develop 26 very-low income units within Tract 3150 has been transferred to TTM 3142. The 26 units within Tract 3150 previously contemplated as affordable units may now be offered as market rate units. Tract 3150 shall continue to include 10 workforce housing units, as follows: (1) 6 efficiency units, of which two shall be ready for occupancy prior to the completion of the 60th unit (in building #3), one shall be included in each of building #4, building #5, and building #6; (2) 2 units in the stacked flat units, of which one will be ready for occupancy prior to the completion of the 48th unit (in building #4) and the second in the last building; and (3) 2 units in the townhome units, of which one will be ready for occupancy prior to completion of the 60th unit and the last by completion of the 75th unit.

(c) Tract 3142 Obligations. Tract 3142 shall contain a minimum of 64 affordable housing units with a mix of affordability at both the low- and very low-income levels. The timing and other development requirements shall be as set forth in an Affordable Housing Regulatory Agreement, which the Parties shall negotiate in good faith prior to recordation of the Final Map for Tract 3142. As set forth in Operating Memorandum Number 2, SLR agrees that it will transfer the Affordable Lot to the Affordable Developer subject to a deed restriction consistent with Operating Memorandum Number 2 and the Project Approvals. The Affordable Housing Regulatory Agreement will include a performance schedule for the Affordable Developer and limitations on the amount of commercial square footage that can be occupied within Tract 3142 prior to securing of financing for such affordable housing units.

Section 2. Miscellaneous Provisions.

(a) Entire Agreement. Except for the Development Agreement which this First Administrative Amendment amends, and the prior Operating Memoranda, this First Administrative Amendment represents the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the Parties with respect to the matters contained in this First Administrative Amendment.

(b) Section Headings. The section headings contained in this First Administrative Amendment are for convenience and identification only and may not be deemed to limit or define the contents to which they relate.

(c) Counterparts. This First Administrative Amendment may be executed in any number of counterparts, each of which will have the same force and effect as if executed in the form of an original single document.

(d) Waiver. No waiver of any provision of this First Administrative Amendment will be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought.

(e) Severability. If any term, covenant, condition or provision of this First Administrative Amendment, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction or rendered by the adoption of a statute by the State of California or the United States invalid, void or unenforceable, the remainder of the terms, covenants, conditions or provisions of this First Administrative Amendment, or the application thereof to any person or circumstance, will remain in full force and effect and will in no way be affected, impaired or invalidated thereby; provided that the invalidity or unenforceability of such provision does not adversely affect the benefits accruing to, or the obligations imposed upon, any Party to this First Administrative Amendment of the Development Agreement.

(f) No Reliance on Other Parties. All Parties to this First Administrative Amendment declare that, prior to the execution of this First Administrative Amendment, they have informed themselves of sufficient relevant data, either through experts or other sources of their own selection, and have sought and obtained legal counsel, in order that they might intelligently exercise their own judgment in evaluating the contents of this First Administrative Amendment and making the decision to execute it. The Parties each represent and acknowledge that in executing this First Administrative Amendment, they do not rely and have not relied upon any representation or statement not set forth herein made by any other Party to this First Administrative Amendment or their respective legal counsel with regard to the subject matter, basis or effect of this First Administrative Amendment.

(g) Construction. The provisions of this First Administrative Amendment will be liberally construed to effectuate its purpose. The language of this First Administrative Amendment will be construed according to its plain meaning and may not be construed for or against any Party, as each Party has participated in the drafting of this First Administrative Amendment and has had its legal counsel review it. Whenever the context and construction so require, all words used in the singular will be deemed to be used in the plural and vice versa.

(h) Successors and Assigns. This First Administrative Amendment and the Development Agreement that it amends are binding on and inure to the benefit of the Parties and their respective legal representatives, successors and assigns.

(i) Governing Law. The validity and interpretation of this First Administrative Amendment is governed by the laws of the State of California without giving effect to the principles of conflict of laws.

(j) Authorizations. Each Party certifies and warrants that all individuals executing this First Administrative Amendment and other related documents on its behalf have the capacity and have been duly authorized to do so.

(m) Impact of First Administrative Amendment on Development Agreement. Unless otherwise specifically amended by this First Administrative Amendment, all provisions of the Development Agreement and the Operating Memoranda are hereby ratified and remain in full force.

IN WITNESS WHEREOF, the Parties to this First Administrative Amendment have each executed this First Administrative Amendment as of the date first written above.

CITY:

CITY OF SAN LUIS OBISPO,
a municipal corporation of the State of California

By:



Michael Codron
Community Development Director

DEVELOPER:

MI SAN LUIS RANCH LLC
a Delaware limited liability company

By: MI ENTITLEMENT IV, LLC
a Delaware limited liability company
Its: Sole Member and Manager

By:



Donald R. Faye

Its: Authorized Agent

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF San Diego)

ss:

On February 17, 2021 before me, Janine Frei
Notary Public (insert name and title of the officer),

personally appeared - Donald R. Faye -, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Janine Frei

[Seal]



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF San Luis Obispo) ss:

On 2/22/21, 2021 before me, R. L. COX
Notary Public (insert name and title of the officer),

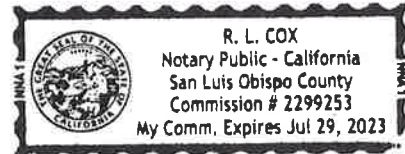
personally appeared Michael Codron, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

[Seal]



2021073927

Helen Nolan
San Luis Obispo - County Clerk-Recorder
11/03/2021 12:46 PM

CONFORMED COPY

Copy of document recorded.
Has not been compared with original.

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

City of San Luis Obispo
c/o City Clerk
990 Palm Street
San Luis Obispo, CA 93401

Recording Fees Exempt Pursuant to
Government Code § 27383

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

SECOND ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT (the "Second Administrative Amendment") is made in San Luis Obispo County, California as of 10/15, 2021, by and between the City of San Luis Obispo, a California general law city ("City"), and MI San Luis Ranch LLC ("SLR"). The City and SLR may be referred to herein as a "Party" or, collectively, as the "Parties."

RECITALS

A. The City and SLR entered into that certain Development Agreement dated as of on or about September 18, 2018 (the "Development Agreement"), which was recorded against certain real property located within the City as described in the Development Agreement (the "Property") as Instrument No. 2018039139 in the San Luis Obispo Recorder's Office. All terms not specifically defined in this Second Administrative Amendment shall have the meanings ascribed to them in the Development Agreement.

B. Section 9.04 of the Development Agreement provides that minor modifications to any Project Approval may be approved by the Planning Director through an Administrative Amendment where such amendments or modifications are both minor and substantially conform to the material terms of the Development Agreement.

C. The Parties desire to enter into this Administrative Amendment to set forth the Parties' understanding and agreement with regard to changes in the timing of notifications under the Local Preference Program set forth in Exhibit F of the Development Agreement, which changes the Planning Director has determined are minor and substantially conform to the material terms of the Development Agreement and the Applicable Law and are appropriate to be memorialized in an Administrative Amendment.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are hereby incorporated into the operative provisions of this Second Administrative Amendment by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and SLR agree as follows:

Section 1. Local Preference (“SLO Workers First”) Program.

The provisions of the Local Preference (“SLO Workers First”) Program set forth on pages 5 through 7, inclusive, of Exhibit F to the Development Agreement, shall be modified to read as set forth in Exhibit 1 to this Second Administrative Amendment, which is hereby incorporated herein by reference.

Section 2. Miscellaneous Provisions.

(a) Entire Agreement. Except for the Development Agreement which this Second Administrative Amendment amends, the First Administrative Amendment and the prior Operating Memoranda, this Second Administrative Amendment represents the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the Parties with respect to the matters contained in this Second Administrative Amendment.

(b) Section Headings. The section headings contained in this Second Administrative Amendment are for convenience and identification only and may not be deemed to limit or define the contents to which they relate.

(c) Counterparts. This Second Administrative Amendment may be executed in any number of counterparts, each of which will have the same force and effect as if executed in the form of an original single document.

(d) Waiver. No waiver of any provision of this Second Administrative Amendment will be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought.

(e) Severability. If any term, covenant, condition or provision of this Second Administrative Amendment, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction or rendered by the adoption of a statute by the State of California or the United States invalid, void or unenforceable, the remainder of the terms, covenants, conditions or provisions of this Second Administrative Amendment, or the application thereof to any person or circumstance, will remain in full force and effect and will in no way be affected, impaired or invalidated thereby; provided that the invalidity or unenforceability of such provision does not adversely affect the benefits accruing to, or the obligations imposed upon, any Party to this Second Administrative Amendment of the Development Agreement.

(f) No Reliance on Other Parties. All Parties to this Second Administrative Amendment declare that, prior to the execution of this Second Administrative Amendment, they have informed themselves of sufficient relevant data, either through experts or other sources of their own selection, and have sought and obtained legal counsel, in order that they might intelligently exercise their own judgment in evaluating the contents of this Second Administrative Amendment and making the decision to execute it. The Parties each represent and acknowledge that in executing this Second Administrative Amendment, they do not rely and have not relied upon any representation or statement not set forth herein made by any other Party

to this Second Administrative Amendment or their respective legal counsel with regard to the subject matter, basis or effect of this Second Administrative Amendment.

(g) Construction. The provisions of this Second Administrative Amendment will be liberally construed to effectuate its purpose. The language of this Second Administrative Amendment will be construed according to its plain meaning and may not be construed for or against any Party, as each Party has participated in the drafting of this Second Administrative Amendment and has had its legal counsel review it. Whenever the context and construction so require, all words used in the singular will be deemed to be used in the plural and vice versa.

(h) Successors and Assigns. This Second Administrative Amendment and the Development Agreement that it amends are binding on and inure to the benefit of the Parties and their respective legal representatives, successors and assigns.

(i) Governing Law. The validity and interpretation of this Second Administrative Amendment is governed by the laws of the State of California without giving effect to the principles of conflict of laws.

(j) Authorizations. Each Party certifies and warrants that all individuals executing this Second Administrative Amendment and other related documents on its behalf have the capacity and have been duly authorized to do so.

(k) Impact of Second Administrative Amendment on Development Agreement. Unless otherwise specifically amended by this Second Administrative Amendment, all provisions of the Development Agreement, the First Administrative Amendment, and the Operating Memoranda are hereby ratified and remain in full force.

IN WITNESS WHEREOF, the Parties to this Second Administrative Amendment have each executed this Second Administrative Amendment as of the date first written above.

[signatures begin on following page]

CITY:

CITY OF SAN LUIS OBISPO,
a municipal corporation of the State of California

By: 
Michael Codron
Community Development Director

DEVELOPER:

MI SAN LUIS RANCH LLC
a Delaware limited liability company

By: MI ENTITLEMENT IV, LLC
a Delaware limited liability company
Its: Sole Member and Manager

By: Presidio Merced Land IV Passive, LLC
a Delaware limited liability company, its Manager

By: 
Michael M. Sullivan
Its: Authorized Representative

EXHIBIT 1

LOCAL PREFERENCE (“SLO WORKERS FIRST”)

Section 1. Local Preference (“SLO Workers First”). SLR shall maintain an interest list for persons interested in purchasing or renting residences within the SLR SP area, and SLR shall take reasonable steps to publicize the existence of the list through local media outlets. SLR will give first preference to purchase or rent any residence within the SLR SP area to Local Employees identified on the interest list. Specifically, for purposes of this Section, the term “**Local Employee(s)**” shall include individuals who are employed by employers that are located in geographic areas that are customarily included in the City’s annual jobs-housing balance analysis in the City’s General Plan Annual Report, including the following zip codes: 93401, 93405 and 93407, and employees working within the City’s corporate limits and areas outside the City limits for employers such as Cal Poly, California Men’s Colony, Cuesta College, employers on agricultural lands within the Edna Valley area and business parks on South Broad Street (“**Local Employers**”). New employees to businesses in these geographic areas with bona fide employment offers will be considered Local Employees as well. SLR will maintain and update the interest list through full build-out of the Project. SLR will operate and administer this program as follows:

- (a) SLR shall maintain the interest list and shall separate and prioritize names of Local Employees based on interest in each Product Type. In addition to the notifications required in subsection (b), SLR shall not less than quarterly on March 1, June 1, September 1 and December 1 of each year provide a notification to all Local Employees on each interest list of the availability of all Product Types to afford Local Employees the opportunity to request movement to a different interest list.
- (b) Ninety days before a Product Type is released for sale, SLR shall notify Local Employees on the Product Type interest list of the opportunity to purchase or rent a residence on a lottery basis. To ensure equal opportunity for all Local Employees, the notification of Product Type available will be completed via electronic communication utilizing information provided on the Product Type interest list. Once notified, those individuals shall have 60 days to get pre-qualified to purchase or rent the residence and to provide SLR with proof that the individual is a Local Employee (i.e. paycheck or bona fide offer of employment from a Local Employer). Any and all such documentation provided to SLR shall be deemed confidential. A priority list will be established based on the timing of pre-qualification, except for the affordable units, which will be offered via lottery. If a Local Employee fails to get pre-qualified or fails to provide SLR with proof of local employment within the 60 day time period indicated above, then SLR may remove or put that name at the end of the interest list.
- (c) SLR agrees not to sell or rent any units within the Project to any individual without first offering the unit to Local Employees who are on the interest list for that Product Type. Upon exhausting all Local Employees on the interest list for the available Product Type, SLR agrees to give priority in the sale or rental of such units to individuals employed full-time by employers located in the County of San Luis Obispo (“**County Employee(s)**”). SLR shall notify County Employees on the interest list, pursuant to this subsection, of the opportunity to purchase or rent a residence on a lottery basis. The same methodology for notification and establishing a priority list

as identified in Section 4.1(b) shall be implemented. Once notified, those individuals shall have 60 days to get pre-qualified to purchase or rent the residence and to provide SLR with proof that the individual is a County Employee (i.e. paycheck or bona fide offer of employment from a local employer). Upon exhausting all Local Employees and County Employees on the interest list for the available Product Type, the unit may be offered to individuals who are employed outside the County of San Luis Obispo. Except as set forth in subsection (e) below, any and all such documentation provided to SLR pursuant to this subsection shall be deemed confidential.

(d) Nothing herein shall preclude SLR from notifying multiple Local Employees, or County Employees, of the opportunity to purchase or rent a residence, so long as SLR complies with all other provisions of this Section 4.1 Nor does anything herein preclude SLR from using a lottery to prioritize the purchase and sale or rental of a unit if demand by Local Employees, or County Employees, exceeds supply. Nothing herein shall preclude SLR from taking all reasonable actions necessary in order to facilitate the sale or rental of units within the Project provided such actions are consistent with the "SLO Workers First" preference program described in this Section. SLR shall, upon request, provide documentation to the City on its implementation of this preference program and provide City with the interest list and proof of employment for all sales made under this preference program.

(e) At the Director's request, not more than quarterly, SLR or its designee(s) shall provide a report to the Director to verify compliance with this Section.

City and SLR acknowledge that this preference program described above will accomplish three important objectives: (i) use new housing to address the current imbalance between existing jobs and housing; (ii) ensure that, to the maximum extent practicable, that the increased housing in San Luis Obispo results in a decline in the current commute traffic; and, (iii) reduce competition from outside buyers in the initial offering and sales.

Section 2. Local Heroes. In addition to all other provisions of this Agreement, SLR will offer an incentive to buyers of any residential unit with the SLR SP area who are considered "Local Heroes," defined for purposes of this Section as Police, Firefighters, Active and Retired Military, Teachers, EMTs, Nurses, and City of San Luis Obispo or County of San Luis Obispo Employees. The incentive described herein will include a minimum of \$1,500 credited to the Local Hero buyer at closing for use at the design center for upgrades and/or for closing costs. Qualification for this incentive is verified through the buyer's loan application, as reviewed and confirmed by SLR's Preferred Lender. At the Director's request, not more than quarterly, SLR or its designee(s) shall provide a report to the Director to verify compliance with this Section.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF ~~CALIFORNIA~~ Minnesota)
Hennepin) ss:
COUNTY OF _____)

On October 12, 2021 before me, Amy Sundell, Notary Public
Notary Public (insert name and title of the officer),

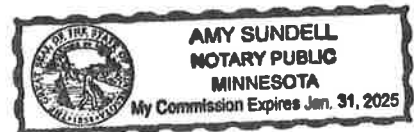
personally appeared Michael M. Sullivan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Amy Sundell

[Seal]



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF San Luis Obispo)

SS:

On 10/15/2021, 2021 before me, Megan Wilbanks
Notary Public (insert name and title of the officer),

personally appeared Michael Cadron, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Megan Wilbanks

[Seal]



2023027785

Elaina Cano
San Luis Obispo - County Clerk-Recorder
09/21/2023 09:19 AM

CONFORMED COPY

Copy of document recorded.
Has not been compared with original.

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

City of San Luis Obispo
c/o City Clerk
990 Palm Street
San Luis Obispo, CA 93401

Recording Fees Exempt Pursuant to
Government Code § 27383

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

THIRD ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT

THIS THIRD ADMINISTRATIVE AMENDMENT TO DEVELOPMENT AGREEMENT (the "Third Administrative Amendment") is made in San Luis Obispo County, California as of September 13, 2023, by and between the City of San Luis Obispo, a California general law city ("City"), and MI San Luis Ranch LLC ("SLR"). The City and SLR may be referred to herein as a "Party" or, collectively, as the "Parties."

RECITALS

A. The City and SLR entered into that certain Development Agreement dated as of on or about September 18, 2018 (the "Development Agreement"), which was recorded against certain real property located within the City as described in the Development Agreement (the "Property") as Instrument No. 2018039139 in the San Luis Obispo Recorder's Office. All terms not specifically defined in this Third Administrative Amendment shall have the meanings ascribed to them in the Development Agreement.

B. Section 9.04 of the Development Agreement provides that minor modifications to any Project Approval may be approved by the Planning Director through an Administrative Amendment where such amendments or modifications are both minor and substantially conform to the material terms of the Development Agreement.

C. In addition, Section 9.03 of the Development Agreement provides that because the implementation of the Project require a close degree of cooperation between the Parties certain refinements and clarifications may be appropriate to facilitate the proposed development and that when the Parties agree that such clarifications are necessary or appropriate, they may effect such clarifications through operating memoranda approved by the Parties. The Parties have entered into two prior Operating Memoranda and two Administrative Amendments setting forth clarifications to the Project Approvals. The First Administrative Amendment to Development Agreement was recorded as Instrument No. 2021014110 in the San Luis Obispo Recorder's Office on February 23, 2021, and the Second Administrative Amendment to Development Agreement was recorded as Instrument No. 2021073927 in the San Luis Obispo Recorder's Office on November 3, 2021.

D. The Parties desire to enter into this Third Administrative Amendment to set forth the Parties' understanding and agreement regarding certain changes related to the affordability of Workforce Housing Units in the Project, which changes the Community Development Director has determined are minor and substantially conform to the material terms of the Development Agreement and the Applicable Law and are appropriate to be memorialized in an Administrative Amendment.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are hereby incorporated into the operative provisions of this Third Administrative Amendment by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and the Developer agree as follows:

Section 1. Workforce Housing Income Threshold:

(a) SLR and the City caused that certain Affordable and Workforce Housing Agreement and Declaration of Restrictive Covenants (the "Affordable Housing Agreement") to be recorded as Instrument No. 2020049556 in the San Luis Obispo Recorder's Office on September 14, 2020.

(b) Workforce Housing Units. Section E of the Affordable Housing Agreement states that Workforce Housing Units shall be sold or rented "to households with income levels of 121 to 160% of the Area Median Income." SLR and the City have determined that the lower income threshold for rental applicants is not necessary to meet the intent of the City's affordable housing policies as it is overly restrictive. In lieu of the minimum 121% income threshold, the qualification for the Workforce rental units shall be modified to require a minimum income that allows a maximum 30% rent to income ratio for applicants. This change will only apply to the rental Workforce Housing Units; for sale Workforce Housing Units shall remain under existing income guidelines for Workforce Housing. As such, the reference to "households with income levels of 121 to 160% of the Area Median Income" shall be revised to refer to "households with income levels of 121 to 160% of the Area Median Income for sale of Workforce Housing Units, and households with income levels of up to 160% of the Area Median Income and a minimum income that allows a maximum 30% rent to income ratio for the applicant for rental Workforce Housing Units."

In recognition of the financial hardship posed by a substantial rent increase, SLR and its successors in interest shall not, over the course of any 12-month period, increase the gross rental rate for a Workforce Housing Unit more than 10 percent of the lowest gross rental rate charged for that unit at any time during the 12 months prior to the effective date of the increase. Nothing stated herein should be construed to permit rent increases which would cause the rental price of the unit to exceed the maximum monthly rent established by the City's Workforce Housing Standards for San Luis Ranch in effect at the time of the rent increase.

Section 2. Miscellaneous Provisions.

(a) Entire Agreement. Except for the Development Agreement which this Third Administrative Amendment amends, the prior Operating Memoranda, and the prior Administrative Amendments to Development Agreement, this Third Administrative Amendment represents the

entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the Parties with respect to the matters contained in this Third Administrative Amendment.

(b) Section Headings. The section headings contained in this Third Administrative Amendment are for convenience and identification only and may not be deemed to limit or define the contents to which they relate.

(c) Counterparts. This Third Administrative Amendment may be executed in any number of counterparts, each of which will have the same force and effect as if executed in the form of an original single document.

(d) Waiver. No waiver of any provision of this Third Administrative Amendment will be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought.

(e) Severability. If any term, covenant, condition or provision of this Third Administrative Amendment, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction or rendered by the adoption of a statute by the State of California or the United States invalid, void or unenforceable, the remainder of the terms, covenants, conditions or provisions of this Third Administrative Amendment, or the application thereof to any person or circumstance, will remain in full force and effect and will in no way be affected, impaired or invalidated thereby; provided that the invalidity or unenforceability of such provision does not adversely affect the benefits accruing to, or the obligations imposed upon, any Party to this Third Administrative Amendment of the Development Agreement.

(f) No Reliance on Other Parties. All Parties to this Third Administrative Amendment declare that, prior to the execution of this Third Administrative Amendment, they have informed themselves of sufficient relevant data, either through experts or other sources of their own selection, and have sought and obtained legal counsel, in order that they might intelligently exercise their own judgment in evaluating the contents of this Third Administrative Amendment and making the decision to execute it. The Parties each represent and acknowledge that in executing this Third Administrative Amendment, they do not rely and have not relied upon any representation or statement not set forth herein made by any other Party to this Third Administrative Amendment or their respective legal counsel with regard to the subject matter, basis or effect of this Third Administrative Amendment.

(g) Construction. The provisions of this Third Administrative Amendment will be liberally construed to effectuate its purpose. The language of this Third Administrative Amendment will be construed according to its plain meaning and may not be construed for or against any Party, as each Party has participated in the drafting of this Third Administrative Amendment and has had its legal counsel review it. Whenever the context and construction so require, all words used in the singular will be deemed to be used in the plural and vice versa.

(h) Successors and Assigns. This Third Administrative Amendment and the Development Agreement that it amends are binding on and inure to the benefit of the Parties and their respective legal representatives, successors and assigns.

(i) Governing Law. The validity and interpretation of this Third Administrative Amendment is governed by the laws of the State of California without giving effect to the principles of conflict of laws.

(j) Authorizations. Each Party certifies and warrants that all individuals executing this Third Administrative Amendment and other related documents on its behalf have the capacity and have been duly authorized to do so.

(m) Impact of Third Administrative Amendment on Development Agreement. Unless otherwise specifically amended by this Third Administrative Amendment, all provisions of the Development Agreement, the Operating Memoranda and all previous Administrative Amendments are hereby ratified and remain in full force.

IN WITNESS WHEREOF, the Parties to this Third Administrative Amendment have each executed this Third Administrative Amendment as of the date first written above.

CITY:

CITY OF SAN LUIS OBISPO,
a municipal corporation of the State of California

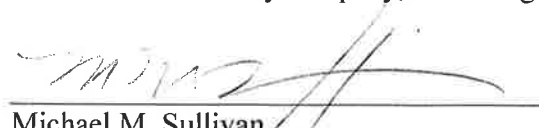
By: 
Timothea Tway
Community Development Director

DEVELOPER:

MI SAN LUIS RANCH LLC
a Delaware limited liability company

By: MI ENTITLEMENT IV, LLC
a Delaware limited liability company
Its: Sole Member and Manager

By: Presidio Merced Land IV Passive, LLC
a Delaware limited liability company, its Manager

By: 
Michael M. Sullivan
Its: Authorized Representative

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ Minnesota
County of ~~San Luis Obispo~~ Hennepin

On September 18, 2023, before me, Amy Sundell, notary public,
Date Name and Title of the Officer
personally appeared Michael M. Sullivan
Name of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she /they executed the same in his/her/their authorized capacity(ies), and that by his/her/ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

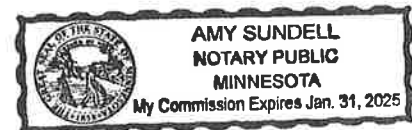
WITNESS my hand and official seal.

Signature


Signature of Notary Public



Place Notary Seal Above



ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of San Luis Obispo }

On September 21, 2023, before me, Megan Wilbanks, notary public,
Date Name and Title of the Officer
personally appeared Timothea Tway
Name of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she /they executed the same in his/her/their authorized capacity(ies), and that by his/her/ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Megan Wilbanks
Signature of Notary Public



Place Notary Seal Above



Department: Community Development
Cost Center: 4003
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Timmi Tway, Community Development Director

Prepared By: John Rickenbach, Contract Planner and Callie Taylor, Associate Planner

SUBJECT: 2024 ANNUAL MONITORING FOR THE AVILA RANCH DEVELOPMENT AGREEMENT, MITIGATION MEASURES, AND PROJECT CONDITIONS

RECOMMENDATION

Receive and file the 2024 annual monitoring report for the Avila Ranch Development Agreement, mitigation measures, and required project conditions.

REPORT-IN-BRIEF

On September 19, 2017, the City Council approved the Avila Ranch project, including a vesting tentative map for Tract 3089, a Development Agreement (DA) between the City and Avila Ranch, LLC, and certified the Final Environmental Impact Report (EIR) for the project. On October 24, 2017, the City Council approved the Avila Ranch Community Facilities District (CFD) Resolution of Formation. The DA, the EIR Mitigation Monitoring and Reporting Program (MMRP), and the CFD require annual monitoring and reporting of activities, pursuant to articles 10 and 11 of the DA. The CFD annual report is typically prepared at the end of each fiscal year to coincide with Citywide annual budget and is therefore not included in this report. The CFD annual report was last completed and presented to Council August 15, 2023.

This report addresses activities that have taken place during 2023 through the end of February 2024, and whether those are in substantial compliance with the DA, applicable project conditions, and EIR mitigation measures. Substantial public improvements were made during this past year, both onsite and offsite, which prior to their installation were reviewed and approved by the City's Public Works, Engineering, and/or Utilities departments as appropriate.

Substantial private development also occurred in regard to housing and onsite development within Phase 1 of the project, the design of which was reviewed and approved by the Planning Commission in September 2021. This first phase of Tract 3089 created 179 single-family residential (R-2) lots, three lots for future multi-family (R-4) units, a lot for an interim fire station, and various lots for parks and public facilities.

At the end of February 2024, Avila Ranch had constructed 72 single family homes, an additional 56 homes were under construction, and another 16 residential permits were ready to issue in Phase 1. Collectively to date, the architectural review approved by Planning Commission would accommodate up to 543 dwelling units. The remainder of the development potential within the Avila Ranch is still subject to Planning Commission review, once applications are submitted and processed. Once completely built out, Avila Ranch would support up to 740 dwelling units, 15,000 square feet of commercial uses, and 18 acres of parks.

The approved DA is a contract authorized by California Planning and Zoning Law and the City's Municipal Code that provides certain benefits to the developer, typically in the way of certainty and assurances to the developer regarding what rules will be applied for the project, in exchange for extraordinary public benefits. The DA includes a variety of provisions related to the timing of development, construction of public infrastructure, payment of fees, and in certain instances reimbursement beyond the project's fair share for public improvements that have citywide benefits. One provision of the DA is to annually monitor whether the project is in compliance with all relevant aspects of the DA itself, as well as the EIR mitigation measures.

To the extent that it can be determined, the project is in compliance with the applicable provisions of the DA, as well as relevant EIR mitigation measures, except as noted in the discussion that follows. Since many of these also relate to project conditions, this report also evaluates compliance with these conditions, and finds that it is in compliance. For certain aspects of the DA, mitigation measures, and project conditions, it is not yet possible to determine compliance, because of the fluid nature of the phased project, and that such activities are subject to ongoing monitoring as development occurs. However, the intent of the developer is to comply with these provisions, and the development team has been working closely with the City to ensure that its actions are consistent with key requirements.

POLICY CONTEXT

The approved Avila Ranch project was found to be consistent with the General Plan at the time of its approval. This report focuses on determining whether the multi-phase project is in compliance with key provisions related to its approval, notably a Development Agreement, required mitigation measures, and project conditions. Compliance with these provisions is discussed in the body of this report. A Community Facilities District for Avila Ranch has been established to provide ongoing funding for City services and infrastructure maintenance. The CFD annual report is prepared at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report.

DISCUSSION

The Avila Ranch project site is located at 175 Venture Drive. **Figure 1** shows the project area with phasing. Although in general, public and private improvements completed in 2022 and 2023 were within Phase 1 of the project area, some public improvements associated with later project phases, including Earthwood Lane, were constructed concurrently with Phase 1.

Background

On September 19, 2017, the City Council approved the Development Plan, Vesting Tentative Tract (VTTM) 3089, Final EIR, and Development Agreement (DA) between the City and Avila Ranch, LLC. Both the DA and the EIR Mitigation Monitoring and Reporting Program (MMRP) require annual monitoring and reporting of activities per Articles 10 and 11 of the DA.

The following discusses what aspects of the project were in progress or completed in 2023 through the end of February 2024. It also provides additional context, with a brief encapsulation of the activities that occurred before 2023, and highlights activities that are anticipated in 2024 and beyond.

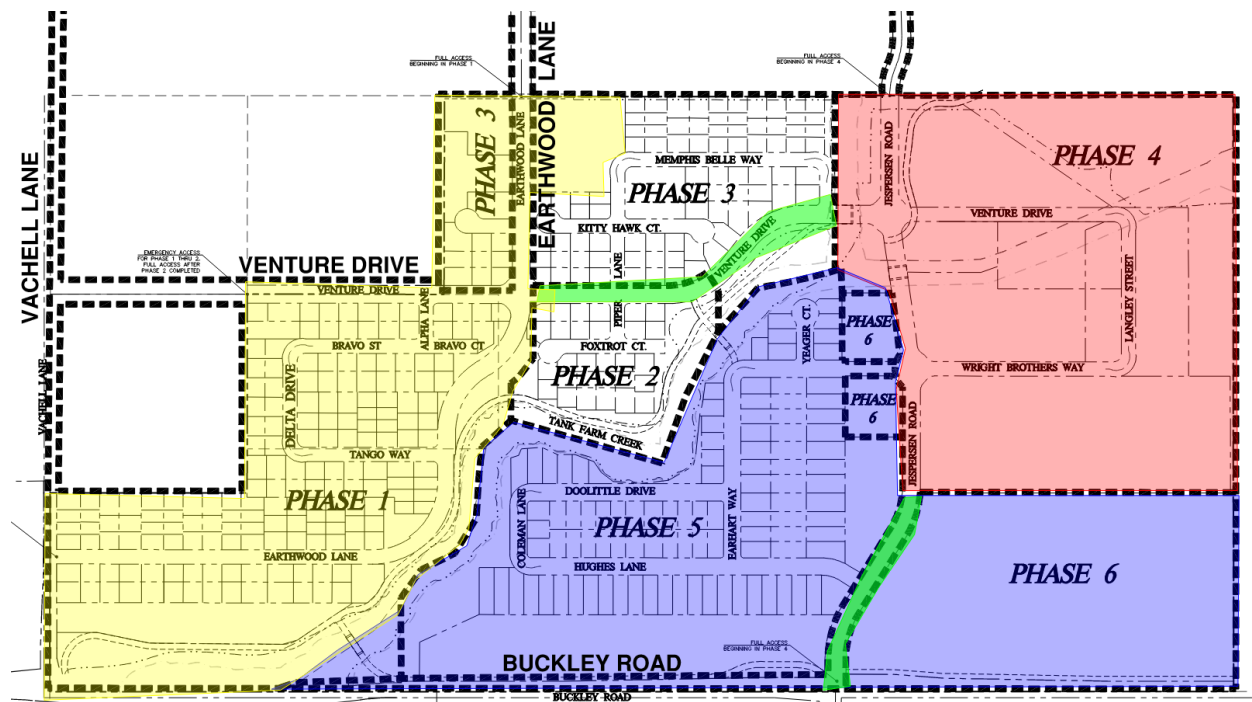


Figure 1. Avila Ranch Project Area Phasing Map

Project Activities Prior to 2023

The following project-related activities occurred prior to 2023:

- A. Phase 1 Final Map (R-2 zone). A final map was approved on December 4, 2018 for Phase 1 of development, covering a 26-acre area, and would accommodate up to 179 dwelling units in the R-2 zone. The approved Phase 1 map (tract 3089) created a total of 192 lots consisting of:
 - 179 single-family residential units (Lots 1 to 28, Lots 31 to 86, Lots 88 to 182). These are all the single-family residential units that were included in the Phase 1 tentative map.
 - Three out-of-phase lots for multi-family (Lots 185, 186, and 188). These lots were originally planned to be created and developed in Phase 3. Lot 186 was dedicated to an affordable housing developer, consistent with the DA requirements.
 - Four public park lots (Lots 30, 87, 183, 189)
 - Two lots for public open space (Lot A and Lot 184)
 - Two lots for public facilities (Lot 29 for sewer lift station & Lot 187 for interim fire station, which was dedicated to the City)
 - Two lots for future phases of the subdivision (Lots 190 and 191)
- B. Lot Line Adjustment. A lot line adjustment was proposed in April 2020 to facilitate future development in the Avila Ranch area, to be coterminous with future project phases as depicted in the approved Development Plan. The Lot Line Adjustment was subsequently approved by the City Council.
- C. Phase 1-3 Review (R-2 zone). An application for architectural review of Phases 1 through 3 of development was submitted in December 2020. This area would include up to 297 dwelling units in the R-2 zone. Based on the recommendation of the Architectural Review Commission (ARC), the Planning Commission (PC) approved the architecture for all the R-2 product in the first three phases on September 22, 2021, by Resolution PC-1046-2021.
- D. Public Onsite Improvements. Public Improvement Plans (PIPs) were submitted in 2018, and were approved on September 10, 2019, for some onsite improvements associated with VTTM 3089. This included mass grading and installation of some supporting infrastructure associated with future development in the area, as well as some required offsite improvements, including the Higuera/South Street Northbound Right-Turn Pocket Extension.

Work has been completed for the majority of the required Phase 1 public in-tract and offsite improvements. In general, the improvements consist of street construction, curb, gutter, sidewalks, Class 1 multi-use paths, pedestrian paseos, streetlights, water main and sewer main extensions, fire hydrants, reclaimed water main, storm drain and stormwater quality improvements, parkways and landscaping. Earthwood Lane was constructed providing a connection between Suburban Drive and Vachell Lane. Venture Drive was extended to intersect Earthwood Lane at a new roundabout.

- E. Public Offsite Improvements. Multiple offsite transportation improvements were required to mitigate for the increase in traffic generated by the development through the project conditions of approval, mitigation measures (MM), and the Development Agreement. The offsite improvements completed with Phase 1 prior to 2023 include:
- Extension of Earthwood Lane to Suburban Road [Condition #101]
 - Suburban Road Improvements, S. Higuera to Earthwood [Condition #102]
 - Sidewalk on portions of Vachell Lane [Condition #124]
 - Intersection improvements at South Street/Higuera Street [Conditions #112]
 - Intersection improvements at Tank Farm Road/S. Higuera Street [Condition #114/MM TRANS-7b]
 - Vachell Lane widening for Class II bike lanes [Condition #105]
 - Higuera/Suburban Road Striping Modifications
 - Installation of Class II bicycle lanes along Vachell Lane between Buckley Road and South Higuera Street [Condition #105]
- F. Offsite Improvements in the County. Offsite improvements located outside the City Limits were constructed under a County encroachment permit and will be maintained by the County. This includes the extension of Buckley Road from Vachell Lane to South Higuera Street and installation of a traffic signal at the newly created intersection with South Higuera Street [Condition #100]. The Buckley Road extension, originally a Phase 2 requirement, was completed in 2022 and allowed the inclusion of three out-of-phase multi-family lots which were included in Phase 1. These lots were created in Phase 1 consistent with the Affordable Workforce Housing Plan (Exhibit G of the Development Agreement) to provide affordable housing units as early as possible.
- G. Phases 2-6 Mass Grading Plans. An application for a mass grading permit for Phases 2-6 was submitted in November 2021.
- H. Phase 5 (R-1) Development Approval. An application for review of Phase 5 of development was recommended for approval by the Architectural Review Commission (ARC) on June 20, 2022. This area would include up to 101 dwelling units in the R-1 zone. Based on the recommendation of the ARC, the Planning Commission (PC) approved the R-1 product in Phase 5 on July 13, 2022, by Resolution PC-1065-2022.
- I. Phase 1 (Tract 3089) Development. The following development in Phase 1 occurred prior to 2023, primarily in 2022:
- 19 single-family residential (SFR) units completed and occupied
 - 39 SFR units were under construction
 - 71 SFR building permit applications were submitted and under review, but not yet issued
 - Four public parks were constructed (Parks A, B, C, and Stevenson Park). This included a reconfigured Park A, which was redesigned in response to an unanticipated drainage issue. The Community Development Director in consultation with the Parks and Recreation Director has determined that the intent of the parks programming was still met with the reconfigured plan for

Park A. Parks, B, C and Stevenson have since been accepted and are under warranty.

- Roadways and other infrastructure needed to support the above development, including utilities, lighting, landscaping, and some privately-maintained infrastructure, such as common driveways serving multiple housing units.

Development Activities in 2023 through February 2024

The following development-related activities took place since the time of the previous annual report related to the DA, MMRP, and Project Conditions, from March 2023 through February 2024:

- A. Phase 1 (Tract 3089) Development. 179 single family (R-2) lots were recorded in Phase 1 in 2018 and approved for architectural review by Planning Commission in 2021. As of March 1, 2024, this is the status of development in Phase 1:
 - 72 units complete and occupied (19 completed in 2023)
 - 56 units under construction
 - 16 permits ready to issue
- B. Phases 2 and 3 Final Map. The final map for Phases 2 and 3, which would accommodate the remaining 118 units within the R-2 zone and 145 units within the R-4 zone (with a density bonus), was approved by the City Council on January 23, 2024 ([Resolution 11472](#)). The final map has not yet been recorded, pending finalization of the Subdivision Agreement.
- C. Public Improvements. The Public Improvement Plans for Phases 2 and 3 were approved in September 2023 and are under construction. The plans were subsequently revised to include the required multi-use path bridge over Tank Farm Creek north of Buckley Road, consistent with Mitigation Measure TRANS-11. This mitigation measure also requires a new bicycle bridge over Tank Farm Creek on the south side off Buckley Road; however, this bridge has been deferred to coincide with additional roadway widening and bikeway improvements along Buckley Road in Phase 4 of the development. The change in timing of this required mitigation measure was approved by the City Council on January 23, 2024. An Addendum to the Final EIR documenting this change was approved at that time.
- D. Phase 3 Affordable Housing Agreement. The Affordable Housing Agreement for Phase 3 (addressing multi-family housing in the R-4 zone) was approved by the City Council on January 23, 2024, and will be recorded with the final map. This agreement calls for 90 affordable and 25 workforce units within the Avila ranch development, compared to the 71 affordable and 25 workforce units included in the original Development Agreement. The increase in affordable units was facilitated by a density bonus approved by the Planning Commission.

- E. Phase 3 Multi-Family (R-4) Development Approval. An application for review of the multi-family R-4 units in Phase 3 of the development was recommended for approval by the Architectural Review Commission (ARC) on October 2, 2023. This application included a density bonus request which would allow up to 145 dwelling units in the R-4 zone in two separate projects, including 59 affordable housing units. Based on the recommendation of the ARC, the Planning Commission (PC) approved the R-4 development in Phase 3, including the density bonus, on February 14, 2024, by Resolution PC-1083-2024. A second Addendum to the Final EIR was prepared to address the impacts of the density bonus, which increased the number of R-4 units from the 125 approved in the original Avila Ranch Development Plan to 145, finding no additional impacts or mitigation measures would be required.
- F. Other Mitigation Requirements and Development Components. Several issues related to various required public impacts were addressed in 2023 and early 2024, including the following:
- *Park/Basin A.* City staff and the developer have been meeting to resolve issues related to how high ground water affects drainage in the area and the ultimate design of this park. Meetings occurred on September 28, 2023, and January 11, 2024, and included these key discussion points:
 1. Maintenance plan for the drainage basin
 2. CFD maintenance costs
 3. Alternatives for addressing water in the drainage basin
 4. Stormwater control plan

The developer will be addressing the City's concerns and working towards resolution. These issues need to be resolved prior to the City's acceptance of the basin, which is proposed to be maintained by the City with funding provided through the CFD.
 - *Buckley Road Widening.* Avila Ranch needs to acquire offsite property from Son Care, the property owner on the south side of Buckley Road, in order to install required bike lanes, bike bridge, and related widening of Buckley Road. City staff, County staff, Avila Ranch, and Son Care met several times in 2023 to discuss, most recently on November 15. The County has approved the Buckley Road improvement plans, which include bike lanes, but issuance of the permit is pending right-of-way acquisition. The developer is now working directly with Son Care to discuss financial compensation for the easement.
 - *Interim Fire Station.* The Avila Ranch EIR and Development Agreement require an interim fire station to be constructed at Avila Ranch by the 361st residential unit, which is estimated to be in mid-2026. City staff has been meeting with the developer since August 2023 to identify site requirements and timing for construction. The developer's team is currently working to develop a site program for City/Fire Chief review. Based on the continued growth in the southern portion of the City and the need to provide adequate coverage and staffing to meet current operating standards, the Fire Chief has determined that

the station needs to be constructed to serve a 3-person engine company, rather than a 2-person medic response station as originally proposed by the 2017 Avila Ranch Final EIR. The developer is providing concept planning to meet the City's current needs as requested, with further discussions expected regarding funding obligations. The City is also identifying staffing and equipment needs that will be associated with operation of this station, portions of which will be funded by the Avila Ranch CFD.

- G. Phases 2-6 Mass Grading. The November 2021 application for a mass grading permit for Phases 2-6 was approved, the permit issued, and grading is in progress.
- H. Developer's Impact Fee Protest, Tolling Agreement, and Mediation. A tolling agreement was signed prior to the annual review in 2023 to address a fee protest which the developer had submitted. City staff and the developer subsequently met with a mediator on August 10, August 24, and November 16, 2023. The City and developer have come to tentative resolution on most items. A specific fee schedule for the project has been developed based on the DA, and both parties are in the process of completing a fee reconciliation. Avila Ranch is depositing a portion of the current permit fee funds into an escrow account with issuance of each building permit per the tolling agreement. The City and developer will continue to meet with the mediator to resolve issues identified in tolling agreement, and a settlement agreement will be completed when all issues are resolved.

New Applications in 2023 for Which Activities Have Not Yet Begun

No unresolved project-related applications were received by the City in 2023 that the City has not yet taken action on. As noted above in items B, C, D, E and F, the City took action on several items, some of which were initiated in 2023, while others began prior to that time.

PROJECT COMPLIANCE

Development Agreement

Implementation of the Avila Ranch project requires substantial new infrastructure to support new development, most of which is the responsibility of the developer. The approved Development Agreement (DA) for the project describes the developer's responsibilities in that regard.

The DA is a contract authorized by California Planning and Zoning Law and the City's Municipal Code that provides certain benefits to the developer, typically in the way of certainty and assurances to the developer regarding what rules will be applied for the project, in exchange for extraordinary public benefits. For example, Tract 3089 provides more affordable housing units than required by the City's standard inclusionary housing requirements and is dedicating more parkland than ordinarily required by the City. Tract 3089 is also required to construct an interim fire station prior to the construction of the 361st unit to serve the southern portion of the City (unless a permanent facility is constructed first) and to contribute funding to reimburse the City for the recent Los Osos Valley Road (LOVR) interchange project. As of March 2024, 72 units have been built and

56 more are under construction (all in Phase 1). Collectively, up to 543 units have been approved overall in various phases.

Tract 3089 constructed offsite improvements as part of Phase 1 to mitigate for the increase in traffic generated by the development. The developer will also be paying fair share fees for projects that are not triggered solely by this development but will ultimately be needed upon build-out of the City. As described in the DA and the conditions of approval, some of the improvements being constructed with Tract 3089 are eligible for reimbursement either through impact fee credits or through payments from other developers.

Reimbursement agreements have been established for a Public Reimbursement/Credit Agreement, Private Reimbursement Agreement, and Wastewater Reimbursement Agreement. The first reimbursement payments were made in 2023 towards the Wastewater Reimbursement Agreement. No payments have been made yet under the Public or Private transportation infrastructure reimbursement agreement.

Tract 3089 is meeting the City's agricultural land preservation requirements through a combination of onsite easements and payment of in-lieu fees. Avila Ranch shall compensate for the development of onsite agricultural lands and meet the open space objectives of the General Plan by dedicating and preserving at least 50 acres of onsite or offsite open space or agricultural land. In compliance with the DA and the entitlement documents, Phase 1 has satisfied its agricultural mitigation obligations by providing in-lieu fees for purchase of dedications offsite, which have been paid in-full. Onsite agricultural conservation easements will be provided along Buckley Road with subsequent map phases.

Although the DA also addresses financing issues in great detail, compliance with these provisions will be addressed at the end of Fiscal Year 2023-2024 (end of June 2024) in a separate agenda item related to activities under the Community Facilities District (CFD) that was created pursuant to the DA.

Attachment A summarizes the project's current compliance status with respect to relevant provisions of the DA. As of the end of February 2024, the developer is in compliance with all applicable requirements of the DA with respect to project milestones. As is the case with the MMRP, compliance with provisions that are keyed to later project activities or phases cannot be determined at this time.

Protest Over Fees

The Avila Ranch Development Agreement includes provisions regarding payment of City-wide and project-specific development impact fees. Impact fees were negotiated and agreed upon with the original project developer, Avila Ranch, LLC, in 2017, and were included in both the original DA and an amendment to the DA which was executed April 16, 2019.

Per the DA, the developer is required to pay for the project's fair share of the cost to mitigate project impacts as identified in the EIR, Specific Plan, conditions of approval, or otherwise specified in the DA in effect when each final map is recorded in accordance with AB1600 analysis. The City may adjust the development impact fees not more than once a year with changes no greater than the inflation index identified upon imposition of the fee. Sewer and water impact fees shall be paid as identified in the original 2017 DA. The Los Osos Valley Road interchange impact fees shall be paid as agreed upon by the City and the developer in 2018 and memorialized in the 2019 DA amendment.

The Development Agreement was negotiated as a method to extend the life of the tentative maps to provide a 20-year project build out, provided that there is a "true up" of fees at the time each phase of the final map is recorded. This provides the developer with the time needed to build out the project while also providing the City with the fees needed to provide services and infrastructure at the time of build out. The Development Agreement is a contract and can alter and take precedent over any vested fees or expirations that are normally tied to a vested tentative map.

The current Avila Ranch developer, Wathen Castanos, has raised issue with the payment of impact fees being charged. On February 16, 2023, the City received a letter from Wathen Castanos stating that the development impact fees which are being charged with each building permit are being "paid under protest with notice to cure." As described above, the City is currently having ongoing discussions with the developer regarding the fees and payments and have met with mediator on August 10, August 24, and November 16, 2023. The City and developer have come to tentative resolution on most items. The City and developer will continue to meet with a mediator, as needed, to resolve issues identified in the tolling agreement, and a settlement agreement will be completed when all issues are resolved.

Mitigation Monitoring and Reporting Program

As part of the environmental review of a development project, the California Environmental Quality Act (CEQA) requires public lead agencies to impose feasible mitigation measures in order to substantially lessen or avoid the significant adverse effects of the project on the physical environment. All mitigation must be feasible and fully enforceable. Mitigation measures were included in the Final Environmental Impact Report (EIR) for Avila Ranch, certified by the City Council on September 19, 2017. The Mitigation Monitoring and Reporting Program (MMRP) describes the procedures for the implementation of the mitigation measures identified in the Final EIR. The MMRP specifies the entity responsible for monitoring the program and when in the process it should be accomplished.

Attachment D is the updated MMRP, showing the current status of compliance with all mitigation measures. In summary, the project is in compliance with all applicable mitigation measures required to date. In some instances, compliance is ongoing (e.g., with respect to biological and cultural resource issues) or currently in process of being completed. In other cases, compliance cannot yet be determined because the project has not progressed sufficiently to trigger the required mitigation (e.g., items that relate

to the design of commercial buildings). Attachment B is a summarized version of the MMRP for easy reference, with all mitigation measures put in sequential order of when compliance is required.

Project Conditions

Conditions of approval are imposed by the municipality as part of a land development application to be adhered to and exercised as part of a right granted to the property. Conditions of approval were adopted as part of the Avila Ranch subdivision map (vesting tentative map for Tract 3089) approved by the City Council on September 19, 2017.

Attachment C shows the current status of compliance with all relevant project conditions. In summary, the project is in compliance with all applicable project conditions required to date. Some conditions of approval have been fulfilled, while some are ongoing, and others will be addressed in later phases of development.

In an April 10, 2023 letter to the developer, City staff indicates that several items must be completed prior to acceptance of the Phase 1 in-tract improvements and start of one-year warranty period. These include:

- Punchlist items for Subdivision Phase 1 improvements, including landscaping, fog seal all new street improvements, permanent thermo striping, and other final improvement items. Resolution of Basin A is also included here, which has become a wet basin due to high ground water in the area
- Survey monuments (street monumentation and property corners)
- Stormwater Control Plan O&M Manual
- Conditions of Approval and Mitigation Measures matrices demonstrating completion and/or compliance with obligations for Phase 1

The full bond for Phase 1 in-tract improvements may be exonerated with:

- Public Works inspection approval that there are no remaining maintenance or warranty items after the one-year warranty period;
- Submittal, review, and approval of a post-construction landscape and restoration report per MM BIO-2g; and
- Submittal, review, and approval of record drawings. Record drawings must include CAD files and the record drawing submittal must incorporate field changes, RFIs, design revisions etc. from both City inspection and City engineering redline plan sets.

Community Facilities District (CFD)

A Mello-Roos Community Facilities District (CFD) was established and approved on October 24, 2017 ("Avila Ranch Community Facilities District No. 2017-1"). The CFD for Avila Ranch is a special tax assessment in the district which was established to fund both authorized services as well as authorized facilities.

The City is authorized to levy the tax through the annual property tax roll. Fiscal Year 2022-23 was the first year in which the special tax was levied against taxable parcels of the CFD. The Mello-Roos Community Facilities Act of 1982 as well as Section 10(ii) of the CFD resolution have an annual reporting requirement, similar to the requirement for annual reporting of the MMRP and DA which is included in the Development Agreement. The City's Finance Department is responsible for preparing an annual report on the CFD at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report. The CFD annual report was last completed and presented to Council August 15, 2023.

Previous Council or Advisory Body Action

The following relevant City Council or Advisory Body actions have occurred relevant to the project:

- Vesting Tentative Tract Map (VTTM) Tract 3089, Avila Ranch Development Plan, and the Final EIR were approved by the City Council on September 19, 2017, by Resolution No. 10832 (2017 Series).
- The Development Agreement was adopted by the City Council on October 3, 2017, by Ordinance No. 1639 (2017 Series).
- Avila Ranch Community Facilities District (CFD) No. 2017-1 was created by Ordinance No. 1642 (2017 Series), which levies a special tax within the CFD providing a funding source for maintenance and operation of facilities within the District.
- The final map for Tract 3089 Phase 1 was approved by City Council on December 4, 2018, by Resolution No. 10968 (2018 Series).
- The Planning Commission (PC) approved the architecture for all the R-2 project in the first three phases on September 22, 2021, by Resolution PC-1046-2021.
- A Memorandum of Agreement was executed in September 2021 between the City Manager and the Avila Ranch development team to allow for the advancement of Phases 4 and 5 prior to Phases 2 and 3, provided that improvements required for Phases 2 and 3 are included as part of the development. To date, no development permits related to Phases 4 and 5 have been issued.
- An application for review of Phase 5 of development was recommended for approval by the Architectural Review Commission (ARC) on June 20, 2022. This area would include up to 101 dwelling units in the R-1 zone. Based on the recommendation of the ARC, the Planning Commission (PC) approved the R-1 product in Phase 5 on July 13, 2022, by Resolution PC-1065-2022. Building permits for this phase have not been submitted.

- The City Council adopted a resolution for partial acceptance of public improvements and certification of completion of required private improvements for Tract 3089 Phase 1 on February 21, 2023.
- The final map for phases 2 and 3, which would accommodate the remaining 118 units within the R-2 zone and 145 units within the R-4 zone, was approved by the City Council on January 23, 2024 ([Resolution 11472](#)). The final map has not yet been recorded, pending finalization of the Subdivision Agreement.
- The Public Improvement Plans for Phases 2 and 3 were approved in September 2023 and are under construction. The plans were subsequently revised to include the required multi-use path bridge over Tank Farm Creek north of Buckley Road, consistent with Mitigation Measure TRANS-11. The change in timing of this required mitigation measure was approved by the City Council on January 23, 2024. An Addendum to the Final EIR documenting this change was also approved at that time.
- The Affordable Housing Agreement for Phase 3 (addressing multi-family housing in the R-4 zone) was approved by the City Council on January 23, 2024, and will be recorded with the final map. This agreement calls for 90 affordable and 25 workforce units within the overall Avila Ranch development, compared to the 71 affordable and 25 workforce units included in the original Development Agreement.
- An application for review of the multi-family R-4 portion of Phase 3 of the development was recommended for approval by the Architectural Review Commission (ARC) on October 2, 2023. This area would include up to 145 dwelling units in the R-4 zone in two separate projects, including 59 affordable housing units. Based on the recommendation of the ARC, the Planning Commission (PC) approved the R-4 development in Phase 3 on February 14, 2024, by Resolution PC-1083-2024. A second Addendum to the Final EIR was prepared to address the impacts of a density bonus, which increased the number of units from the 125 approved in the original Avila Ranch Development Plan to 145, finding no additional impacts or mitigation measures would be required.

Public Engagement

An extensive public review process was completed with the approval of the Tentative Map and Avila Ranch Development Plan. The annual monitoring of the Avila Ranch Development Agreement and associated project mitigation measures and conditions have a “notify” level of public engagement, which has been accomplished through this agenda item and associated staff report.

CONCURRENCE

The Community Development Director, Public Works Director, Utilities Director, and Parks and Recreation Director concur with the recommended action.

ENVIRONMENTAL REVIEW

Annual monitoring of the Avila Ranch DA and MMRP is categorically exempt from California Environmental Quality Act (CEQA) according to CEQA Guidelines Section 15306 (Information Collection), which exempts “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” These actions also qualify for the “commonsense” exemption under Section 15061(b)(3), which covers activities “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” Annual monitoring does not change any aspect of the approved Avila Ranch project, nor does it introduce the potential for any new environmental impacts. Therefore, the proposed action is categorically exempt from further analysis under CEQA.

FISCAL IMPACT

Budgeted: Yes

Budget Year: Annually beginning 2023-24

Funding Identified: Yes

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund				
State				
Federal				
Fees				
Other:				
Total	\$0	\$0	\$0	\$0

Section 5.04.2.(i) of the Avila Ranch Development Agreement requires the developer to pay for consultant costs related to annual Mitigation Monitoring and Reporting Program evaluation and Development Agreement review. The consultant’s scope of work to prepare this year’s annual evaluation and reporting for the Avila Ranch MMRP and DA review totaled \$8,640. The consultant is contracted by the City and paid for by the Avila Ranch developer. There are no direct fiscal impacts to the City related to the MMRP and DA annual review and reporting.

Supplemental taxes are assessed and collected on the project through the Community Facilities District to pay for City services and infrastructure maintenance. The CFD annual compliance report will be a future agenda item prepared at the end of each fiscal year to coincide with the Citywide annual budget and is therefore not included in this report. The CFD annual report was last completed and presented to Council August 15, 2023.

ALTERNATIVES

1. ***Council could decide to provide direction to staff regarding the annual monitoring report for the Avila Ranch project and continue the item to a future meeting.***
2. ***Council could decide to reject the annual monitoring report for the Avila Ranch project. This is not recommended since annual monitoring is a requirement of the DA.***

ATTACHMENTS

- A – Summary of Compliance with the Avila Ranch Development Agreement
- B – Summary of Compliance with the Avila Ranch MMRP
- C – Summary of Compliance with the Avila Ranch Project Conditions
- D – Avila Ranch Mitigation Monitoring and Reporting Plan (March 2024)
- E – [Avila Ranch Development Agreement](#) (provided via hyperlink)
- F – First Administrative Amendment to Avila Ranch DA

Avila Ranch
Compliance with Development Agreement, Map Conditions, and Mitigation Measures
March 2024

Development Agreement

			Subject to Reimbursement
			Fair Share Payments
Item	DA ID	Summary Description	Timing and Compliance Status
1	1.03.a.1	Agreement terminates on 20th anniversary of effective date (11/2/37)	ongoing; annually
2	1.03.a.2	Agreement terminates on 7th anniv of effective date (11/2/24) if Ph 1-2 backbone infrastructure not in place	ongoing; annually
3	1.03.a.3	Agreement terminates once development and conditions are satisfied	ongoing; annually
4	1.04.1 & 1.04.2	Agreement must be executed 5 days after Ordinance adoption; to County Recorder within 10 days	ongoing; COMPLETED
5	5.03	Form Community Facilities District (CFD) or other financing mechanisms	ongoing; COMPLETED
6	5.04.2.f	Payment of all then-current processing fees for any subsequent planning applications and permits	ongoing; as new applications are made
7	5.04.2.g	Reimbursement/ Credits for developer improvements beyond fair share cost	ongoing; according to reimbursement agreements
8	5.04.2.i	Payment of staff & consultant time associated with: DA Review, MMFP, CFD, election costs, and admin costs	ongoing; monthly
9	5.04.2.j	Payment of California Department of Fish & Wildlife fees + County/Clerk Recorder Fees	prior to finaling NOD on any CEQA document
10	5.05.4.c	City to annually monitor whether there is a General Fund shortfall from fees collected	ongoing; annually
11	6.02.2	City may require oversizing of backbone infrastructure, under certain conditions	as needed
12	6.04.1	Applicant to make all reasonable efforts to purchase off-site improvement properties	as needed
13	7.02.1.b	Developer to complete first two phases and infrastructure within 7 years of effective date	ongoing
14	7.02.1.c	Developer to conform with phasing shown in Table	ongoing
15	7.03	Developer to dedicate 18.25 acres of parkland to satisfaction of PRC	coordinate with PRC
16	7.04	Developer to dedicate at least 50 acres of ag/open space onsite and preserve 50 acres offsite	applicant coordinating with City staff
17	7.05	Provide affordable and workforce housing per Exhibit G	applicant coordinating with City staff
18	7.07	Developer to provide accelerated compliance with energy standards	applicant coordinating with City staff
19	7.08.a	Developer to provide accelerated compliance with Climate Action Plan	applicant coordinating with City staff
20	7.08.c	Install water infrastructure for offsite annexations near Broad and Buckley per Exhibit H	applicant coordinating with City staff
21	7.08.d	Developer to dedicate 20x40 land for future water well site to City on Lots 594, 406, or 398	applicant coordinating with City staff
22	7.11	Construct all needed traffic improvements shown on Exhibit C; plus fair share portions of others	applicant coordinating with City staff
23	7.12	construct and/or fund bike improvements per Exhibit J	applicant coordinating with City staff
24	7.13.6	Developer to provide all cable for internet connections	as utilities are constructed
25	10.01	Annual evaluation of the MMRP and DA to ensure compliance	ongoing; annually
26	11.01	Annual evaluation of the MMRP to ensure compliance	ongoing; annually
27	11.02	Annual evaluation of the DA to ensure compliance	ongoing; annually
28	11.02.02	CDD to issue "Finding of Development Agreement Compliance" based on review	ongoing; annually
29	12.01	Any DA provision out of compliance must be cured within 60 days	ongoing
30	7.09	Build all necessary storm drain facilities	prior to subdivision map approval*
31	5.04.2.b; Amendment 1	Payment of all development impact fees: Citywide, Project Specific, LOVR Interchange	prior to each Final Map recordation
32	5.04.2.c	Payment of development impact fees: Water & Sewer	prior to each Final Map recordation
33	7.13.1	Include airport hazard related language in CC&Rs	with CC&Rs for each subdivision
34	7.10	Build interim fire station on Lot 302 at buildout of 361st unit	prior to construction of 361st unit

Avila Ranch

Compliance with Development Agreement, Map Conditions, and Mitigation Measures

March 2024

Mitigation Measures

Item	MM ID	Summary Description	Compliance Status
1	AG-2a	Install fencing and signs along Buckley to minimize trespass	plans to indicate compliance; installation to be verified in the field Phase 6
2	AG-2b	Landscape plans to include trees and shrubs to minimize dust	plans to indicate compliance; installation to be verified in the field Phase 6
3	AG-2c	Add 20-foot hedgerow of trees along east side of Vachell	completed with Phase 1 improvements
4	BIO-2a	Tank Farm Creek bike path alignment	BMMP completed Jan 2019; field verify as needed
5	BIO-2b	Prepare Biological Mitigation Plan - habitat restoration	BMMP completed Jan 2019; field verify as needed
6	BIO-2c	Prepare Biological Mitigation Plan - wetland and riparian mitigation	BMMP completed Jan 2019; field verify as needed
7	BIO-2d	Preserve southern 275 feet of N-S creek to protect riparian woodland	BMMP completed Jan 2019; field verify as needed
8	BIO-2e	Stockpile emergent vegetation (cattails) to plant later in realigned creek	BMMP completed Jan 2019; field verify as needed
9	BIO-2j	Tank Farm Creek Class I bike bridge to be placed outside mapped riparian	BMMP completed Jan 2019; field verify as needed
10	BIO-3b	Implement special status species protection measures	BMMP completed Jan 2019; field verify as needed
11	BIO-4	Conduct bat surveys in building proposed for demolition	Plan Completed; field monitoring as needed
12	BIO-5a	Shield all lights facing Tank Farm Creek	BMMP completed Jan 2019; field verify as needed
13	BIO-5b	Creek restoration to include native trees to minimize light spillover	BMMP completed Jan 2019; field verify as needed
14	BIO-6	All work within 100 feet of Tank Farm Creek to occur April 15-October 15	BMMP completed Jan 2019; field verify as needed
15	HYD-2a	Submit Master Drainage Plan	Following Sept 2018 Phase 1 Drainage Report; field verify as needed
16	HYD-3a	Submit Cumulative Master Drainage Plan	Following Sept 2018 Phase 1 Drainage Report; field verify as needed
17	HYD-3b	Design bridges, culverts and drainage per City specs	City verifying as needed through review of improvement plans
18	HYD-4a	Geotech study needed for HDD areas - part of Utilities Plan	City verifying as needed through review of improvement plans
19	HYD-4b	Frac-Out Contingency Plan needed for HDD areas - part of Utilities Plan	Frac-Out Plan Prepared April 2022; followed as needed
20	UT-2	Utility infrastructure subject to city approval. Applicant to construct.	City verifying as needed through review of improvement plans
21	AQ-1a	Prepare Construction Activity Management Plan (CAMP)	Completed Feb 2019; field verify as needed
22	AQ-2a	Implement APCD conservation requirements	Shown on plans; need to field verify
23	AQ-2b	Implement APCD AQ Handbook strategies	Shown on plans; field verify as needed
24	BIO-1a	Prepare Biological Mitigation Plan - implement BMPs	BMMP completed Jan 2019; need to field verify BMPs
25	PS-1	Prepare and implement Security Plan with SLOPD	Security Plan submitted in June 2021; Phase 203 Security Plan submitted 10/2023
26	PS-2	Fair Share Contribution to Fire Protection Service as part of CFD	See DA; Impact fees paid with building permits; CFD in place
27	TRANS-3b	Install traffic calming measures required by Policy 8.1.3	Satisfied through Phase 1; subsequent phases will be reviewed for compliance.
28	TRANS-5	Pro Rata share for Buckley/227 roundabout	Complete - AR paid full share to County w/ Phase 1 Map
29	TRANS-8a	Pay LOVR subarea fee	Ongoing w/ each building permit
30	TRANS-8b	Re-time signal at LOVR/Higuera	Complete. Signal timing study provided by AR, City is implementing timing plans.
31	TRANS-14	Pay citywide TIF for Class I bike path from Buckley/Higuera to LOVR/SB101	Satisfied with Citywide TIF payment
32	TRANS-15b	Pay fair share to improve Tank Farm/Higuera	Satisfied with Citywide TIF payment
33	TRANS-15c	Pay fair share to improve Tank Farm/Horizon	Satisfied with Citywide TIF payment
34	TRANS-15d	Pay fair share to improve Buckley/Vachell	Weighted portion of fee paid with each phase. Phase 1 share paid.
35	TRANS-2a	Prepare Transportation Improvement Phasing Plan	Complete with Phase 1
36	TRANS-3a	City to review roadways and driveways for compliance with City standards	Complete for Phase 1
37	AG-1	Agricultural Conservation Easement	In-lieu payment for phase 1 & 2, paid in full.

38	AQ-1c	Develop offsite mitigation strategy 3 months before grading permits	at least 3 months prior to grading permits, per APCD per letter of 3/21/19
39	BIO-1b	Hire biological monitor to oversee construction activities	Monitor approved; field monitoring as needed
40	BIO-2h	Tank Farm Creek project activities to be performed when creek is dry	BMMP completed Jan 2019; field verify as needed
41	CR-3a	Retain archaeologist and Native American monitor before Phase 1	Monitor approved; field monitoring as needed
42	CR-3b	Educational materials prior to grading and construction	Monitor working with construction team
43	GEO-3	Prepare geotech study prior to site development	Following Jan 2019 Geotech Plan
44	GEO-4	Geotech investigation to examine soil settlement	Following Jan 2019 Geotech Plan
45	GEO-5	Geotech investigation to examine soil expansion	Following Jan 2019 Geotech Plan
46	GEO-6	Geotech investigation to examine subsidence	Following Jan 2019 Geotech Plan
47	HAZ-1	Prepare Health and Safety Plan	Following July 2020 Health and Safety Plan
48	HYD-1a	Submit NOI for discharge to SWRCB stormwater unit	WDID for Phase 1 completed; WDID for Phases 2-6 pending
49	HYD-1b	Submit SWPPP 45 days prior to start of work	Completed Jan 2018
50	HYD-1c	Install 8 drainage outlets in Tank Farm Cr during dry season (May-Oct)	Field verification required per WDID
51	NO-1a	Limit grading/construction timing to daylight hours and not on Sunday	Field verify as needed
52	NO-1b	Implement Noise attenuation techniques - BMPs	Field verify as needed
53	TRANS-1	Prepare Construction Transportation Management Plan	Phase 1 CTMP completed; Ongoing with each phase after that
54	AQ-1b	Use low or no emission paints	Field verification required
55	GEO-1	Building and infrastructure design to meet CBC	City staff reviews for compliance as needed.
56	GEO-7	Limit GW pumping during drought	Field verification required
57	NO-3a	Include noise mitigation in residential design	Verified through building plan approvals
58	TRANS-4	Prepare improvement plan for Horizon, Earthwood, and Suburban	Phase 1 portion of obligation complete; will complete remainder in Phase 4
59	TRANS-6	NB RT lane at South/Higuera intersection	Complete
60	TRANS-7a	Higuera/Prado improvements; Prado Road widening	Satisfied through Citywide TIF payment
61	TRANS-7b	Tank Farm/Higuera second SB LT lane	Complete
62	TRANS-10a	Add ADA sidewalks on east side of Higuera from City limit to LOVR	In design, construction required prior to Phase 2
63	TRANS-10b	Add ADA sidewalks on east side of Higuera from Vachell to LOVR	Complete
64	TRANS-10c	Add ADA sidewalks on south side of Suburban from Higuera to Earthwood	Complete
65	TRANS-13	Pay citywide TIF for second SB RT lane at LOVR/Higuera	Satisfied through Citywide TIF payment
66	TRANS-15a	Pay fair share to improve Prado/Higuera	Satisfied through Citywide TIF payment
67	HYD-5	Prepare Development Maintenance Manual	P1 Drainage Report (Sept 2018); Prelim Stormwater O&M Plan PH2-6 (May 2022)
68	TRANS-12	Bus stop provisions	Phase 1 bus turnout complete; Phase 6 turnout pending
69	TRANS-11	Construct 2 bike bridges on Buckley over Tank Farm Creek	Bridge on north side required prior to Phase 2 occupancy, bridge on south side deferred to
70	CR-2a	Data Recovery measures for CA-SLO-2798/H	Field verification required; coordinate with monitor
71	CR-2b	Retain monitor following grading of CA-SLO-2798/H	Monitor approved; field monitoring as needed
72	GEO-2	Retail stores--goods stacked no higher than 8 feet	TBD; in later phase
73	BIO-2g	Prepare post-construction landscape and restoration report for each phase	BMMP completed Jan 2019; field verify as needed
74	BIO-2i	Hydroseed bare soils when grading is completed for each phase	BMMP completed Jan 2019; field verify as needed
75	BIO-3a	City-approved biologist to conduct onsite training to construction workers	BMMP completed Jan 2019; field verify as needed
76	BIO-3c	Survey for CRLF in Tank Farm Creek 48 hours prior to construction	BMMP completed Jan 2019; field verify as needed
77	BIO-3d	Survey for pond turtle in Tank Farm Creek 48 hours prior to construction	BMMP completed Jan 2019; field verify as needed
78	NO-1c	Contractor to inform residents within 300 feet of noise	Field verify as needed
79	NO-3b	Buckley Road rubberized asphalt	PW to verify Buckley Road Widening Plan provisions through PIP approvals

Avila Ranch
Compliance with Development Agreement, Map Conditions, and Mitigation Measures
March 2024

Map Conditions

Item	Condition	Summary Description
1	5	Applicant to hold city harmless
2	1	Submit written report showing compliance with conditions
3	3	Avigation easements must be recorded
4	6	All easements must be shown on Final Map
5	7	All offers of dedication must be shown on Final Map and PIPs
6	8	County-City line must be shown on Final Map and PIPs
7	9	Include 10' wide tree easement and PUE across the front of each Res lot; 15-ft PUE in front of Comm
8	10	Offsite easement dedications as needed
9	11	CFD must be fully operational prior to first phase Map approval
10	15	Offsite ROW to be acquired by developer to the extent possible, otherwise condemnation
11	17	Secondary access required where more than 30 dwellings proposed
12	18	fire access to be provided to satisfaction of fire chief
13	19	All streets to conform to City Engineering Standards and the Specific Plan
14	20	All subdivision improvements to conform to City Engineering Standards and the Specific Plan
15	21	Final street sections to be approved in conjunction with drainage report
16	22	Traffic circle and roundabout to confirm to City Engineering Standards
17	33	Street trees required - one 15-gallon per 35 lineal feet
18	97	Final Map to comply with City Engineering Standards
19	99	Transportation Improvement Phasing Plan to be submitted with each phase
20	119	Dedicate access easements (between lots 7-10; 19-22; 87; 183; 230; 312 or 318; 341/342)
21	123	Add roadway classification sheet to Final Map consistent with EIR recommendations
22	24	Improvement Plans to include line of sight analysis
23	25	Improvement Plans to address all conditions and mitigation
24	29	Jurisdictional permits needed from key agencies
25	34	PIPs to include analysis of tree removal
26	37	PIPs must show all existing improvements and plans to keep or remove
27	38	PIPs must show public and private easements
28	39	street paving to be included in PIPs
29	40	PIPs to include construction phasing and management plan
30	41	Developer to get copy of County as-built for Venture Lane and Vachell Lane; show improvements in PIPs
31	42	Street lighting and other improvements may be required for Venture and Vachell in PIPs
32	43	Retaining wall and/or fence along property lines subject to Planning approval or ARC, SP or exception
33	44	PIPs to show mail receptacles
34	45	Use porous concrete or pavers for private parking areas as feasible
35	46	PIPs to show access to common areas, trails, and linear parkways per ADA and CBC requirements
36	54	City utilities in Buckley/Vachell to be approved by City and County via encroachment permit
37	55	PIPs to show gas main and easements
38	56	PIPs to show water, sewer and storm drains
39	58	Public utilities to be located in accordance with City and PUC
40	59	PIPs to show water meters
41	60	Final sewer report required prior to PIPs

Subject to Reimbursement
Fair Share Payments

Compliance Status

Developer to provide written documentation of compliance with this condition
to be verified prior to map recordation
See DA for fee payment timing provisions
The final map will show the revised right of way once the offers are accepted.
City County line is shown on the Final Map and will be verified with improvement plans record drawings
Confirmed
ok
CFD in place and operational.
ok
Confirmed
Confirmed
confirmed.
confirmed.
done.
done.
to be verified prior to map recordation
part of Final Map review.
Confirmed for Phase 1
part of Final Map review.
part of Final Map review.
Line of sight analysis included in Phase 1 PIP landscape plans. HOA required to maintain parkway.
Progress confirmed and will continue to monitor this issue.
Confirmed and will continue to monitor permitting requirements
Trees to be preserved are identified on the PIP's (Sheet C-2).
included in PIP's
encroachment permit required for pipes that cross public easements
included in PIP's
Confirmed Construction Management Plan provided w/ Phase 1 PIPs.
Improvements included in PIP's
Confirmed there is an existing streetlight at intersection already
Included in PIP's
Mailbox kiosk shown in PIP's
PIP's do not include any private parking areas.
Confirmed
Buckley extension ends at intersection and is administered by County
gas lines shown on PIP's in right of way.
done.
done.
done.
per Utilities dept.

42	61	PIPs to show overhead wire utilities	done.
43	62	Street widening will required undergrounding utilities	widening of existing steets not included in project.
44	63	Underground existing overhead wiring	CDD to approve requested deferrals or waivers. Existing overhead wires on west side of Vachell to remain.
45	65	Irrigation to use recycled water; public park could use recycled water	done.
46	66	Landscape Plan to be consistent with City water conservation efforts	done.
47	68, 69	PIPs to verify how wetland features to be protected; non-native plants to be contained	Natural Resources Manager to verify
48	71	Final pads to include certified pad construction and elevations	verified as needed by City Engineer
49	72	Cut and fill slopes to be protected as recommended by soils engineer	verified as needed by City Engineer
50	73	Easement agreement needed for onsite creeks and channels; CFD HOA or other private maintenance	verified by City
51	74-76	Grading and drainage plans required	verified by City Engineer
52	77	PIPs to include complete grading, drainage and erosion control plans	verified by City Engineer
53	78	Final drainage report and PIPs to consider on- and offsite drainage (Tract 2943--Earthwood)	verified by City Engineer
54	79	Final drainage report and PIPs to consider run-on from 125 Venture	verified by City Engineer
55	80	Final drainage report and PIPs to consider run-on from NE corner of Vachell and Venture	verified by City Engineer
56	82	Indicate revised floodplain on PIPs and Final Map	verified by City Engineer
57	83	Indicate various drainage, well and other features on final map	verified by City Engineer
58	84	provide final HEC-RAS modeling for drainage	verified by City Engineer
59	85, 86	final drainage plans must address trash removal	verified by City Engineer
60	95	Obtain and approve SWPPP	City Engineering to verify with RWQCB
61	101	Earthwood to be restriped for Class II bike lanes	Confirmed
62	121	PIPs to include striped bike lanes on streets with Class II bikeways	Confirmed for Phase 1
63	4	Enter into and record affordable housing agreement with City	Done with phase 1 map
64	14	Notice of Requirements to be recorded at City's written request with recordation of Final Map	Done with phase 1 map
65	16	Prove property title for offsite improvements	done.
66	23	Developer to file Notice of Requirements with each map phase	Done with phase 1 map
67	35	PIPs for onsite and offsite to be approved prior to map recordation	done for phase 1.
68	100	Complete design of Improvement Plans for signal at LOVR/Higuera, sign at Higuera/Buckley for 101 access: Done	Done
69	101	Earthwood extension to be designed	Confirmed, completed with Phase 1
70	116a	Pay fair share fees for roundabout at Buckley/227	Confirmed - AR paid this FULL fee directly to County prior to Phase 1 Final Map recordation.
71	116b	Pay fair share fees for second SB RT lane at Higuera/LOVR	Confirmed, weighted portion of this fee associated with Phase 1 paid prior to final map recordation.
72	116c	Pay fair share fees for Class I bike path from Buckley/Higuera to LOVR/SB 101	Satisfied with payment of Citywide TIF fees
73	116d	Pay fair share fees for widening Prado/Higuera intersection (dual LT, dual thru, RT)	Satisfied with payment of Citywide TIF fees
74	116e	Pay fair share fees for Higuera/Tank Farm cumulative improvements	Satisfied with payment of Citywide TIF fees
75	116f	Pay fair share fees for Tank Farm/Horizon improvements (NB RT or roundabout)	Satisfied with payment of Citywide TIF fees
76	117	Design and initiate improvements to allow two bus stops; Final Map to reflect	Confirmed for Phase 1 PIPs
77	118	Complete design for in-tract traffic calming, per MM TRANS-3b	goes with each map phase
78	26	Separate permits required from SLO County for construction staging; City to review	Encroachment permits issued and will continue to monitor
79	47	No potable water used during construction; recycled water to be used	Utilities Dept to confirm, permit and monitor
80	53	Relocate utilities affected by road improvements outside tract boundary	approved by Utilities Director
81	67	Obtain permits from RWQCB, ACOE and CDFW	verified by Community Development or Public Works Dept
82	94	Verify LID compliance of grading and drainage plans	verified by Project Soils Engineer
83	96	Verfiy compliance with AQ standards from APCD	APCD to verify in a letter
84	128	AG and OS areas to be delineation prior to demolition, subdivision grading and development	PIP's show no work in AG or OS area.
85	129	Grading plan to show interface between AG and OS, creeks, roads, and bikeways	temporary fencing (and possibly permanent) required
86	130	Conduct pre-construction surveys for Vernal Pool Fairy Shrimp where appropriate; consult USFWS	where wetland habitat could be disturbed
87	48	Recycled water pipeline infrastructure to be in place	shown on plans. Will remain a requirement prior to building permits.
88	49	Water pipeline infrastructure to be in place	shown on plans. Will remain a requirement prior to building permits.

89	50	Sewer infrastructure to be in place	shown on plans. Will remain a requirement prior to building permits.
90	51, 52	Dry utilities infrastructure to be in place	approved by Utilities Engineer
91	57	public utilities to be approved by City Engineer	shown on plans. Will remain a requirement prior to building permits.
92	64	Preliminary undergrounding plans to be processed through PG&E	Processed through PG&E
93	70	Engineering soils testing may be needed on a lot-by-lot basis; final pds to be approved	as determined by City Engineer or Building Official
94	81	Demonstrate compliance with FEMA and City floodplain management requirements	verified by City Engineer and FEMA
95	98	Construction to occur consistent with EIR phasing	otherwise DP and EIR may require amendment
96	101	Earthwood extension to be built	Complete
97	102	Suburban improvements from S. Higuera to Earthwood designed and construction initiated	Portion required for Phase 1 (Suburban from Higuera to Earthwood) complete
98	105	Install Class II bike lanes along Vachell, between Buckley and Higuera	Complete
99	110	Construct roundabout - Earthwood and Venture	Complete
100	111	Initiate construction of S. Higuera sidewalks - between Vachell and LOVR	Complete
101	112	Initiate NB extension of RT lane from Higuera to South	Complete
102	114	Initiate Higuera/Tank Farm near-term improvements - second SB left turn to Tank Farm	Complete
103	115	pay applicable citywide, LOVR subarea and AASP subarea transportation impact fees	Ongoing w/ each building permit
104	122	Trip reduction plan is required; draft required prior to Phase 1 building permits	Trip Reduction Plan approved by Transportation Division
105	124	Install continuous sidewalk along Vachell from Venture northward	Complete
106	125	Design and install SB LT lane on Vachell at Venture	Complete
107	126	Design ramp meter at SB 101/LOVR and submit to Caltrans for approval and encroachment permit	Part 1 of COA 126 (Design & Install Ramp Meter at LOVR SB On-Ramp) is ongoing
108	126	Design ramp meter at SB 101/Higuera and submit to Caltrans for approval and encroachment permit	Part 2 of COA 126 (Design Ramp Meter at US 101/S. Higuera) has been eliminated
109	2	Noise and safety disclosures to potential occupants and owners	will be part of required disclosure statement to home buyers.
110	102	Complete Suburban improvements	Portion required for Phase 1 complete.
111	103	Vachell/Venture; Vachell/Earthwood--access restricted to emergency, transit and bikes--completed	Complete. Access restrictions on Vachell/Earthwood and Vachell/Venture removed
112	111	Complete S. Higuera sidewalks - between Vachell and LOVR	Complete
113	112	Complete NB extension of RT lane from Higuera to South	Complete
114	114	Complete Higuera/Tank Farm near-term improvements - second SB left turn to Tank Farm	Complete
115	117	Complete bus stops	Earthwood bus stop completed; verifying routes with SLO Transit/RTA
116	122	Trip reduction plan is required; approval required prior to Phase 1 occupancy	Complete, approved by Transportation Division
117	126	Complete construction of SB 101/LOVR ramp meter	Ongoing, design in progress. COA revised w/ Phase 1 Final Map, no longer tied to Phase 1
118	116g	Pay fair share fees for Buckley/Vachell improvements (signal or roundabout)	Confirmed, weighted portion of this fee associated with Phase 1 paid prior to final map recordation.
119	100	Design and construction of Buckley ext must be initiated before Phase 2 building permits	Extension complete
120	104	Higuera/Vachell--access restricted to emergency, transit and bikes--construction initiated	Temp left turn restrictions installed. Permanent improvements still required prior to Phase 2
121	111	Initiate construction of S. Higuera sidewalks - between LOVR and City limit	Portion from LOVR to Vachell complete. Portion from City Limits to Vachell required prior to Phase 2
122	100	Buckley, signal, Class I bike path, Vachell, streetlights must be built prior to Phase 2 occupancy	complete
123	104	Higuera/Venture--access restricted to emergency, transit and bikes--completed	See above.
124	111	Complete S. Higuera sidewalks - between LOVR and City limit	See above.
125	106	Complete design of improvements and make efforts to acquire needed offite land	TBD
126	102	Improvements from Earthwood to Horizon initiated	TBD
127	106	Initiate construction of Jespersen connection to Suburban	TBD
128	107	Initiate construction of Buckley Road frontage improvements	TBD
129	110	Construct roundabout - Jespersen and Venture	TBD
130	110	Construct roundabout - Jespersen and Wright	TBD
131	102	Improvements from Earthwood to Horizon completed	TBD
132	106	Complete Jespersen improvements	TBD
133	107	Complete Buckley improvements	TBD
134	12	All private improvements to be owned and maintained by HOA	ongoing as appropriate
135	13	All stormwater facilities to be owned and maintained by HOA	ongoing as appropriate

136	27	Stormwater BMPs for Buckley Road subject to review and approval from SLO County	to be verified by SLO County
137	28	Detailed plans for offsite improvements needed	Ongoing
138	30	Access rights for key roadways to be offered	Ongoing, with each map
139	31	Subdivider to install public street lights per city (and where applicable) County standards	Ongoing, with each phase
140	32	Private street light allowed per City standards and/or ARC approvals	ongoing with each phase subject to ARC
141	36	Demo permit required for removal of existing buildings and infrastructure	ongoing as appropriate
142	87	Developer to prepare O&M manual for creek maintenance/stormwater BMPs	verified by City Engineer
143	88	Homeowners to be notified of BMP requirements	ongoing; with home sales
144	89-93	Maintenance responsibilities for creeks to be followed by HOA or CFD as applicable	verified by City Engineer and Natural Resources Manager as appropriate
145	103	remove the above access restrictions	completed with Buckley extension
146	108	Specifications for Buckley intersection connections	completed
147	109	Construct 2 bike bridges, one on each side of the existing Buckley-Tank Farm bridge	Bridge on north side required prior to Phase 2. South side prior to Phase 4 per Council.
148	113	Pay fair share of Higuera/Prado near-term improvements - Prado bridge, left-turn lane at intersection	Satisfied with Citywide TIF payment
149	120	On-street parking shall be prohibited except on local streets	Confirmed for Phase 1
150	127	Provide potential for water well irrigation in OS/AG areas; wells to be approved by the city	timing uncertain

MITIGATION MONITORING AND REPORTING PROGRAM

The following Mitigation Monitoring and Reporting Program (MMRP) provides a summary of each mitigation measure for the proposed Avila Ranch Development Project and the monitoring implementation responsibility for each measure. The approved Development Plan, is also referred to as the Mitigated Project Alternative (MPA) as described and analyzed in Section 5.4.2.2 of the Final EIR, rather than the originally proposed Project. The MMRP for the MPA will be in place through all phases of the Project, including design, construction, and operation. Note that for clarity, the original mitigation measures that applied to the proposed project are included in this document, but where they do not apply in part or in total to the MPA, portions are stricken as appropriate.

RESPONSIBILITIES

The City of San Luis Obispo (City) will act as the lead implementing agency and approve a program regarding reporting or monitoring for the implementation of approved mitigation measures for this Project to ensure that the adopted mitigation measures are implemented as defined in the Final Environmental Impact Report (EIR) for the Avila Ranch Development Project. For each MMRP activity, the Applicant will either administer the activity or delegate it to staff, consultants, or contractors. The Applicant will ensure that monitoring is documented as required and that deficiencies are promptly corrected. The designated environmental monitor depending on the provision specified below (e.g., City staff, environmental monitor, certified professionals, etc.) will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems. The City or its designee(s) will ensure that each person delegated any duties or responsibilities is qualified to monitor compliance.

MONITORING PROCEDURES

Many of the monitoring procedures will be conducted during the construction phase of the Project. The City or its designee(s) and the environmental monitor(s) are responsible for integrating the mitigation monitoring procedures into the construction process in coordination with the Applicant. To oversee the monitoring procedures and to ensure success, the environmental monitor assigned to a monitoring action must be onsite during the applicable portion of construction that has the potential to create a significant environmental impact or other impact for which mitigation is required. The environmental monitor is responsible for ensuring that all procedures specified in the monitoring program are followed.

MONITORING TABLE

For each mitigation measure, Table 1 identifies 1) the full text of the mitigation; 2) plan requirements and applicable timing; 3) and how the action will be monitored and the agency responsible for verifying compliance.

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
Aesthetics and Visual Resources		
MM VIS-3. <i>The Applicant shall include the development of the entire landscape and open space buffer outside of the URL within Phase 1 of the construction period. Vegetation within the buffer would provide partial screening of ongoing construction.</i>	The Development Plan and landscape plan shall indicate installation of the entire open space buffer within Phase 1. The Applicant shall complete the installation of the open space buffer prior to the issuance of grading building permits for Phase 2. This mitigation has been incorporated into the MPA Project design.	The City shall ensure compliance within the Development Plan and landscape plan. The City shall confirm this feature is incorporated within Project plans.
Agricultural Resources		
<p>MM AG-1. <i>The Applicant shall establish an offsite agricultural conservation easement or pay in-lieu fees to a City designated fund dedicated to acquiring and preserving agricultural land. While the City's priority is that such agricultural land be acquired in the closest feasible proximity to the City, mitigation may be implemented using one of the following options:</i></p> <ul style="list-style-type: none"> a. <i>The Applicant shall ensure permanent protection of farmland of equal area and quality, which does not already have permanent protection, within the City of San Luis Obispo, consistent with City Policy 8.6.3(C) and AASP Policy 3.2.18. The Applicant shall identify and purchase or place in a conservation easement a parcel of land of at least 71 acres of equal quality farmland, or provide in-lieu fees to allow the City to complete such an acquisition.</i> b. <i>If no suitable parcel exists within the City limits, the Applicant shall identify and purchase or place in a conservation easement a parcel of farmland, of equal quantity and quality, within the City's Sphere of Influence that is threatened by development of nonagricultural uses. The parcel shall be placed in an agricultural conservation easement (refer to Figure 2 in the Land Use Element for City Sphere of Influence). The Applicant may also provide in-lieu fees to allow the City to complete such an acquisition.</i> c. <i>In the event that no suitable land is available within the City limits or City's Sphere of Influence, the Applicant shall identify and purchase or place in a conservation easement a parcel of farmland, of equal quantity and quality, within the City's urban reserve or greenbelt that is threatened by development of nonagricultural uses. This parcel shall be placed in an agricultural conservation easement (refer to Figure 1 in the Land Use Element for City Planning Area). The Applicant may also provide in-lieu fees to allow the City to complete such an acquisition.</i> d. <i>In the event that no suitable land for an agricultural conservation easement is available for purchase within the City limits, the City's Sphere of Influence, or urban</i> 	Notices, fees, and/or dedication of agricultural conservation easements shall be completed by the Applicant prior to the issuance of grading and building permits divided between Phases 1 and 2 of the Project based upon the acreage of prime soils impacted by each phase.	<p>The City shall ensure compliance with Policy LU 8.6.3(C) with the collection of mitigation fees or establishment of the agricultural easement.</p> <p>Compliance Status: In-lieu payment for phase 1 & 2, paid in full. In compliance.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>reserve or greenbelt Planning Area, the Applicant shall identify and purchase or place in a conservation easement a parcel of farmland, of equal quantity and quality, within County lands (e.g., agricultural lands north and south of Buckley Road) that is considered to be threatened by the conversion to nonagricultural use. This parcel shall be placed in an agricultural conservation easement. The Applicant may also provide in-lieu fees to allow the City to complete such an acquisition. The Applicant shall demonstrate that such land is as close in proximity to the City as feasible.</i></p>		
<p>MM AG-2a. <i>To address potential agricultural land use conflicts, the Applicant shall coordinate with the City and County to fund installation of fencing and signs along Buckley Road to minimize potential for increases in trespass and vandalism of adjacent agricultural areas. Along the south side of Buckley Road, the use of three strand barbwire fencing would be acceptable. Along the north side of the Buckley Road extension bordering the Class I bike path, spit rail fencing shall be installed or other fencing acceptable to the County.</i></p>	<p>The Applicant shall clearly identify all proposed measures such as fencing, landscaping, agricultural buffers, etc. within the Development Plan and VTM.</p>	<p>The City Natural Resources Manager and planning staff, in coordination with the County, as needed, shall review the Development Plan and VTM to ensure that design includes installation of fencing and signs. The City Natural Resources Manager and planning staff shall also review the final landscape plan to ensure that the species mix and density of proposed plantings would provide an adequate landscape buffer. The City shall review final development to ensure inclusion of appropriate buffers and should consult with County Agricultural Department staff to ensure the adequacy of agricultural buffers, and their consistency with the County Agricultural Buffer Policies and Procedures. Field inspections at appropriate Project phases shall confirm installation and compliance.</p> <p>Compliance Status: Plans to indicate compliance; installation to be verified in the field Phase 6</p>
<p>MM AG-2b. <i>To reduce the potential for noise, dust, and pesticide drift to affect future Project residents, the Applicant shall ensure that Project landscape plans include planting of a windrow of trees and shrubs along the proposed southern landscape berm and eastern</i></p>	<p>The Applicant shall clearly identify all proposed measures such as fencing,</p>	<p>The City Natural Resources Manager and planning staff shall review the final landscape</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<i>Project site boundary at a sufficient density to buffer the site from surrounding agricultural operations.</i>	landscaping, agricultural buffers, etc. within the Development Plan and VTM.	<p>plan to ensure that the species mix and density of proposed plantings would provide an adequate landscape buffer. Field inspections at appropriate Project phases shall confirm installation and compliance.</p> <p>Compliance Status: Plans to indicate compliance; installation to be verified in the field Phase 6</p>
<i>MM AG-2c. To augment the existing 100-foot agricultural buffer to the Caltrans property to the west of the Project site, the Applicant shall add a 20-foot hedgerow/windrow of trees and vegetation along the east side of Vachell Lane.</i>	The Applicant shall clearly identify all proposed measures such as fencing, landscaping, agricultural buffers, etc. within the Development Plan and VTM.	<p>The City shall review final development to ensure inclusion of appropriate buffers and should consult with County Agricultural Department staff to ensure the adequacy of agricultural buffers, and their consistency with the County Agricultural Buffer Policies and Procedures. Field inspections at appropriate Project phases shall confirm installation and compliance.</p> <p>Compliance Status: completed with Phase 1 improvements</p>
<i>Air Quality and Greenhouse Gas Emissions</i>		
<p>MM AQ-1a. A Construction Activity Management Plan (CAMP) shall be included as part of Project grading and building plans and shall be submitted to the APCD and to the City for review and approval prior to the start of construction. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone of such persons shall be provided to the APCD prior to land use clearance for map recordation and grading. The plan shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> • A Dust Control Management Plan that encompasses the following dust control measures: 	<ol style="list-style-type: none"> 1. The CAMP shall be submitted to the APCD and the City for review and approval prior to acceptance of final Development Plan and recordation of final VTM. 2. All required fugitive dust and emissions control measures shall be noted on all on grading and building plans and all construction activities shall adhere to measures throughout all grading, hauling, and construction activities. 	<p>City staff shall ensure measures are depicted on the CAMP and all submitted grading and construction plans for each Project phase. The dust and emissions control monitor shall be responsible for compliance during construction activities. City grading and building inspectors shall spot check and ensure compliance onsite.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<ul style="list-style-type: none"> • <i>Reduce the amount of disturbed area where possible;</i> • <i>Water trucks or sprinkler trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require twice-daily applications. All dirt stock pile areas should be sprayed daily as needed. Increased watering frequency would be required when wind speeds exceed 15 miles per hour (mph). Reclaimed water or the onsite water well (non-potable) shall be used when possible. The contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control;</i> • <i>All dirt stock-pile areas shall be sprayed daily as needed;</i> • <i>Permanent dust control measures identified in the approved Project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</i> • <i>Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;</i> • <i>All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;</i> • <i>All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</i> • <i>Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</i> • <i>All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard in accordance with California Vehicle Code Section 23114;</i> • <i>Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</i> • <i>Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;</i> • <i>All of these fugitive dust mitigation measures shall be shown on grading and building plans; and</i> • <i>The contractor or builder shall designate a person or persons to monitor the fugitive dust control emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such</i> 	<p>3. The contractor or builder shall provide City monitoring staff and the APCD with name and contact information of onsite dust and emissions control monitor(s) who was approved prior to grading permit issuance for each Project Phase. Monitor duties include:</p> <p>a) assure compliance with all dust control requirements including those covering weekends and holidays, b) order watering, as necessary, to prevent transport of dust offsite, c) attend the pre-construction meeting. The dust control components apply from the beginning of any grading or construction until Final Building Inspection Clearance is issued and landscaping is successfully installed.</p>	<p>APCD inspectors would be responsible for conducting periodic site visits to ensure compliance and respond to nuisance complaints.</p> <p>Compliance Status: CAMP completed in Feb 2019; verify compliance in field as needed.</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.</i></p> <p>2. <i>Implementation of the following BACT for diesel-fueled construction equipment, where feasible. The BACT measures shall include:</i></p> <ul style="list-style-type: none"> <i>Use of Tier 3 and Tier 4 off-road equipment and 2010 on-road compliant engines;</i> <i>Repowering equipment with the cleanest engines available; and</i> <i>Installing California Verified Diesel Emission Control Strategies.</i> <p>3. <i>Implementation of the following standard air quality measures to minimize diesel emissions:</i></p> <ul style="list-style-type: none"> <i>Maintain all construction equipment in proper tune according to manufacturer's specifications;</i> <i>Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).</i> <i>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;</i> <i>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;</i> <i>Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;</i> <i>On- and off-road diesel equipment shall not be allowed to idle for more than five minutes. Signs shall be posted in the designated queuing areas to remind drivers and operators of the five-minute idling limit;</i> <i>Diesel idling within 1,000 feet of sensitive receptors in not permitted;</i> <i>Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;</i> <i>Electrify equipment when feasible;</i> <i>Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,</i> <i>Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.</i> <p>4. <i>Tabulation of on- and off-road construction equipment (age, horse-power, and miles and/or hours of operation);</i></p> <p>5. <i>Schedule construction truck trips during non-peak hours (as determined by the Public Works Director) to reduce peak hour emissions;</i></p>		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>6. Limit the length of the construction work-day period; and</p> <p>7. Phase construction activities, if appropriate.</p>		
<p>MM AQ-1b. To reduce ROG and NO_x levels during the architectural coating phase, low or no VOC-emission paint shall be used with levels of 50 g/L or less, such as Benjamin Moore Natura Paint (Odorless, Zero VOC Paint). The Applicant or builder shall consider additional measures to reduce daily and quarterly ROG and NO_x levels related to architectural coatings, such as extending coating applications by limiting daily coating activities.</p>	<p>ROG and NO_x reduction measures shall be indicated on all building and construction plans submitted to City prior to the issuance of building permits for each Project Phase.</p>	<p>City staff shall ensure measures are depicted on all submitted building and construction plans. City building inspectors shall ensure compliance.</p> <p>Compliance Status: Field verify as needed.</p>
<p>MM AQ-1c. In order to further reduce Project air quality impacts, an offsite mitigation strategy shall be developed and agreed upon by the developer, City, and APCD at least three months prior to the issuance of grading permits, including added funding for circulation improvements and transit operations. Such funding may be in the form of cash payment or included as part of the obligation of the Community Facilities District. The Applicant shall provide this funding at least two months prior to the start of construction to help facilitate emission offsets that are as real-time as possible. Offsite mitigation strategies shall include one or more of the following:</p> <ul style="list-style-type: none"> • Replace/repower San Luis Obispo Regional Transit Authority (SLORTA) transit buses; • Purchase VDECs for transit buses; and • Fund expansion of existing SLORTA transit services. 	<p>1. The Applicant shall prepare and submit the offsite mitigation strategy to the APCD for review and to the City for approval at least three months prior to the issuance of grading permits for Phase 1 construction.</p> <p>2. The Applicant shall provide funding to the APCD at least two months prior to the start of construction.</p>	<p>The APCD and City staff shall ensure offsite mitigation measures are appropriate. The APCD shall ensure the receipt of funding.</p> <p>Compliance Status: At least 3 months prior to grading permits, coordinate with APCD per letter of 3/21/19.</p>
<p>MM AQ-2a. The Applicant shall include the following:</p> <ul style="list-style-type: none"> • Water Conservation Strategy: The Applicant shall install fixtures with the EPA WaterSense Label, achieving 20 percent reduction indoor. The Project shall install drip, micro, or fixed spray irrigation on all plants other than turf, also including the EPA WaterSense Label, achieving 15 percent reduction in outdoor landscaping. • Solid Waste: The Applicant shall institute recycling and composting services to achieve a 15 percent reduction in waste disposal, and use waste efficient landscaping. • Fugitive Dust: The Applicant shall replace ground cover of at least 70 percent of area disturbed in accordance with CARB Rule 403. • Energy Conservation Strategy: The Applicant shall install additional solar and alternative energy features (e.g., solar panels on commercial buildings; solar canopies over commercial parking areas). 	<p>The Applicant shall indicate the above measures on the Development Plan and building plans prior to acceptance of the final Development Plan and recordation of the VTm.</p>	<p>City staff shall ensure measures are indicated on plans. City building inspectors shall ensure compliance after completion of each Phase.</p> <p>Compliance Status: Shown on plans; field verify as needed.</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
MM AQ-2b. <i>Consistent with standard mitigation measures set forth by the APCD, Projects generating more than 50 lbs/day of combined ROG + NOx or PM10 shall implement all feasible measures within Table 3-5 of the Air Quality Handbook.</i>	The Applicant shall include the mitigation measures in Table 3-5 of the 2012 SLO County APCD CEQA Air Quality Handbook, as indicated in the column "Describe How Project Will Include This Measure" in Table 3.3-9, above. All feasible standard mitigation measures shall be included as part of the Project prior to acceptance of the final Development Plan and recordation of the final VTM. City staff shall ensure the above measures are incorporated into the development plan and building plans prior to permit issuance.	<p>1. City staff shall ensure measures are on plans. City staff shall work with the Applicant to ensure that these strategies are implemented.</p> <p>2. APCD inspectors or other City-approved compliance monitors shall conduct periodic site visits to ensure compliance and respond to nuisance complaints.</p> <p>Compliance Status: Shown on plans; field verify as needed.</p>
Biological Resources		
<p>MM BIO-1a. <i>The Applicant shall prepare and implement a Biological Mitigation Plan that identifies construction-related staging and maintenance areas and includes Project-specific construction best management practices (BMPs) to avoid or minimize impacts to biological resources, including all measures needed to protect riparian woodland along Tank Farm Creek, minimize erosion, and retain sediment on the Project site. Such BMPs shall include (but not be limited to) the following:</i></p> <ol style="list-style-type: none"> 1) <i>Construction equipment and vehicles shall be stored at least 100 feet away from Tank Farm Creek and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area.</i> 2) <i>Prior to construction activities adjacent to Tank Farm Creek, the creek shall be fenced with orange construction fencing and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing should be located a minimum of 20 feet from the edge of the riparian canopy or top of bank, whichever is further from the creek, and shall be maintained throughout the construction period for each phase of development.</i> 3) <i>In the event that construction must occur within the creek or 20-foot creek setback, a biological monitor shall be present during all such activities with the authority to stop or redirect work as needed to protect biological resources.</i> 4) <i>Construction shall occur during daylight hours (7:00 AM to 7:00 PM or sunset, whichever is sooner) to avoid impacts to nocturnal and crepuscular (dawn and dusk activity period) species. No construction night lighting shall be permitted within 100 yards of the top of the creek banks.</i> 5) <i>Construction equipment shall be inspected at the beginning of each work day to ensure that no wildlife species is residing within any construction equipment (e.g., species have not climbed into wheel wells, engine compartments, or under tracks since the</i> 	The Biological Mitigation Plan shall be submitted for review and approval by the City prior to acceptance of the final Development Plan and recordation of the final VTM. The plan shall be designed to address all construction-related activities during all phases of development until all disturbed areas are permanently stabilized.	<p>1. The City shall review and approve the Biological Mitigation Plan to ensure that all BMPs and appropriate mitigation measures have been included. The City shall review the construction plans for each phase of development to ensure consistency with the Biological Mitigation Plan.</p> <p>2. City staff shall periodically inspect the Project site during major grading and construction within or adjacent to Tank Farm Creek.</p> <p>Compliance Status: Mitigation Plan completed in Jan 2019; subject to field verification as construction occurs</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>equipment was last parked). Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel.</p> <p>6) Pallets or secondary containment areas for chemicals, drums, or bagged materials shall be provided. Should material spills occur, materials and/or contaminants shall be cleaned from the Project site and recycled or disposed of to the satisfaction of the Regional Water Quality Control Board (RWQCB).</p> <p>7) All trash and construction debris shall be picked up and properly disposed at the end of each day and waste dumpsters shall be covered with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.</p> <p>8) The Applicant shall implement erosion control measures designed to minimize erosion and retain sediment on the Project site. Such measures shall include installation of silt fencing, straw wattles, or other acceptable erosion control devices along the perimeter of Tank Farm Creek and at the perimeter of all cut or fill slopes. All drainage shall be directed to sediment basins designed to retain all sediment onsite.</p> <p>9) Concrete truck and tool washout should occur in a designated location such that no runoff will reach the creek.</p> <p>10) All open trenches shall be constructed with appropriate exit ramps to allow species that incidentally fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.</p> <p>11) Existing facilities and disturbed areas shall be used to the maximum extent possible to minimize the amount of disturbance of undeveloped areas and all construction access roads and staging areas shall be located to avoid high quality habitat and minimize habitat fragmentation.</p>		
<p>MM BIO-1b. The Applicant shall retain a qualified Environmental Monitor, subject to review and approval by the City and in consultation with CDFW, RWQCB, and USFWS to oversee compliance of the construction activities with the Biological Monitoring Plan and applicable laws, regulations, and policies. The Environmental Monitor shall monitor all construction activities, conduct a biological resources education program for all construction workers prior to the initiation of any clearing or construction activities, and provide quarterly reports to the City regarding construction activities, enforcement issues and remedial measures. The Environmental Monitor shall be responsible for conducting inspections of the work area each work day to ensure that excavation areas, restored habitats, and open water habitats in the area do not have oil sheen, liquid oil, or any other potential exposure risk to wildlife. If any exposure risk is identified, the Environmental</p>	<p>The City shall select a qualified Environmental Monitor and a CDFW-approved qualified biologist prior to issuance of grading and building permits for each phase of construction. The Environmental Monitor and CDFW-approved qualified biologist shall be present onsite to monitor construction activities.</p>	<p>The Environmental Monitor shall monitor all grading and construction, conduct regular site inspections, and is responsible for compliance of the construction and the above BMPs within MM BIO-1a. During construction, the Environmental Monitor shall submit quarterly monitoring reports to the City to ensure compliance with the Biological</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>Monitor shall implement measures that could include, but are not limited to, hazing, fencing, and wildlife removals to eliminate the exposure risk.</i></p> <p><i>In addition, a CDFW-approved biologist shall be present during all construction occurring within 50 feet of Tank Farm Creek, riparian habitat, drainages, and seasonal or permanent wetlands. The biologist shall also conduct sensitive species surveys immediately prior to construction activities (within the appropriate season) and shall monitor construction activities in the vicinity of habitats to be avoided (see also, MM BIO-3 and all subparts below).</i></p> <p><i>The work area boundaries and other off-limit areas shall be identified by the biologist and/or Environmental Monitor on a daily basis. The biologist and/or Environmental Monitor shall inspect construction and sediment control fencing each work day during construction activities to ensure that sensitive species are not exposed to hazards. Any vegetation clearing activities shall be monitored by the biologist and/or Environmental Monitor.</i></p>		<p>Mitigation Plan and applicable laws, regulations, and policies. The qualified biologist shall be onsite during all construction within 50 feet of sensitive creek and riparian habitat areas.</p> <p>Compliance Status: Monitor approved; field verification ongoing as activities occur.</p>
<p>MM BIO-2a. <i>Project designs shall be modified to realign the Tank Farm Class I bicycle path and relocate manufactured slopes for housing pads in order to create a minimum of a 35-foot creek setback from either the top of the bank of Tank Farm Creek or edge of riparian habitat, whichever is further, for at least 90 percent of corridor length. No more than 10 percent of the length of the corridor (700 linear feet) shall have a setback of less than 35 feet, but at least 20 feet from the top of the bank or edge of riparian canopy, whichever is further. However, in any instance the creek setback shall be no less than 20 feet from the edge of riparian canopy or top of bank, whichever is further, consistent with Section 17.16.025 of the City of San Luis Obispo Zoning Regulations.</i></p>	<p>The Applicant shall revise the proposed Project to move the location of the Tank Farm Class I bicycle path and manufactured slopes to be outside the City-approved creek setback. The revised Development Plan and VTM shall clearly indicate the 35-foot creek setback line from the top of the bank or riparian edge, whichever is further. The Applicant shall clearly delineate any portions of development within the 35-foot creek setback. In addition, the Applicant shall submit creek cross sections along various locations of Tank Farm Creek that demonstrate compliance. The City shall review and approve these modifications prior to acceptance of the final Development Plan and recordation of the final VTM.</p>	<p>The City shall ensure compliance the specific creek setbacks through review and approval of the final VTM, grading plan, and final Development Plan, along with monitoring reports prepared as part of MM BIO-1b.</p> <p>Compliance Status: Ongoing; subject to review</p>
<p>MM BIO-2b. <i>The Biological Mitigation Plan shall provide details on timing and implementation of required habitat restoration and shall be prepared in consultation with the City's Natural Resource Manager and CDFW. A copy of the final plan shall be submitted to the City for review and approval. The plan shall be implemented by the Project Applicant, under supervision by the City and Environmental Monitor, and:</i></p> <ol style="list-style-type: none"> <i>1) Characterize the type, species composition, spatial extent, and ecological functions and values of the wetland and riparian habitat that will be removed, lost, or damaged.</i> <i>2) Describe the approach that will be used to replace the wetland and riparian habitat removed, lost, or adversely impacted by the Project, including a list of the soil, plants,</i> 	<p>The Biological Mitigation Plan shall specify the location, timing, species composition, and maintenance of all habitat restoration and enhancement efforts. Completed pre-construction species surveys shall be submitted to the City within 10 days of completion. Construction work shall not commence until after the completion of surveys and approval of the Biological Mitigation Plan. Any required permits shall be obtained from the state and federal</p>	<p>The City shall:</p> <ol style="list-style-type: none"> 1. Review and approve the Biological Mitigation Plan. 2. Review construction plans for each phase of development to ensure consistency with the Biological Mitigation Plan. 3. Select a qualified biologist prior to issuance of all grading and building permits.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>and other materials that will be necessary for successful habitat replacement, and a description of planting methods, location, spacing, erosion protection, and irrigation measures that will be needed. Restoration and habitat enhancement shall include use of appropriate native species and correction of bank stabilization issues. Wetland restoration or enhancement areas shall be designed to facilitate establishment of wetland plants such as willows, cottonwoods, rushes, and creeping wild rye.</i></p> <p>3) <i>Describe the habitat restoration ratio to be used in calculating the acreage of habitat to be planted, consistent with MM BIO-2c through 2e below and the findings in the Biological Report (Appendix I).</i></p> <p>4) <i>Describe the program that will be used for monitoring the effectiveness and success of the habitat replacement approach.</i></p> <p>5) <i>Describe how the habitat replacement approach will be supplemented or modified if the monitoring program indicates that the current approach is not effective or successful.</i></p> <p>6) <i>Describe the criteria that will be used to evaluate the effectiveness and success of the habitat replacement approach.</i></p> <p>7) <i>Indicate the timing and schedule for the planting of replacement habitat.</i></p> <p>8) <i>Habitat restoration or enhancement areas shall be established within the Project boundaries, adjacent to and contiguous with existing wetlands to the maximum extent possible. Habitats suitable for Congdon's tarplant and other native wetland species shall be created onsite. If Congdon's tarplant is found in areas proposed for disturbance, the affected individuals shall be replaced at a 1:1 ratio through seeding in a suitable conserved natural open space area. A management plan for the species shall be developed consistent with applicable scientific literature pertinent to this species.</i></p> <p>9) <i>Habitat restoration or enhancement sites shall be placed within deed-restricted area(s), and shall be maintained and monitored for a minimum of five years. If sufficient onsite mitigation area is not practicable, an offsite mitigation plan shall be prepared as part of the Biological Mitigation Plan and approved by permitting agencies.</i></p> <p>10) <i>The Biological Mitigation Plan shall identify appropriate restoration and enhancement activities to compensate for impacts to seasonal creek, wetland, and riparian habitat, including a detailed planting plan and maintenance plans using locally obtained native species and include habitat enhancement to support native wildlife and plant species.</i></p> <p>11) <i>A weed management plan and weed identification list shall be included in the Biological Mitigation Plan.</i></p> <p>12) <i>Habitat restoration or enhancement areas shall be maintained weekly for the first three years after Phase completion and quarterly thereafter. Maintenance shall include eradication of noxious weeds found on California Department of Food and</i></p>	<p>agencies prior to the issuance of grading or building permits. The Biological Mitigation Plan shall be prepared by the Applicant and submitted to the City for approval prior to acceptance of the final Development Plan and recordation of the final VTm.</p>	<p>4. Review findings of the surveys submitted with quarterly construction reports.</p> <p>5. Ensure compliance with Sections 3505 and 3503.1 of the Fish and Game Code of California.</p> <p>After the completion of each phase, the qualified biologist shall inspect the site as follows: quarterly for the first two years, semi-annually during the third year, and annually for the fourth and fifth years. Annual reports demonstrating compliance with the Biological Mitigation Plan and any needed corrective actions shall be submitted to the City for five years after completion of each phase. Qualified biologist and/or Environmental Monitor shall monitor for compliance during ongoing construction.</p> <p>Compliance Status:</p> <p>Mitigation Plan approved; subject to field verification when grading and construction occur</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>Agriculture Lists (CDFA) A and B. Noxious weeds on CDFA list C may be eradicated or otherwise managed.</i></p> <p>13) <i>Mitigation implementation and success shall be monitored quarterly for the first two years after completion of each Phase, semi-annually during the third year, and annually the fourth and fifth years. Annual reports documenting site inspections and site recovery status shall be prepared and sent to the County and appropriate agencies.</i></p>		
<p>MM BIO-2c. <i>Within the required Biological Mitigation Plan, all temporary and permanent impacts to riparian trees, wetlands, and riparian habitat shall be mitigated, as follows:</i></p> <ol style="list-style-type: none"> <i>Temporary impacts to wetland and riparian habitat shall be mitigated at a minimum 1:1 mitigation ratio for restoration (area of restored habitat to impacted habitat).</i> <i>Permanent impacts to state jurisdictional areas, including isolated wetlands within agricultural lands and riparian habitat will be mitigated at a 1.5:1 ratio (area of restored and enhanced habitat to impacted habitat).</i> <i>Permanent impacts to federal wetlands shall be mitigated at a minimum 3:1 ratio (1:1 area of created to impacted habitat plus 2:1 area of created/enhanced habitat to impacted habitat).</i> <i>Riparian trees four inches or greater measured at diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1 (replaced: removed). Trees measured at 24 inches or greater DBH shall be replaced in-kind at a minimum ratio of 10:1. Willows and cottonwoods may be planted from live stakes following guidelines provided in the California Salmonid Stream Habitat Restoration Manual for planting dormant cuttings and container stock (CDFW 2010). Permanent impacts to riparian vegetation shall be mitigated at a 3:1 ratio to ensure no net loss of acreage and individual plants.</i> <i>Replacement trees shall be planted in the fall or winter of the year in which trees were removed. All replacement trees will be planted no more than one year following the date upon which the native trees were removed. Replacement plants shall be monitored for 5 years with a goal of at least 70 percent survival at the end of the 5-year period. Supplemental irrigation may be provided during years 1 to 3; however, supplemental watering shall not be provided during the final two years of monitoring.</i> 	<p>The Biological Mitigation Plan shall demonstrate compliance with mitigation ratios and be submitted to the City for approval prior to acceptance of the final Development Plan and recordation of the final VTM. Tree and vegetation replacement shall occur within the same construction phase as tree and vegetation removal.</p>	<p>The City shall ensure compliance with requirements for the Biological Mitigation Plan. The Environmental Monitor shall ensure compliance during restoration activities.</p> <p>Compliance Status: Mitigation Plan approved; subject to field verification when grading and construction occur</p>
<p>MM BIO-2d. <i>Project design shall be modified to preserve at a minimum the southern 275 feet of the North-South Creek Segment to protect all existing mature riparian woodland, and the proposed drainage plan shall be altered to convey remaining surface water flows from areas to the north to this channel.</i></p>	<p>Applicant shall revise Development Plan and VTM to preserve a minimum of 275 feet of the North-South Creek Segment along its southern reach. Revised plans shall be submitted and approved by the City prior to acceptance of the final Development Plan and recordation of the final VTM.</p>	<p>The City shall review and ensure compliance of protection and restoration measures within the required Biological Mitigation Plan.</p> <p>Compliance Status:</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>MM BIO-2e. <i>To minimize impacts to riparian habitat, the Project shall stockpile sufficient emergent vegetation (e.g., cattails) for later planting in the realigned reach of Tank Farm Creek. Stockpiled vegetation shall be placed in earthen basins with the roots covered with moist soil and maintained in a moist condition during construction operations.</i></p>	<p>Biological Mitigation Plan shall demonstrate compliance and be submitted to the City for approval prior to acceptance of the final Development Plan and recordation of the final VTM.</p>	<p>Mitigation Plan approved; field verify as needed.</p> <p>The Environmental Monitor shall ensure compliance with the Biological Mitigation Plan during restoration activities.</p> <p>Compliance Status: Mitigation Plan approved; compliance subject to field verification.</p>
<p>MM BIO-2f. <i>The reconstructed portion of Tank Farm Creek shall be engineered to provide similar characteristics to the existing creek channel and banks, including sinuosity, gradient, and channel capacity. The reconstructed stream channel shall be vegetated with appropriate riparian tree and shrub species, and monitored as part of the required Biological Mitigation Plan.</i></p>	<p>The Biological Mitigation Plan shall demonstrate compliance and be submitted to the City for review and approval prior to acceptance of the final Development Plan and recordation of the final VTM. This mitigation does not apply to the MPA.</p>	<p>The City shall ensure compliance with the requirements of the Biological Mitigation Plan. The Environmental Monitor shall also ensure compliance with during restoration activities. Compliance shall also be demonstrated within the Biological Mitigation Plan annual report for Phase 3 submitted to the City.</p>
<p>MM BIO-2g. <i>A post-construction landscape and restoration report for each phase shall be prepared by the Environmental Monitor based on as-built drawings and site inspections to document the final grading, plantings, and habitat restoration activities. The report shall include as-built plans prepared after restoration, grading, and mitigation habitat plantings are complete. The as-built plans shall be prepared by landscape and grading contractors responsible for realignment and restoration within Tank Farm Creek.</i></p>	<p>The Applicant shall submit to the all post-construction landscape and restoration reports within 60 days of final installation of plant materials for each phase.</p>	<p>The City shall review post-construction landscape and restoration reports and ensure compliance prior to approval of grading and building permits for each new phase of construction. Environmental Monitor shall ensure compliance with approved Biological Mitigation Plan for all restoration activities.</p> <p>Compliance Status: BMMP completed Jan 2019; field verify as needed.</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
MM BIO-2h. Project activities within Tank Farm Creek and drainage channels, including any tree pruning or removals, any necessary erosion repairs, or culvert removals, shall be performed when the channel is dry, planned to the satisfaction of the City Engineer and Natural Resource Manager per City Drainage Manual Standards, and be subject to monitoring by the Environmental Monitor. Upon removal of the existing steel culvert currently used for farm access across Tank Farm Creek, the channel shall be restored to match conditions immediately upstream and downstream including channel width, gradient, and vegetation.	Compliance with the City Drainage Manual Standards shall be demonstrated within the final Development Plan and grading plans for each phase and be subject to City review and approval prior to acceptance of the final Development Plan and recordation of the final VTM. The City shall be notified at least 10 business days in advance of any work to be performed within the creek or drainage channels.	The City shall ensure compliance with standards on the final Development Plan and VTM. The Environmental Monitor shall monitor activities within the creek and drainage channels. Compliance Status: BMMP completed Jan 2019; field verify as needed.
MM BIO-2i. To reduce erosion and runoff from all exposed soils, all bare disturbed soils shall be hydroseeded at the completion of grading for each construction phase. The seed mix shall contain a minimum of three locally native grass species and may contain one or two sterile non-native grasses not to exceed 25 percent of the total seed mix by count. Seeding shall be completed no later than November 15 of the year in which Project activities occurred. All exposed areas where seeding is considered unsuccessful after 90 days shall receive a second application or seeding, straw, or mulch as soon as is practical to reduce erosion.	Seeding shall be completed no later than November 15 of the year in which Project activities occurred.	The Environmental Monitor shall monitor hydroseeding activities for compliance. Compliance shall be demonstrated within the quarterly reports for construction activities (refer to MM BIO-1a and 1b). Compliance Status: BMMP completed Jan 2019; field verify as needed.
MM BIO-2j. The Tank Farm Creek Class I bicycle path bridge footings for creek crossings shall be placed outside mapped riparian areas and outside the top of the bank of the channel invert. The Class I bridges shall be located within areas that have little to no riparian vegetation. No construction activities or equipment shall occur in the stream channel. The placement of the bridge and footings shall be indicated on the Development Plan, VTM, and Biological Mitigation Plan, and shall show the bridges' placement in relation to existing vegetation and the creek channel and banks.	The Applicant shall demonstrate compliance with Development Plan, VTM, and Biological Mitigation Plan subject to City review and approval prior to acceptance of the final Development Plan and recordation of the final VTM.	The City shall review the Biological Mitigation Plan, final Development Plan and final VTM to ensure compliance. Compliance Status: BMMP completed Jan 2019; field verify as needed.
MM BIO-3a. The City-approved qualified biologist shall conduct training to all construction personnel to familiarize construction crews with sensitive species that have the potential to occur within the Project site. This may include but is not limited to: California red-legged frog, western pond turtle, Steelhead trout, bats, migratory birds, and Congdon's tarplant. The educational program shall include a description what constitutes take, penalties for take, and the guidelines that would be followed by all construction personnel to avoid take of	All construction personnel shall complete special status species training prior to partaking in any Project-related activities, and again prior to the commencement of each Project phase. Ongoing weekly "tail-gate" trainings shall occur during	The construction foreman shall demonstrate compliance and completion of training with training logs. The City-approved qualified biologist shall verify completion of

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>species during construction activities. Descriptions of the California red-legged frog and its habits, Congdon's tarplant, nesting and migratory birds that may be encountered, and all other sensitive species that have a potential to occur within the vicinity of Project construction shall be provided. The construction crew foreman shall be responsible for ensuring that crew members comply with the guidelines and that all new personnel receive the training before partaking in construction activities.</i></p>	<p>construction activities performed within 50 feet of creek, wetland, and riparian areas.</p>	<p>training. Training logs shall be submitted to the City along with quarterly reports during construction (refer to MM BIO-1a).</p> <p>Compliance Status: BMMP completed Jan 2019; field verify as needed.</p>
<p>MM BIO-3b. <i>The Biological Mitigation Plan shall address wildlife and special status species movement as follows:</i></p> <ul style="list-style-type: none"> • <i>Migratory and Nesting Bird Management.</i> <i>Grading and construction activities shall avoid the breeding season (typically assumed to be from February 15 to August 15) to the extent practicable, particularly within 50 feet of Tank Farm Creek and riparian or wetland habitat. If Project activities must be conducted during this period, pre-construction nesting bird surveys shall take place within one week of habitat disturbance associated with each phase, and if active nests are located, the following shall be implemented:</i> <ul style="list-style-type: none"> ○ <i>Construction activities within 50 feet of active nests shall be restricted until chicks have fledged, unless the nest belongs to a raptor, in which case a 200-foot activity restriction buffer shall be observed.</i> ○ <i>A pre-construction survey report shall be submitted to the City immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report.</i> ○ <i>The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions and the species involved. A report of findings and recommendations for bird protection shall be submitted to the City prior to vegetation removal.</i> • <i>Bat Colony Management.</i> <i>Prior to removal of any trees over 20 inches diameter-at-breast-height (DBH), a survey shall be conducted by a CDFW-approved qualified biologist to determine if any tree proposed for removal or trimming harbors sensitive bat species or maternal bat colonies. Maternal bat colonies shall not be disturbed. If a non-maternal roost is found, the qualified biologist shall install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and shall have similar cavities or crevices to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. If a bat colony is excluded from the Project site, appropriate</i> 	<ol style="list-style-type: none"> 1. The Biological Mitigation Plan shall include a management plan for migrating and nesting birds, bat colonies, Congdon's tarplant, and sensitive species and shall be submitted for review and approval by the City prior to acceptance of final Development Plan and recordation of the final VTM. 2. Construction shall be conducted between August 16 and February 14 unless pre-construction surveys are completed. Completed pre-construction species surveys (i.e., nesting, bat surveys, etc.) shall be submitted to the City within 10 days of completion. Construction work shall not commence until after the completion of surveys. 3. Required permits shall be obtained from state and federal agencies prior to issuance of grading or building permits. 	<p>The City shall: 1.Ensure compliance on the Biological Mitigation Plan. The City shall review findings of the surveys submitted with quarterly construction reports 2.Ensure compliance with Sections 3505 and 3503.1 of the Fish and Game Code of California.</p> <p>3. The qualified biologist and/or Environmental Monitor shall monitor for compliance during ongoing construction.</p> <p>Compliance Status: Mitigation Plan approved; compliance subject to field verification as construction occurs</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>alternate bat habitat shall be installed in the Project site. To the extent practicable, alternate bat house installation shall be installed near the onsite drainage.</p> <ul style="list-style-type: none"> • Congdon's Tarplant Management. Prior to initiation of construction, the Applicant shall fund a site survey for Congdon's tarplant, and: <ul style="list-style-type: none"> ○ If Congdon's tarplant is found in areas proposed for building, the affected individuals shall be replaced at a 1:1 ratio through seeding in a suitable conserved natural open space area. ○ A mitigation and monitoring plan for the species shall be developed consistent with applicable scientific literature pertinent to this species. The plan shall provide for the annual success over an area of at least 1,330 square feet with approximately 500-750 individuals (the current aerial extent) and be implemented to reduce impacts to Congdon's tarplant to a less than significant level. ○ The mitigation plan shall be incorporated into the Biological Mitigation Plan, wherein wetland sites shall be created and Congdon's tarplant seeds from the site shall be reintroduced. • Sensitive Species Management. Injury or mortality to the California red-legged frog, western pond turtle, and steelhead shall be avoided. The plan shall include the following measures: pre-Project surveys; worker awareness; cessation of work in occupied areas; relocation (if necessary) of frogs, turtles, and steelhead from the work area by a professional biologist authorized by the USFWS and/or CDFW; and monitoring by a qualified biologist during construction. Necessary permits shall be obtained from the state (CDFW) and federal (USACE and USFWS) regulatory agencies with jurisdiction. Any other sensitive species observed during the pre-construction surveys shall be relocated out of harm's way by the qualified biologist into the nearest suitable habitat as determined in consultation with the jurisdictional resource agency outside the disturbance area. 		
<p>MM BIO-3c. Within 48 hours prior to construction activities within 50 feet of Tank Farm Creek, drainages, and seasonal wetlands, the Project site shall be surveyed for California red-legged frogs by a qualified biologist. If any California red-legged frogs are found, work within 25 linear feet in any direction of the frog shall not start until the frog has been moved from the area. The USFWS shall be consulted for appropriate action; the Applicant shall obtain a Biological Opinion from the USFWS and any additional authorization required by other regulatory agencies prior to the commencement of work. The USFWS-qualified biologist, Environmental Monitor, or USFWS personnel may determine that frog-exclusion fencing is necessary to prevent overland movement of frogs if concerns arise that frogs could enter construction areas. Frog-exclusion fencing should contain no gaps and must extend at least 18 inches above ground; fences may be opened during periods of no construction (e.g., weekends) to prevent entrapment.</p>	<p>No construction activities within 50 feet of frog habitat shall occur prior to California red-legged frog surveys. Completed surveys shall be submitted to City along with quarterly construction reports.</p>	<p>The City shall review findings of the surveys submitted with quarterly construction reports. Biologist shall ensure compliance during ongoing construction activities and with USFWS recommended actions.</p> <p>Compliance Status: BMMP completed Jan 2019; field verify as needed.</p>
<p>MM BIO-3d. Within 48 hours prior to construction activities within 50 feet of Tank Farm Creek, drainages, seasonal wetlands, and riparian habitat, the Project site shall be surveyed</p>	<p>No construction activities within 50 feet of frog habitat shall occur prior to the</p>	<p>The City shall review findings of the surveys submitted with</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<i>for western pond turtles by a qualified biologist. If any western pond turtles are found, work shall cease until the turtle is relocated to the nearest suitable habitat. The qualified biologist shall monitor all ground breaking work conducted within 50 feet of western pond turtle habitat. The City-approved biologist Environmental Monitor may determine that silt fencing shall be installed adjacent to western pond turtle habitat if concerns arise that the western pond turtle overland movement could allow them to access construction areas.</i>	completion of western pond turtle surveys. Completed surveys shall be submitted to City along with quarterly construction reports.	quarterly construction reports demonstrating compliance. The biologist and/or Environmental Monitor shall ensure compliance during ongoing construction activities and with USFWS recommended actions. Compliance Status: BMMP completed Jan 2019; field verify as needed.
<i>MM BIO-3e. Construction of the realigned portion of Tank Farm Creek, including planting of riparian vegetation, watering, and bank stabilization, shall be conducted prior to removal of the North-South Creek Segment to provide a fully connected wildlife movement area through Tank Farm Creek throughout the construction period. Project phasing shall be adjusted as needed to accommodate this sequence of construction activities.</i>	The Applicant shall demonstrate phasing and creek restoration within the Development Plan, VTM and Biological Mitigation Plan. Applicant shall submit to the City for review and approval prior to acceptance of the final Development Plan and recordation of the final VTM. This measure would not apply to the MPA.	The City shall review the Biological Mitigation Plan, Development Plan, and VTM for compliance. The Environmental Monitor shall monitor creek realignment and the removal of North-South Creek Segment for compliance.
<i>MM BIO-4. The required Biological Mitigation Plan shall address bat colonies for the Buckley Road Extension site. Bat surveys shall be conducted in buildings proposed for demolition. If surveys determine bats are present, bat exclusion devices shall be installed between August and November, and building demolition would occur between November and March. If demolition of structures must occur during the bat breeding season, buildings must be inspected and deemed clear of bat colonies/roosts within seven days of demolition and an appropriately trained and approved biologist must conduct a daily site-clearance during demolition. If bats are roosting in a structure in the Project site during the daytime but are not part of an active maternity colony, then exclusion measures must include one-way valves that allow bats to get out but are designed so that the bats may not re-enter the structure.</i>	A bat colony management plan shall be submitted for review and approval prior to acceptance of the final Development Plan and recordation of the final VTM. Completed bat surveys shall be submitted within 10 days of completion. Construction work shall not commence until completion of surveys or relocation of any non-maternal bat colonies. Exclusion measures shall be installed prior to initiation of construction of Phase 2.	The City shall review findings of the bat surveys submitted with quarterly construction reports. The qualified biologist and/or Environmental Monitor shall monitor for compliance during ongoing construction. Compliance Status: Mitigation Plan completed; field monitor as necessary.
<i>MM BIO-5a. All exterior building lights facing Tank Farm Creek shall be hooded to prevent light spillover into the creek; all residential street lights over 10 feet in height shall be setback a minimum of 100 feet from the top of the creek bank and hooded and/or directed away from the creek. Any night lighting adjacent to the creek (e.g., walkway lights) shall be of low voltage and hooded downward. Artificial light levels within 20 feet of the top of the creek bank shall not exceed 1-foot candle or the lowest level of illumination found to be feasible by the City.</i>	This mitigation measure shall be incorporated appropriately and subject to City review and approval prior to acceptance of the final Development Plan and recordation of the final VTM.	The City shall review the final Development Plan, Biological Mitigation Plan, and lighting plan to ensure compliance. Compliance Status: BMMP completed Jan 2019; field verify as needed.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>MM BIO-5b. Tank Farm Creek restoration/enhancement plantings shall include native vegetation, such as oaks, cottonwoods, willows, and sycamores along the entire length of the Project's creek frontage in order to minimize light spillover into the creek.</p>	<p>Measure shall be incorporated as part of the Biological Mitigation Plan to subject to City review and approval prior to acceptance of the final Development Plan and recordation of the final VTM.</p>	<p>The City shall review the final Development Plan, landscape plans and restoration plans to ensure compliance.</p> <p>Compliance Status: BMMP completed Jan 2019; field verify as needed.</p>
<p>MM BIO-6. All work within 100 feet of Tank Farm Creek, including work within the creek setback, shall occur outside the rainy season (April 15 to October 15, unless approved otherwise by the RWQCB), during periods when the creek channel is dry and water flows are absent.</p>	<p>This measure shall be included within the Biological Mitigation Plan and subject to City review and approval prior to acceptance of the Final Development Plan and recordation of the final VTM. During construction, quarterly documentation demonstrating compliance shall be submitted to the City.</p>	<p>The City shall review and approve the Biological Mitigation Plan to ensure this issue is addressed and prior to the onset of construction for each phase. The City shall ensure compliance in detailed grading and construction plans. The onsite Environmental Monitor shall ensure that construction within 100 feet of the creek is halted during a wet weather event.</p> <p>Compliance Status: BMMP completed Jan 2019; field verify as needed.</p>
<p>Cultural Resources</p>		
<p>MM CR-2a. Data recovery through controlled grading of CA-SLO-2798/H shall occur prior to the start of construction to seek buried features and additional diagnostic artifacts. The Applicant shall retain a Registered Professional Archaeologist familiar with the types of historic and prehistoric resources that could be encountered within the Project site and a Native American monitor to supervise the controlled grading, which shall occur in 10-centimeter lifts to culturally sterile sediments or maximum construction depth (whichever is reached first).</p> <ul style="list-style-type: none"> Any formed tools exposed during grading shall be collected. If archaeological features are exposed (including but not limited to hearths, storage pits, midden deposits, or structural remains), the archaeologist shall temporarily redirect grading to another area so the features can be exposed, recorded, and sampled according to standard archaeological procedures. Organic remains shall be dated using the radiocarbon method and the geochemical source and hydration rim thickness of any obsidian shall 	<p>Controlled grading shall occur prior to other earthwork, grading, and ground disturbing activities in Phase 5. Phase 5 grading plans shall reflect controlled grading methods within the plan notes. Technical analysis and reporting shall be completed within 18 months following completion of controlled grading.</p>	<p>The City shall ensure the grading plans for Phase 5 development reflect a controlled grading approach. The Project archaeologist and Native American monitor shall ensure compliance during construction.</p> <p>Compliance Status: Field verification required as needed; coordinate with monitor.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>be determined. Technical analyses of plant remains, bone and shell dietary debris, and other important materials shall also be performed.</i></p> <ul style="list-style-type: none"> Artifacts, features, and other materials recovered through this process shall be described, illustrated, and analyzed fully in a technical report of findings; the analysis shall include comparative research with other sites of similar age. In addition to the technical report, the findings from this research shall be published in an appropriate scientific journal. The Applicant shall fund all technical reporting and subsequent publication. 		
<p>MM CR-2b. Following completion of controlled grading of CA-SLO-2798/H, the Applicant shall retain a Registered Professional Archaeologist and a Native American consultant to monitor all further earth disturbances within Phase 5 to ensure that previously unidentified buried archaeological deposits are not inadvertently exposed and damaged. In the event archaeological remains are encountered during grading or other earth disturbance, work in the vicinity shall be stopped immediately and redirected to another location until the Project archaeologist evaluates the significance of the find pursuant to City Archaeological Resource Preservation Program Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with City Guidelines and funded by the Applicant.</p>	<p>The conditions for monitoring and treatment of discoveries shall be printed on all building and grading plans. Prior to issuance of building and grading permits for Phase 5 of the Project, the Applicant shall submit to the City a contract or Letter of Commitment with the Registered Professional Archaeologist. The City shall review and approve the selected archaeologist to ensure they meet appropriate professional qualification standards.</p>	<p>City permit compliance staff shall confirm monitoring by archaeologist and tribal representative and City grading inspectors shall spot check field work. The Native American monitor and/or Project archaeologist shall ensure actions are consistent with mitigation measure and implemented in the event of any inadvertent discovery.</p>
<p>MM CR-3a. Prior to the issuance of building and grading permits for Phase 1, the Applicant shall retain a City-approved Registered Professional Archaeologist and a Native American monitor to be present during all ground disturbing activities within the Project site and Buckley Road Extension site. In the event of any inadvertent discovery of prehistoric or historic-period archaeological resources during construction, all work within 50 feet of the discovery shall immediately cease (or greater or lesser distance as needed to protect the discovery and determined in the field by the Project archaeologist). The Applicant shall immediately notify the City of San Luis Obispo Community Development Department. The Project archaeologist shall evaluate the significance of the discovery pursuant to City Archaeological Resource Preservation Program Guidelines prior to resuming any activities that could impact the site/discovery. If the Project archaeologist determines that the find may qualify for listing in the CRHR, the site shall be avoided or shall be subject to a Phase 3 mitigation program consistent with City Guidelines and funded by the Applicant. Work shall not resume until authorization is received from the City.</p>	<p>The conditions for monitoring and treatment of discoveries shall be printed on all building and grading plans. Prior to issuance of building and grading permits for each Phase of the Project, the Applicant shall submit to the City a contract or Letter of Commitment with the Registered Professional Archaeologist. The City shall review and approve the selected archaeologist to ensure they meet appropriate professional qualification standards.</p>	<p>City permit compliance staff shall confirm monitoring by archaeologist and tribal representative and City grading inspectors shall spot check field work. The Native American monitor and/or Project archaeologist shall ensure actions are consistent with mitigation measure and implemented in the event of any inadvertent discovery.</p> <p>Compliance Status: Monitor approved; field verification required as needed.</p>
<p>MM CR-3b. Prior to construction, workers shall receive education regarding the recognition of possible buried cultural remains and protection of all cultural resources, including prehistoric and historic resources, during construction. Such training shall provide</p>	<p>Prior to earthwork activities for each phase, construction workers shall participate in an educational program that will enable them to</p>	<p>The Project archaeologist shall verify the training has been completed by all construction</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>construction personnel with direction regarding the procedures to be followed in the unlikely event that previously unidentified archaeological materials, including Native American burials, are discovered during construction. Training would also inform construction personnel that exclusion zones must be avoided and that unauthorized collection or disturbance of artifacts or other cultural materials is not allowed. The training shall be prepared by the Project archaeologist and shall provide a description of the cultural resources that may be encountered in the Project site, outline steps to follow in the event that a discovery is made, and provide contact information for the Project archaeologist, Native American monitor, and appropriate City personnel. The training shall be conducted concurrent with other environmental or safety awareness and education programs for the Project, provided that the program elements pertaining to archaeological resources is provided by a qualified instructor meeting applicable professional qualifications standards.</i></p>	<p>recognize and report possible buried cultural remains and protect all cultural resources, including prehistoric and historic resources. The educational program shall be outlined within the archaeological testing and mitigation program and submitted to the City for approval prior to issuance of grading permits for each phase.</p>	<p>workers and shall ensure construction workers follow cultural resource recovery protocols.</p> <p>Compliance Status: Ongoing; monitor working with construction team.</p>
Geological Resources		
<p>MM GEO-1. Design and construction of the buildings, roadway infrastructure and all subgrades shall be engineered to withstand the expected ground acceleration that may occur at the Project site. The design shall take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available. All onsite structures shall comply with applicable provisions of the 2010 California Building Code (CBC), local codes, and the most recent California Department of Transportation seismic design standards.</p>	<p>The final recommendations shall be approved by the City Geotechnical Engineer prior to construction activities. Recommendations shall be included on grading plans.</p>	<p>The Applicant shall retain a geotechnical engineer and an engineering geologist to make recommendations and to inspect and verify field conditions prior to and during the implementation of critical Project components (e.g., site preparation, grading, and construction of foundation slabs). The Applicant-retained geotechnical engineer and engineering geologist shall also inspect the site prior to the final site inspection by the City building inspectors.</p> <p>Compliance Status: City staff reviews for compliance as needed.</p>
<p>MM GEO-2. For commercial retail stores included in the Project, goods for sale may be stacked no higher than 8 feet from the floor in any area where customers are present, unless provisions are made to prevent the goods from falling during an earthquake of up to 7.5 magnitude. The stacking or restraint methods shall be reviewed and approved by the City before approval of occupancy permits, and shall be a standing condition of occupancy.</p>	<p>Applicant shall indicated this measure on Project plans.</p>	<p>City building inspectors shall ensure compliance.</p> <p>Compliance Status: TBD; later phase.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>MM GEO-3. A geotechnical study shall be prepared for the Project site prior to site development. This report shall include an analysis of the liquefaction potential of the underlying materials according to the most current liquefaction analysis procedures. If the Project site is confirmed to be in an area prone to seismically-induced liquefaction, appropriate techniques to minimize liquefaction potential shall be prescribed and implemented. All onsite structures, transportation infrastructure, and subgrades shall comply with applicable methods of State and Local Building Codes and all transportation infrastructure shall comply with the most current California Department of Transportation design standards. Suitable measures to reduce liquefaction impacts could include one or more of the following techniques, as determined by a registered geotechnical engineer:</p> <ul style="list-style-type: none"> • Specialized design of foundations by a structural engineer; • Removal or treatment of liquefiable soils to reduce the potential for liquefaction; • Drainage to lower the groundwater table to below the level of liquefiable soil; • In-situ densification of soils or other alterations to the ground characteristics; or • Other alterations to the ground characteristics. 	<p>The final recommendations shall be approved by the City Geotechnical Engineer prior to construction activities. Recommendations shall be included on grading plans.</p>	<p>The Applicant shall retain a geotechnical engineer and an engineering geologist to make recommendations and to inspect and verify field conditions prior to and during the implementation of critical Project components (e.g., site preparation, grading, and construction of foundation slabs). The Applicant-retained geotechnical engineer and engineering geologist shall also inspect the site prior to the final site inspection by the City building inspectors.</p> <p>Compliance Status: Following Jan 2019 Geotech Plan. City staff reviews for compliance as needed.</p>
<p>MM GEO-4. The Site Geotechnical Investigation shall include an evaluation of the potential for soil settlement beneath the Project site. If the Project site is identified to be in a high potential for settlement zone based on the Site Geotechnical Investigation, the building foundations, transportation infrastructure, and subgrades shall be designed by a structural engineer to withstand the existing conditions, or the site shall be graded in such a manner as to address the conditions. Suitable measures to reduce settlement impacts could include one or more of the following techniques, as determined by a qualified geotechnical engineer:</p> <ul style="list-style-type: none"> • Excavation and recompaction of onsite or imported soils; • Treatment of existing soils by mixing a chemical grout into the soils prior to recompaction; or <p>Foundation design that can accommodate certain amounts of differential settlement such as post tensional slab and/or ribbed foundations designed in accordance with the CBC.</p>	<p>The final recommendations shall be approved by the City Geotechnical Engineer prior to construction activities. Recommendations shall be included on grading plans.</p>	<p>The Applicant shall retain a geotechnical engineer and an engineering geologist to make recommendations and to inspect and verify field conditions prior to and during the implementation of critical Project components (e.g., site preparation, grading, and construction of foundation slabs). The Applicant-retained geotechnical engineer and engineering geologist shall also inspect the site prior to the final site inspection by the City building inspectors.</p> <p>Compliance Status:</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
		Following Jan 2019 Geotech Plan. City staff reviews for compliance as needed.
<p>MM GEO-5. <i>The Site Geotechnical Investigation shall include an evaluation of the potential for soil expansion beneath the Project site. If the Project site is identified to be in a high expansive soil zone based on the Site Geotechnical Investigation, the foundations and transportation infrastructure shall be designed by a structural engineer to withstand the existing conditions, or the site shall be graded in such a manner as to address the conditions. Suitable measures to reduce impacts from expansive soils could include one or more of the following techniques, as determined by a qualified geotechnical engineer:</i></p> <ul style="list-style-type: none"> • <i>Excavation of existing soils and importation of non-expansive soils; and</i> <p><i>Foundation design to accommodate certain amounts of differential expansion such as post tensional slab and/or ribbed foundations designed in accordance with the CBC.</i></p>	<p>The final recommendations shall be approved by the City Geotechnical Engineer prior to construction activities. Recommendations shall be included on grading plans.</p>	<p>The Applicant shall retain a geotechnical engineer and an engineering geologist to make recommendations and to inspect and verify field conditions prior to and during the implementation of critical Project components (e.g., site preparation, grading, and construction of foundation slabs). The Applicant-retained geotechnical engineer and engineering geologist shall also inspect the site prior to the final site inspection by the City building inspectors.</p> <p>Compliance Status: Following Jan 2019 Geotech Plan. City staff reviews for compliance as needed.</p>
<p>MM GEO-6. <i>The Site Geotechnical Investigation shall include soil parameter analyses to determine the potential for subsidence at the Project site. If the potential for subsidence is found to be significant, then structural and grading engineering measures shall be implemented to incorporate the results of the geotechnical study. These measures would be similar to those recommended to mitigate impacts to soil settlement.</i></p>		<p>The Applicant shall retain a geotechnical engineer and an engineering geologist to make recommendations and to inspect and verify field conditions prior to and during the implementation of critical Project components (e.g., site preparation, grading, and construction of foundation slabs). The Applicant-retained geotechnical engineer and engineering geologist shall also inspect the site prior to the final site inspection by the City building inspectors.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
		Compliance Status: Following Jan 2019 Geotech Plan. City staff reviews for compliance as needed.
MM GEO-7. During drought periods, groundwater pumping limitations for the unconsolidated aquifer underlying the Project site shall be assessed and implemented to prevent soil subsidence.	The Applicant shall provide annual groundwater pumpage and monitoring reports to the City Public Works Department for the onsite groundwater well.	The City Public Works Department shall ensure compliance and implement limitations on groundwater pumping during drought years. Compliance Status: Field verify as needed.
Hazards and Hazardous Materials		
MM HAZ-1. Prior to earthwork and demolition activities, a site-specific Health and Safety Plan shall be developed per California Occupational Safety and Health Administration (Cal/OSHA) requirements. The Health and Safety Plan shall include appropriate best management practices (BMPs) related to the treatment, handling, and disposal of NOA and ACMs. A NOA Construction and Grading Project Form shall be submitted to the APCD prior to grading activities. All construction employees that have the potential to come into contact with contaminated building materials and soil/bedrock shall be briefed on the safety plan, including required proper training and use of personal protective equipment. During earthwork and demolition activities, procedures shall be followed to eliminate or minimize construction worker or general public exposure to heavy hydrocarbons and other potential contaminants in soil and groundwater, and potential ACMs within potential demolished materials. Procedures shall include efforts to control fugitive dust, contain and cover excavation debris piles, appropriate laboratory analysis of soil for waste characterization, segregation of contaminated soil from uncontaminated soil, and demolished materials. The applicable regulations associated with excavation, removal, transportation, and disposal of contaminated soil shall be followed (e.g., tarping of trucks and waste manifesting).	The Applicant shall submit the Site-specific Health and Safety Plan to the City prior to issuance of grading and building permits, and/or demolition permits. Applicant shall conduct necessary construction employee training prior to construction initiation.	The City and County shall ensure compliance. An Environmental Monitor shall be made available to monitor environmental compliance of the construction activities. The City and County shall also inspect the Project site during construction to ensure compliance with required plans. Compliance Status: Following July 2020 Health and Safety Plan. Ongoing.
Hydrology and Water Quality		
MM HYD-1a. Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project site to the California SWRCB Storm Water Permit Unit.	Prior to issuance of grading permits for Phase 1 the Applicant shall submit a copy of the NOI to the City.	The City shall review noticing documentation prior to approval of the grading permit. City monitoring staff will inspect the site during construction for compliance.

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
		Compliance Status: WDID for Phase 1 completed; WDID for Phases 2-6 pending. Ongoing.
<p>MM HYD-1b. The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to storm water, and shall include specific BMPs to control the discharge of material from the site. The following BMP methods shall include, but would not be limited to:</p> <p>Temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers shall be used.</p> <p>Soil stockpiles and graded slopes shall be covered after 14 days of inactivity and 24 hours prior to and during inclement weather conditions.</p> <p>Fiber rolls shall be placed along the top of exposed slopes and at the toes of graded areas to reduce surface soil movement, as necessary.</p> <p>A routine monitoring plan shall be implemented to ensure success of all onsite erosion and sedimentation control measures.</p> <p>Dust control measures shall be implemented to ensure success of all onsite activities to control fugitive dust.</p> <p>Streets surrounding the Project site shall be cleaned daily or as necessary.</p> <p>BMPs shall be strictly followed to prevent spills and discharges of pollutants onsite (material and container storage, proper trash disposal, construction entrances, etc.).</p> <p>Sandbags, or other equivalent techniques, shall be utilized along graded areas to prevent siltation transport to the surrounding areas.</p> <p>Additional BMPs shall be implemented for any fuel storage or fuel handling that could occur onsite during construction. The SWPPP must be prepared in accordance with the guidelines adopted by the SWRCB. The SWPPP shall be submitted to the City along with grading/development plans for review and approval. The Applicant shall file a Notice of Completion for construction of the development, identifying that pollution sources were controlled during the construction of the Project and implementing a closure SWPPP for the site</p>	<p>The Applicant shall prepare a SWPPP that includes the above and any additional required BMPs. The SWPPP and notices shall be submitted for review and approval by the City prior to the issuance of grading permits for Phase 1 construction. The SWPPP shall be designed to address erosion and sediment control during all phases of development of the site until all disturbed areas are permanently stabilized.</p>	<p>City monitoring staff shall periodically inspect the during grading to monitor runoff and after conclusion of grading activities. The Applicant shall keep a copy of the SWPPP on the Project site during grading and construction activities.</p> <p>Compliance Status: Completed January 2018.</p>
<p>MM HYD-1c. Installation of the eight drainage outlets within Tank Farm Creek shall occur within the dry season (May through October).</p>	<p>The Applicant shall demonstrate compliance within grading and construction plans subject</p>	<p>The City shall review grading and construction plans for all</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
	to City review and approval prior to issuance of grading permits for each Project phase.	phases to ensure compliance. City grading monitors shall spot check for compliance. Compliance Status: Field verify as needed.
<p>MM HYD-2a. <i>The Applicant shall prepare and submit a Master Drainage Plan. The Master Drainage Plan shall address cumulative regional drainage and flooding impacts on the Project site, including construction and stream stability, and set forth measures to coordinate Project drainage with Chevron Tank Farm remediation and drainage improvements. The Master Drainage Plan shall be implemented pursuant to the City's SWMP submitted by the City to the RWQCB under the NPDES Phase II program and pursuant to the programs developed under the City of San Luis Obispo General Plan and the City of San Luis Obispo Waterways Management Plan. The Master Drainage Plan shall meet the following requirements:</i></p> <ul style="list-style-type: none"> • <i>Development of a Construction Drainage Plan that details the control and retention of runoff for each phase of construction, and clearly displays the location of bioretention facilities, their retention capacity and relationship to subsurface drainage culverts, alignment of creek and drainage channels for each phase.</i> • <i>Ensure that onsite detention facilities, particularly the pocket park/bioswale, are designed to safely retain flood flows using either gently sloping exterior slopes (e.g., 4:1) or provide safety fencing around perimeters, consistent with applicable City standards.</i> • <i>Characterization of drainage from the East-West Channel and conveyance of flows after removal of this channel.</i> • <i>Demonstrate peak flows and runoff for each phase of construction.</i> • <i>Be coordinated with habitat restoration efforts, including measures to minimize removal of riparian and wetland habitats, contouring of creek invert to create pools and removal of trash or debris as appropriate.</i> • <i>Location and extent of vegetated Swales designed to reduce sediment and particulate forms of metals and other pollutants along corridors of planted grasses or native vegetation.</i> • <i>Location and extent of vegetated Filter Strips, 15-foot wide vegetated buffer strips that also reduce sediment and particulate forms of metals and nutrients.</i> • <i>The use, location and capacity of Hydrodynamic Separation Products to reduce suspended solids greater than 240 microns, trash and hydrocarbons. These hydrodynamic separators must be sized to handle peak flows from the Project site consistent with applicable regulatory standards.</i> 	The Master Drainage Plan shall be submitted to the City Public Works Director and City Natural Resources prior to final Development Plan approval and recordation of the final VTM. The Construction Drainage Plan shall be updated by the Applicant and resubmitted to the City prior to the issuance of grading permits for each Project phase.	<p>The City shall review the Master Drainage Plan. The Environmental Monitor shall confirm installation of all drainage, retention, and treatment facilities and monitor effectiveness during and post-storm events. The Environmental Monitor shall prepare a brief report for submittal to the City with regarding effectiveness of detention and treatment facilities for each Phase after completion and recommended corrective actions (if required).</p> <p>Compliance Status: Following Sept 2018 Phase 1 Drainage Report; field verify as needed.</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
MM HYD-2b. The removal of North-South Creek Segment and East-West Channel and realigning the 850-foot segment of Tank Farm Creek shall not be completed until after Chevron Tank Farm property remediation has been completed and only after the existing Tank Farm Creek headwall is decommissioned and a detention pond is created that would lead to the proposed Tank Farm Creek headwall at the northern boundary of the Project site. The Applicant shall complete these realignments and alteration in coordination with the Chevron Tank Farm property remediation.	The Master Drainage Plan shall set forth measures to coordinate Project drainage with Chevron Tank Farm remediation and drainage improvements, and shall be submitted to the City Public Works Director and City Natural Resources Manager for approval prior to issuance of grading permits for Phase 3. This measure does not apply to the MPA.	The City shall confirm that Chevron Tank Farm property remediation is completed and review the Master Drainage Plan, grading and construction plans for compliance.
MM HYD-2c. Offsite drainage from the east that currently flows into the East-West Channel shall be routed into surface detention and treatment facilities and then into subsurface drainage facilities to connect to the proposed drainage outlets into Tank Farm Creek onsite. The Applicant shall include these plans in the VTM, Utilities Plan, Construction Drainage Plan, and Master Drainage Plan.	The Applicant shall demonstrate compliance with measure on the VTM, Utilities Plan, and Master Drainage Plan, which shall be submitted to the City prior to final Development Plan approval and recordation of the final VTM. Construction Drainage Plan shall be updated by the Applicant and resubmitted to the City prior to the onset of development for each phase. This measure does not apply to the MPA.	The City shall review and approve plans prior to Development Plan approval.
<p>MM HYD-3a. The Applicant shall prepare a Master Drainage Plan which shall consider cumulative regional drainage and flooding impacts of the Project, and shall be submitted to the City Public Works Director for approval and shall meet the following requirements:</p> <ul style="list-style-type: none"> There shall be no significant net increase in upstream or downstream floodwater surface elevations for the 100-year floodplain as a result of changes in floodplain configuration and building construction. A significant threshold of a 2.5-inch increase in floodwater surface elevations or 0.3 feet per second increase in stream velocities shall be used. This shall be demonstrated to the satisfaction of the City Engineer or County Public Works Director based on an Applicant furnished hydraulic analysis. There shall be no significant net decrease in floodplain storage volume as a result of a new development or redevelopment projects. This can be achieved by a zero-net fill grading plan, which balances all fill placed on the 100-year floodplain with cut taken from other portions of the floodplain within the Project site of the application, or with cut exported offsite. Specifically, all fill placed in a floodplain shall be balanced with an equal amount of soil material removal (cut) and shall not decrease floodplain storage capacity at any stage of a flood (2, 10, 50, or 100-year event). A net increase in fill in any floodplain is allowed only when all the conditions listed in the Managed Fill Criteria of the DDM are also met. 	The Applicant shall demonstrate compliance on the Master Drainage Plan and shall be submitted for review and approval by the City Public Works Director prior to final Development Plan approval and recordation of the final VTM.	<p>The City shall review and approve the Master Drainage Plan. The Environmental Monitor shall review field compliance and report any flooding and drainage issues to the City over the 10-year Project construction period.</p> <p>Compliance Status: Following Sept 2018 Phase 1 Drainage Report; field verify as needed.</p>
MM HYD-3b. All bridges, culverts, outfalls, and modifications to the existing creek channels must be designed and constructed in compliance with the City's Drainage Design Manual	The Applicant shall prepare the Master Drainage Plan, VTM, and Utilities Plan,	The City, USACE, CDFW, and Central Coast RWQCB shall

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<i>and approved by the City Engineer, USACE, CDFW, and Central Coast RWQCB, and must meet city standards and policies.</i>	demonstrating compliance with mitigation, which shall be submitted for review to USACE, CDFW, and Central Coast RWQCB before approval by the City prior to final Development Plan approval and recordation of the final VTM.	check for compliance on plans. The Environmental Monitor shall review field compliance and report issues associated with construction of drainage improvements to the City over the 10-year Project construction period. Compliance Status: City verifying as needed through review of improvement plans.
MM HYD-4a. <i>A site-specific, geotechnical investigation shall be completed in areas proposed for HDD. Preliminary geotechnical borings shall be drilled to verify that the proposed depth of HDD is appropriate to avoid frac-outs (i.e., the depth of finest grained sediments and least fractures) and to determine appropriate HDD methods (i.e., appropriate drilling mud mixtures for specific types of sediments). The investigation shall include results from at least three borings, a geologic cross section, a discussion of drilling conditions, and a history and recommendations to prevent frac-outs.</i>	Geotechnical investigations shall be made, and a report of findings submitted to the City for approval. Findings shall be incorporated into the final Utilities Plan prior to approval of the final Development Plan and recordation of the final VTM.	The City shall review the findings of the geotechnical investigations and final Utilities Plan. Compliance Status: City verifying as needed through review of improvement plans.
MM HYD-4b. <i>A Frac-out Contingency Plan shall be completed and shall include measures for training, monitoring, worst case scenario evaluation, equipment and materials, agency notification and prevention, containment, clean up, and disposal of released drilling muds. Preventative measures would include incorporation of the recommendations of the geotechnical investigation to determine the most appropriate HDD depth and drilling mud mixture. In accordance with the RWQCB, HDD operations shall occur for non-perennial streams such as Tank Farm Creek only when the stream is dry, and only during daylight hours. In addition, drilling pressures shall be closely monitored so that they do not exceed those needed to penetrate the formation. Monitoring by a minimum of two City-approved monitors (located both upstream and downstream, who will move enough to monitor the entire area of operations) shall occur throughout drilling operations to ensure swift response in the event of a frac-out, while containment shall be accomplished through construction of temporary berms/dikes and use of silt fences, straw bales, absorbent pads, straw wattles, and plastic sheeting. Clean up shall be accomplished with plastic pails, shovels, portable pumps, and vacuum trucks. The Frac-out Contingency Plan shall be submitted to the City, and the RWQCB shall review the plan.</i>	The Applicant shall prepare a Frac-out Contingency Plan and submit to the RWQCB for review and the City for approval prior to approval of the final Development Plan and recordation of the final VTM.	Two City-approved monitors shall be onsite during HDD drilling activities to monitor construction. Compliance Status: Frac-Out Plan Prepared April 2022; followed as needed.
MM HYD-5. <i>A Development Maintenance Manual for the Project shall include detailed procedures for maintenance and operations of any storm water facilities to ensure long-term</i>	The Applicant shall prepare and update the Development Maintenance Manual for each	The City shall review for compliance.

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>operation and maintenance of post-construction storm water controls. The maintenance manual shall require that storm water BMP devices be inspected, cleaned and maintained in accordance with the manufacturer's maintenance specifications. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., October 15th) and immediately after the end of the rainy season (i.e., May 15th). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following:</i></p> <ul style="list-style-type: none"> <i>All loading docks and trash storage areas shall be setback a minimum of 150 feet from the top of the creek bank. No outdoor storage or larger trash receptacles shall be permitted within this setback area. All trash and outdoor storage areas shall be operated to reduce potential impacts to riparian areas;</i> <i>Runoff shall be directed away from trash and loading dock areas;</i> <i>Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash;</i> <i>Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes;</i> <i>Trash and loading dock areas shall be paved;</i> <i>Impermeable berms, drop inlets, trench catch basin, or overflow containment structures around docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system and Tank Farm Creek; and,</i> <i>The developer or acceptable maintenance organization shall complete inspections of the site to ensure compliance with BMPs and water quality requirements on a semi-annual basis (May 15 and October 15 of each year). A detailed summary report prepared by a licensed Civil Engineer shall be submitted to the City of San Luis Obispo Public Works Department. The requirements for inspection and report submittal shall be recorded against the property.</i> 	<p>phase of the Project. The City shall review and approve prior to the issuance of the certificate of occupancy for the first unit of each phase.</p>	<p>Compliance Status: P1 Drainage Report (Sept 2018); Prelim Stormwater O&M Plan PH2-6 (May 2022).</p>
Noise		
<p>MM NO-1a. <i>Except for emergency repair of public service utilities, or where an exception is issued by the Community Development Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur daily between the hours of 7:00 PM and 7:00 AM, or any time on Sundays, holidays, or after sunset, such that the sound creates a noise disturbance that exceeds 75 dBA for single-family residential, 80 dBA for multi-family residential, and 85 dBA for mixed residential/commercial land uses, as shown in Table 3.9-8 and Table 3.9-9 of the FEIR, across a residential or commercial property line.</i></p>	<p>Construction plans shall note construction hours and shall be submitted to the City for approval prior to grading and building permit issuance for each Project phase. At the pre-construction meeting all construction workers shall be briefed on restricted construction hour limitations. A workday schedule shall be adhered to for the duration of construction of all phases.</p>	<p>Permit compliance monitoring staff shall perform periodic site inspections to verify compliance with activity schedules and respond to complaints.</p> <p>Compliance Status: Field verify as needed.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>MM NO-1b. For all construction activity at the Project site, noise attenuation techniques shall be employed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include:</p> <ul style="list-style-type: none"> • Sound blankets on noise-generating equipment. • Stationary construction equipment that generates noise levels above 65 dBA at the Project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25. • All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. • The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday. No movement of heavy equipment shall occur on Sundays or official holidays (e.g., Thanksgiving, Labor Day). • Temporary sound barriers shall be constructed between construction sites and affected uses. 	<p>The Applicant shall designate the equipment area with acoustic shielding on building and grading plans. Equipment and shielding shall be installed prior to construction and throughout construction activities. Construction plans shall identify Best Management Practices (BMPs) and be submitted to the City prior to grading and building permit issuance for each Project Phase. BMP's shall be conveyed to construction workers prior to commencement of construction.</p>	<p>City staff shall ensure compliance throughout all construction phases. Permit compliance monitoring staff shall perform periodic site inspections to verify compliance with activity schedules.</p> <p>Compliance Status: Ongoing. Field verify as needed.</p>
<p>MM NO-1c. The contractor shall inform residents and business operators at properties within 300 feet of the Project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance related to construction noise. Noise-related complaints shall be directed to the City's Community Development Department.</p>	<p>Applicant shall provide and post signs stating these restrictions at construction site entries. Signs shall be posted prior to commencement of construction and maintained throughout construction. Schedule and mailing list shall be submitted 10 days prior to initiation of any earth movement.</p>	<p>City staff shall ensure compliance throughout all construction phases. Permit compliance monitoring staff shall perform periodic site inspections to verify compliance with activity schedules and respond to complaints.</p> <p>Compliance Status: Field verify as needed.</p>
<p>MM NO-3a. R-1 and R-2 residential units planned in the area of the Project site within 300 feet of Buckley Road and R-4 units in the northwest corner of the Project site shall include noise mitigation for any potential indoor space and outdoor activity areas that are confirmed to be above 60 dBA as indicated in the Project's Sound Level Assessment. The following shall be implemented for residential units with noise levels exceeding 60 dBA:</p> <ul style="list-style-type: none"> • Outdoor Activity Area Noise Mitigation. Where exterior sound levels exceed CNEL = 60 dBA, noise reduction measures shall be implemented, including but not limited to: • Exterior living spaces of residential units such as yards and patios shall be oriented away from Project boundaries that are adjacent to noise-producing uses that exceed 	<p>The Applicant shall demonstrate compliance with mitigation on Project engineering and architectural plans for residential areas within Phase 1 and Phase 5 of development prior to the issuance of grading and building permits for Phases 1 and 5.</p>	<p>City staff shall ensure compliance with required site design and noise reduction measures on final Project engineering and architectural plans prior to the issuance of Phase 1 and Phase 5 grading and building permits.</p> <p>Compliance Status:</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p><i>exterior noise levels of CNEL = 60 dBA, such as roadways and industrial/commercial activities.</i></p> <ul style="list-style-type: none"> • <i>Construction of additional sound barriers/berms with noise-reducing features for affected residences.</i> • <i>Exterior Glazing. Exterior window glazing for residential units exposed to potential noise above $L_{dn}=60$ dBA shall achieve a minimum Outdoor-Indoor Transmission Class (OITC) 24 / Sound Transmission Class (STC) 30. Glazing systems with dissimilar thickness panes shall be used.</i> • <i>Exterior Doors Facing Noise Source. According to Section 1207.7 of the California Building Code, residential unit entry doors from interior spaces shall have a combined STC 28 rating for any door and frame assemblies. Any balcony and ground floor entry doors located at bedrooms shall have an STC 30 rating. Balconies shall be oriented away from the northwest property line.</i> • <i>Exterior Walls. Construction of exterior walls shall consist of a stucco or engineered building skin system over sheathing, with 4-inch to 6-inch deep metal or wood studs, fiberglass batt insulation in the stud cavity, and one or two layers of 5/8-inch gypsum board on the interior face of the wall. If possible, electrical outlets shall not be installed in exterior walls exposed to noise. If not possible, outlet box pads shall be applied to all electrical boxes and sealed with non-hardening acoustical sealant.</i> • <i>Supplemental Ventilation. According to the California Building Code, supplemental ventilation adhering to OITC/STC recommendations shall be provided for residential units with habitable spaces facing noise levels exceeding $L_{dn}=60$ dBA, so that the opening of windows is not necessary to meet ventilation requirements. Supplemental ventilation can also be provided by passive or by fan-powered, ducted air inlets that extend from the building's rooftop into the units. If installed, ducted air inlets shall be acoustically lined through the top-most 6 feet in length and incorporate one or more 90-degree bends between openings, so as not to compromise the noise insulating performance of the residential unit's exterior envelope.</i> • <i>Sound Walls. Sound walls shall be built on the north and east property lines of the Project in Phase 3 that adjoin Suburban Road. The barrier shall consist of mortared masonry. Further, proposed carports with solar canopies shall be installed around the western and northern perimeter of the R-4 units, and these units shall be setback a minimum of 100 feet from the property line.</i> • <i>Landscaping. Landscaping along the north and east Project site boundaries that adjoin Suburban Road shall include a line of closely space trees and shrubs with sufficient vegetative density to help reduce sound transmission.</i> 		<p>Verified through building plan approvals.</p>
<p>MM NO-3b. <i>Buckley Road widening improvements shall include the use of rubberized asphalts or alternative paving technology to reduce noise levels for sensitive receptors near the roadway.</i></p>	<p>Applicant shall demonstrate compliance with mitigation on Project engineering and architectural plans for development prior to construction of the roadway. Plans shall be</p>	<p>City staff shall ensure compliance on Project engineering and architectural</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
	subject to review and approval by County Public Works staff to ensure feasibility and consistency with established design standards for County roads.	plans prior to construction of the Buckley Road Extension. Compliance Status: PW to verify Buckley Road Widening Plan provisions through PIP approvals.
Public Services		
MM PS-1. <i>The Applicant shall prepare and implement a brief Security Plan for the Project site. The Security Plan shall be prepared in consultation with the SLOPD and address public safety concerns in common or public spaces, parks, bike paths and open space areas, the commercial center, and parking lots. The Security Plan shall set forth lighting requirements, security recommendations for parks, open space and trails (e.g., visibility, lighting, etc.), and establish rules for use of the public areas.</i>	The Security Plan shall incorporate and address all required and recommended SLOPD security measures and shall be subject to review and approval by the SLOPD. Review and approval of the Security Plan may occur prior to or subsequent to acceptance of the final Development Plan recordation of the final VTM. The Applicant shall demonstrate incorporation of SLOPD recommended security measures into the Development Plan prior to the issuance of grading and construction permits for each phase.	The City and SLOPD shall review the final Development Plan, Security Plan, and construction plans for each Project phase to ensure implementation of recommendations. Compliance Status: City to verify status of Security Plan submitted in June 2021.
MM PS-2. <i>Fair Share Contribution. The Applicant shall agree to pay a fair share contribution to a future citywide or area-wide fire protection service protection development impact fee program. Additionally, the AASP should be amended to include a fee program to fund the City's fifth fire station and/or integrate such fair share fee programs into the proposed Community Facilities District (CFD).</i>	The City shall review and approve a fee program within the AASP or as part of the CFD to fund the new SLOFD fifth fire station and staffing. The Applicant shall pay development impact fees prior to recordation of the final VTM or enter into a binding written agreement with the City to pay a fee appropriate to the amount and size of Project development based upon the amounts set forth in the new fire protection development impact fee program.	The City shall ensure full payment of development impact fees and/or formation of the CFD. Compliance Status: See DA; City to verify compliance with fire protection planning.
Transportation and Traffic		
MM TRANS-1. <i>The Applicant shall prepare a Construction Transportation Management Plan for all phases of the proposed Project for review and approval by the City prior to issuance of grading or building permits to address and manage traffic during construction. The Plan shall be designed to:</i> <ul style="list-style-type: none">• Prevent traffic impacts on the surrounding roadway network;• Restrict construction staging to within the Project site;	The Applicant shall submit the Construction Transportation Management Plan to the City for review and approval prior to issuance of grading or building permits. The Construction Transportation Management Plan shall be updated as needed to reflect	The City shall ensure compliance with the Construction Transportation Management Plan with periodic inspections of the Project site during construction.

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<ul style="list-style-type: none"> Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable; Ensure safety for both those construction vehicles and works and the surrounding community; and Prevent substantial truck traffic through residential neighborhoods. <p>The Construction Transportation Management Plan shall be subject to review and approval by the Public Works Director to ensure that the Plan has been designed in accordance with this mitigation measure. This review shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:</p> <p>Ongoing Requirements throughout the Duration of Construction:</p> <ul style="list-style-type: none"> A detailed Construction Transportation Management Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Plan shall include specific information regarding the Project's construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such Plan shall be reviewed and approved by the Community Development Department and implemented in accordance with this approval. Work within the public right-of-way shall be reviewed and approved by the City on a case by case basis based on the magnitude and type of construction activity. Generally work shall be performed between 8:30 AM and 4:00 PM. This work includes dirt hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit administered by the Building and Safety Division. Additionally restrictions may be put in place by Public Works Department depending on particular construction activities and conditions. Streets and equipment shall be cleaned in accordance with established Public Works requirements. Trucks shall only travel on a City-approved construction route. Limited queuing may occur on the construction site itself. Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be onsite, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit. Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City. Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction: 	<p>changing conditions over the Project's 10-year construction schedule. The Applicant shall conduct necessary construction employee training prior to the commencement of construction. The City Public Works Department, Community Development Department, Police Department, and Fire Department, and nearby residences and businesses shall be notified of the construction schedule prior to initiation of construction. The Applicant shall submit individual traffic control plans and part of encroachment permits for work within the public right-of-way.</p>	<p>Complaints related to construction traffic at the site shall be directed to the City Public Works Department.</p> <p>Compliance Status: Phase 1 CTMP completed; Ongoing with each phase after that.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<ul style="list-style-type: none"> The traveling public shall be advised of impending construction activities that may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, and implementation of an approved Construction Impact Mitigation Plan). A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained. Timely notification of construction schedules shall be provided to all affected agencies (e.g., Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of ¼ mile. Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal. <p>Public Works Department approval of any haul routes for construction materials and equipment deliveries shall be obtained</p>		
<p>MM TRANS-2a. The Applicant shall create and submit a Transportation Improvement Phasing Plan to the City for review and approval, and shall ensure that construction of the Project follows the sequential phasing order utilized in the TIS for such improvements. The Plan shall address the timing and general design of all on and offsite transportation improvements.</p>	<p>The Applicant shall submit a final Transportation Improvement Phasing Plan for each final map development phase of the Project for the City for review and approval prior to recordation of the first final Vesting Tract Map (VTM). The City shall review grading and development plans and offsite transportation improvements for each phase prior approval of permits for each phase.</p>	<p>The City shall ensure that construction per phase occurs sequentially through periodic construction monitoring.</p> <p>Compliance Status: Complete with Phase 1.</p>
<p>MM TRANS-2b. The Applicant shall defer installation of turn restrictions on Vachell Lane/South Higuera Street until the Buckley Road Extension is completed and operational under Phase 2. This measure shall be completed simultaneously with the removal measures of temporary closures discussed in MM TRANS-2c.</p>	<p>The Transportation Improvement Phasing Plan shall include requirements for the turn restriction to be installed following completion of Buckley Road Extension. This mitigation has been incorporated into the MPA Project design.</p>	<p>The City shall verify that the Applicant installs the turn restriction upon completion of the Buckley Road Extension. The City shall confirm this feature is incorporated within Project plans.</p>
<p>MM TRANS-2c. As part of Phase 1 development, the Applicant shall initially restrict ingress and egress to only emergency vehicles, transit, bicycles, and pedestrians at the border of the Project site on Venture Drive and at the intersection of Vachell Lane and Earthwood Lane. These measures shall be removed upon the completion of the Buckley Road Extension in Phase 2 and implemented concurrently with those measures required in MM TRANS-2b to allow full access into the subdivision.</p> <p>The Applicant shall work with SLO Transit to establish an interim route in the Project vicinity during Phase 1. The Applicant shall install an interim turn around location within</p>	<p>Prior to recordation of the VTM the Applicant shall submit Public Improvement Plans for review and approval by the City for Phase 1 development that design and incorporate restrictions at Venture Drive and at the intersection of Vachell Lane/Earthwood Lane. Construction of circulation improvements shall be completed</p>	<p>The City shall verify that the Applicant installs the circulation improvements that would allow for interim transit service prior to occupancy of Phase 1 development, and removes them upon completion of Buckley Road Extension in</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<i>the Project site or other measures as deemed appropriate by the City to accommodate this interim transit access due to required site access limitations noted above.</i>	and operational prior to occupancy of Phase 1 development but may also need to be completed during construction periods if vehicle intrusion is encountered. The interim transit route and bus turn-around location or other measures acceptable by the City shall be installed by the Applicant prior to issuance of the occupancy permit for the first residential unit of Phase 1 development. This mitigation has been incorporated into the MPA Project design.	Phase 2. The City shall confirm this feature is incorporated within Project plans.
MM TRANS 2d. <i>To remain consistent with proposed bicycle facilities listed in the BTP, the Applicant shall design and construct Class II bicycle lanes that connect to the regional bicycle network along the entire stretch of Vachell Lane, between Buckley Road and South Higuera Street, as part of Phase 1. The City Public Works Department shall ensure improvements meet design standards.</i>	Prior to recordation of the final VTM, the Applicant shall submit public improvement plans for review and approval by the City (and as necessary, the County) to install Class II bicycle facilities along Venture Drive from Buckley Road to Higuera Street. Construction of bicycle facilities shall be completed and operational prior to issuance of occupancy permits for the first residential unit of Phase 1 development. This mitigation has been incorporated into the MPA Project design.	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. The City shall confirm this feature is incorporated within Project plans.
MM TRANS 2e. <i>The Applicant shall design and construct the Jespersen Road/Horizon Lane connection as part of Phase 4 between Suburban Road and the Project boundary. The City Public Works Department shall ensure improvements meet safety design criteria.</i>	Prior to recordation of the final VTM for Phase 4, the Applicant shall submit a public improvement plans for review and approval by the City. Construction of roadway connections to the Project site shall be completed and open to travel no later than the issuance of an occupancy permit for the 100th residential unit of Phase 4 development. This mitigation has been incorporated into the MPA Project design.	The City shall verify that the Applicant installs the improvements in accordance to the approved phase and design plans. The City shall confirm this feature is incorporated within Project plans.
MM TRANS 2f. <i>To remain consistent with the BTP and City policies, the Applicant shall design and construct all Buckley Road improvements along the Project frontage, from the Tank Farm Creek Bridge to the eastern site boundary, including but not limited to, the proposed Class I bicycle path, and Class II bicycle lanes on the Buckley Road frontage as part of Phase 4.</i>	Prior to recordation of the final map for Phase 4, the Applicant shall submit an improvement plan for the Buckley frontage Class II bicycle lanes and the Buckley Road frontage Class I bicycle path for review and approval by the City and as necessary, the County. These bicycle lanes and the bicycle	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. The City shall confirm this feature is incorporated within Project plans.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
	<p>path shall be completed prior to issuance of the occupancy permit for the 50th unit of Phase 4 development. This mitigation has been incorporated into the MPA Project design.</p>	
<p>MM TRANS-3a. <i>Project roadway and driveway design shall be reviewed and approved by the City to ensure compliance with City engineering standards and not conflict with intersection functional areas (e.g., aligning driveways on opposite sides of the roadway, position driveways as far upstream from intersections as possible).</i></p>	<p>Prior to recordation of the final VTM the Applicant shall submit a final roadway design plan to the City for review and approval that demonstrates compliance with City roadway design standards and access management requirements.</p>	<p>The City shall review Project, development and grading plans for each phase of the Project The City shall conduct periodic inspections of the Project site during construction to ensure compliance.</p> <p>Compliance Status: Complete with Phase 1.</p>
<p>MM TRANS-3b. <i>The Applicant shall install traffic calming measures (e.g., speed bumps, pedestrian bulb-outs, etc.) to control speed levels along internal roadways of the Project site, including the extensions of Venture Drive, Horizon Lane, and Jespersen Road as required by Policy 8.1.3.</i></p>	<p>The Applicant shall submit public improvement plans to the City for review and approval prior to recordation of the final VTM, to ensure roadway design meets City standards and adequate traffic calming features are installed to meet City requirements.</p>	<p>The City shall review and approve the final VTM and public improvement plans to ensure these plans are consistent with City standards. The City shall ensure compliance with the design plan with periodic inspections of the Project site during construction.</p> <p>Compliance Status: Satisfied through Phase 1. PIPs for subsequent phases will be reviewed for compliance.</p>
<p>MM TRANS-4. <i>The Applicant shall prepare an improvement plan for Horizon Lane, Earthwood Lane, and Suburban Road, including roadway, bicycle, and pedestrian improvements. Improvements shall be constructed by the Applicant in coordination with the phasing plan required by MM TRANS-2a, to ensure the Applicant constructs all offsite roadway improvements in a timely manner consistent with Project phasing. The Project Applicant shall:</i></p> <ul style="list-style-type: none"> <i>Prepare a detailed improvement plan for Horizon Lane to bring this road into conformance with City standards for a commercial collector of width between 44 to 60 feet from Suburban Road to the Project boundary. This plan shall be developed in</i> 	<p>The Applicant shall submit public improvement plans for Horizon Lane, Earthwood Lane, and Suburban Road, to the City for review and approval prior to the recordation of the final map for each respective phase as required in the mitigation measure. The plan shall be subject to review and approval by the City with improvements required to be completed to occupancy in each phase.</p>	<p>The City shall ensure compliance with the design plan with periodic inspections of the Project site during construction.</p> <p>Compliance Status: Complete.</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<p>coordination with adjacent property owners and the City Public Works Department. Horizon Lane shall not be connected to the Project site until such a plan has been completed and improvements are completed in accordance with the phasing plan, as part of Phase 4. The section of Horizon Lane/Jespersen Road from the Project boundary to Buckley Road shall be designated as a residential collector with a width of roadway between 40 and 60 feet. Per MM TRANS-2e, construction of the Horizon Road from Suburban Road to Phase 4 of the Project shall be completed and open to travel prior to the issuance of any occupancy permit for the 100th residential unit of Phase 4 development.</p> <ul style="list-style-type: none"> • Design and improve the intersection of Horizon Lane/Suburban Road to be consistent with City Uniform Design Criteria and Municipal Code Standards. • Coordinate with the property owners along Earthwood Lane and City staff to complete the Earthwood Lane Extension to the Project site as part Phase 1. Earthwood Lane shall be developed to full City standards for a residential collector. Residential collectors shall be 44 to 60 feet wide as required by the City's Uniform Design Criteria. • Coordinate with the property owners along Suburban Road and City staff to prepare a detailed improvement plan for Suburban Road to bring this road into conformance with City standards. This plan shall address widening of substandard sections near the east end of this roadway, completion of missing sidewalk segments, installation of street trees, pedestrian crossings (e.g., Suburban Road at Earthwood Lane). In accordance to the City's Engineering Standards and Specifications – Uniform Design Criteria, a commercial collector road shall be 44 to 68 feet wide to effectively serve commercial and industrial uses. Improvements from Earthwood Lane to Higuera Street shall be done as part of Phase 1. Improvements from Earthwood Lane to Horizon Lane shall be done as part of Phase 4 development, prior to the connection of Horizon Lane with the Project site. • Prepare a detailed phasing plan that identifies reasonable timing of such improvements for Suburban Road, Horizon Lane, and Earthwood Lane. The phasing plan shall be developed in close coordination with City staff. Per MM TRANS 2e, Construction of the Suburban Road improvements from Horizon Road from Earthwood shall be completed and open to travel prior to issuance of an occupancy permit for the 100th residential unit of Phase 4 development. The Suburban Road improvement from Earthwood to Higuera and the Earthwood improvements on the Project site and between the Project and Suburban shall be completed prior to issuance of the occupancy permit for the 1st dwelling unit. 		
<p>MM TRANS-5. The Applicant shall pay a pro-rata fair share fee to fund the installation of a roundabout at the Buckley Road/SR 227 intersection as identified in the SLOCOG SR 227 Operations Study. The City shall collect the fair share fee and coordinate payment of Project fair share fees to help fund improvements with the County. Alternatively, the City should</p>	<p>A fair share mitigation fee for improvements shall be paid to the Project prior to final VTM recordation. If the City amends the AASP impact fee program to include</p>	<p>The City shall verify the inclusion of the fee program within the AASP shall collect the pro-rated fee.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<i>consider an amendment of the AASP impact fee program to establish a new areawide fee to help fund improvements to the intersection to offset cumulative development impacts. If an amended AASP fee is created by the City it will suffice as appropriate mitigation for the Project's participation in these improvements.</i>	improvements to the intersections of Buckley Road/SR 227, the Applicant shall pay the impact fees prior to issuance of a building permit for each unit.	<p>Compliance Status: Complete - AR paid full share to County w/ Phase 1 Map.</p>
MM TRANS-6. <i>The Applicant shall design and construct the extension of the northbound right turn-lane at the South Street/Higuera Street intersection, to provide more storage capacity.</i>	Prior to recordation of the final VTM for Phase 1, the Applicant shall submit public improvement plans for review and approval by the City for the extension of the northbound right turn lane from Higuera to South. These improvements may be eligible for credits for Project payments of the Citywide TIF program. Construction of roadway improvements shall be completed and operational prior to the issuance of occupancy permits for the first residential unit for Phase 1 development.	<p>The City shall verify that the Applicant installs the improvements in accordance to the approved design plans.</p> <p>Compliance Status: Complete.</p>
MM TRANS-7a. <i>The Applicant shall design and construct a second northbound left-turn lane at the intersection of South Higuera Street/Prado Road. The Applicant shall also pay a fair share fee for the widening of Prado Road Creek Bridge west of South Higuera Street by participating in the citywide transportation impact fee program.</i>	As part of Phase 1 development, the Applicant shall submit public improvement plans that details improvement to South Higuera Street/Prado Road intersection for review and approval by the City. These improvements are part of the AASP financing plan and may be eligible for fee credits or reimbursements. Construction of these improvements shall occur only after completion of the City widening of the Prado Road Creek Bridge. Construction of roadway improvements shall be completed and operational prior to the issuance of an occupancy permit for the first residential unit of Phase 1 development. However, if the SLO Creek Bridge widening project has been delayed, the Public Works Director shall have the authority to defer these improvements until that work can be completed. The City may also undertake this intersection improvement as a capital improvement project. In that event, the mitigation measure shall be satisfied when the improvement is programmed in the	<p>The City shall verify that the Applicant installs the improvements in accordance to the approved design plans and pays its fair share fee for the widening of Prado Road Creek Bridge.</p> <p>Compliance Status: Satisfied through Citywide TIF payment.</p>

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
	City's multi-year Capital Improvement Plan and Financial Plan.	
MM TRANS-7b. <i>The Applicant shall design and construct a second southbound left-turn lane at the Tank Farm Road/South Higuera Street intersection.</i>	As part of Phase 1 development, the Applicant shall submit public improvement plans for construction of a second southbound left-turn lane at the Tank Farm Road/South Higuera Street intersection for review and approval by the City. These improvements are part of the AASP financing plan and may be eligible for fee credits or reimbursements. Construction of roadway improvements shall be completed and operational prior to the issuance of an occupancy permit for the first residential unit of Phase 1 development.	The City shall verify that the Applicant installs the improvements in accordance with approved design plans. Compliance Status: Complete.
MM TRANS-7c. <i>The Applicant shall design and install the restriping of Suburban Road to extend the length of the westbound left and right turn lane at the Suburban Road/South Higuera Street intersection.</i>	Prior to acceptance of the recordation of the final VTM for Phase 1, the Applicant shall submit public improvement plans to address improvements to the Suburban Road and South Higuera Street intersection for review and approval by the City. Construction of roadway improvements shall be completed and operational prior to the issuance of occupancy permits the first unit of Phase 1 development. This mitigation has been incorporated into the MPA Project design.	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. The City shall confirm this feature is incorporated within Project plans.
MM TRANS-7d. <i>In coordination with the opening of the Buckley Road Extension as part of Phase 2, the Applicant shall design and install measures to restrict left turns into and out of the Vachell Lane/South Higuera Street intersection.</i>	Prior to recordation of the final VTM, the Applicant shall submit public improvement plans to address improvements to the Vachell Lane and South Higuera Street intersection for review and approval by the City. Construction of roadway improvements shall be completed and operational prior to issuance of occupancy permits for the first residential unit of Phase 2 Project development. This mitigation has been incorporated into the MPA Project design.	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. The City shall confirm this feature is incorporated within Project plans.
MM TRANS-8a. <i>The Project is located within the Los Osos Valley Road interchange Sub Area fee program, and, as such, the Applicant shall pay the Los Osos Valley Road subarea fee, for the cost of reconstructing the Los Osos Valley Road/U.S. Highway 101 interchange</i>	The Los Osos Valley Road fee program requires payment of fees prior to each building permit issuance. The Applicants	The City shall verify the Applicant has contributed its fair share payment and ensure

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
<i>project and improvements along Los Osos Valley Road. The fee shall be associated with the number of dwelling units and the square footage of commercial development in the Project site <u>and shall be paid the time of building permit issuance.</u></i>	shall pay the Los Osos Valley Road subarea fee prior to issuance of permits for all units.	adequate funding is collected for the improvements. Compliance Status: Ongoing w/ each building permit.
MM TRANS-8b. <i>In coordination with the Applicant, the City shall retime the traffic signal at Los Osos Valley Road/South Higuera Street intersection and installation of signage at the South Higuera Street/Buckley Road intersection (terminus of the Buckley Road Extension) to inform drivers of additional access to U.S. Highway 101 at Ontario Road. The City Public Works Department shall ensure the improvements and signage meet safety criteria.</i>	Prior to recordation of the final VTM for Phase 2, the Applicant shall submit public improvement plans for review and approval by the City, which addresses retiming of the traffic signal. Construction of roadway improvements and signage installation at Buckley Road shall be completed and operational prior to the issuance of occupancy permits for the first residence of Phase 2 development.	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. Compliance Status: In progress
MM TRANS-10a. <i>The Applicant shall design and construct ADA-compliant sidewalks and ADA ramps on the east side of South Higuera Street to provide continuous paths of travel from the City limit line to Los Osos Valley Road.</i>	Prior to recordation of the final VTM, the Applicant shall submit a public improvement plans for sidewalk improvements along South Higuera Street for review and approval by the City. Construction of pedestrian improvements shall be completed and operational prior to the issuance of an occupancy permits for Phase 2 development.	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. Compliance Status: In design, construction required prior to Phase 2.
MM TRANS-10b. <i>The Applicant shall design and construct continuous sidewalks along the east side of South Higuera Street from Vachell Lane to Los Osos Valley Road including ADA ramps at the Vachell Lane and South Higuera Street intersection, as illustrated in Figure 3.12-6 in the FEIR.</i>	Prior to recordation of the final VTM for Phase 1, the Applicant shall submit public improvement plans for review and approval by the City. Construction of pedestrian improvements shall be completed and operational prior to the issuance of an occupancy permit for the first residence of Phase 1 development.	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. Compliance Status: Complete.
MM TRANS-10c. <i>The Applicant shall design and construct continuous ADA-compliant sidewalks and ADA ramps along the south side of Suburban Road from South Higuera Street to Earthwood Lane. A receiving ramp shall be installed on the north side of Suburban Road at Earthwood Lane.</i>	Prior to recordation of the final VTM for Phase 1, the Applicant shall submit public improvement plans for review and approval by the City. Construction of pedestrian improvements shall be completed and operational prior to the issuance of an	The City shall verify that the Applicant installs the improvements in accordance to the approved design plans. Compliance Status:

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
	occupancy permit for the first residence of Phase 1 development.	Complete.
MM TRANS-11. <i>The Applicant shall construct two (2) separated bicycle bridges on each side of Buckley Road at Tank Farm Creek and provide connections to Buckley Road so as to provide continuous and safe bicycle routing along Buckley Road. These sections of roadway and creek crossings are under the jurisdiction of the County and would need to meet both City and County design standards to the greatest extent feasible and are subject to approval of the City's Public Works Director.</i>	Prior to recordation of the final VTM for Phase 2, the Applicant shall submit a Public Improvement Plan for the Buckley Road Class II bicycle lanes and the separated bicycle bridges across Tank Farm Creek. These improvements shall occur concurrently with the extension of Buckley Road to South Higuera Street during Phase 2.	The City shall verify that the Applicant has modified the Project design to be in accordance with the BTP and the AASP. Compliance Status: No progress. Required prior to Phase 2 occupancy.
MM TRANS-12. <i>The Applicant shall coordinate with SLO Transit to ensure that adequate service would be provide to the two proposed bus stops and Project area. The bus stops shall be constructed by the Applicant within the respective phase's development area. To assure adequate service is provided to the two new bus stops onsite, the Applicant shall pay for and install any physical improvements to Earthwood Lane and Suburban Road needed to accommodate future service to the site. In addition, the proposed transit service onsite shall meet standards stated in Policy 3.1.6, Service Standards.</i>	Prior to issuance of an occupancy permit for the 50 th residence of Phase 1 development, the Applicant shall ensure adequate transit service would be available for the Project site.	The City shall verify that the Applicant ensures adequate transit service for the Project site. Compliance Status: Phase 1 bus turnout complete; Phase 6 turnout pending.
MM TRANS-13. <i>The City shall amend the Citywide TIF to include a fee program for the installation of a second southbound right-turn lane at the Los Osos Valley Road/South Higuera Street intersection, or create a separate mitigation fee for this purpose. The Applicant shall pay its fair share of the improvement costs through the payment of the Citywide TIF of the ad hoc mitigation fees, as appropriate, to the City prior to issuance of building permits.</i>	If at the time of building permit issuance the City has not amended the Citywide TIF to include the extension of the southbound right turn lane from Higuera to Los Osos Valley Road, the City shall establish an ad hoc fee program for that purpose. The Applicant will pay its fair share of the improvement by payment of the amended Citywide TIP for the ad hoc fee.	The City shall verify that the Project has paid its fees at the time of building permit issuance. Compliance Status: Satisfied through Citywide TIF payment.
MM TRANS-14. <i>If approved by City Council, the City shall amend the TIF, or some other fee program, to include a fee program for the installation of a Class I bicycle path from Buckley Road/South Higuera Street intersection to Los Osos Valley Road/U.S. Highway 101 southbound ramps intersection, connecting to the Bob Jones Trail. The Applicant shall pay its fair share fee to fund the improvement through the adopted fee program. Alternatively, the City may establish a special or ad hoc mitigation fee program to fund the Project's share of these improvements.</i>	The City shall include this improvement in the updated Citywide TIF. The Applicant shall pay its fair share fees to the City prior to issuance of an occupancy permit for the first residential unit of each phase of development. If at the time of building permit issuance the City has not amended the Project into the TIF program, the Applicant will be required to pay fare share funding for the project through an ad hoc fee to be paid prior to receiving building permits.	The City shall verify payment of fair share fees to install the improvement in accordance with the BTP and City requirements. Compliance Status: Satisfied through Citywide TIF payment.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
MM TRANS-15a. <i>The Applicant shall pay its fair share fee to the City to fund the widening of the Prado Road/South Higuera Street intersection to accommodate a dual left-turn lane, dual thru-lanes, and a right-turn lane on all approaches. Part of this share may be contained within existing fee programs or ultimately incorporated into the Citywide TIF program. If amended into the Citywide TIF an impact fee program, payment of those fees will address project impacts.</i>	Unless incorporated into the Citywide TIF program the Applicant shall pay its fair share fees to the City prior to issuance of building permits. The mitigation fee shall be determined by the City prior to VTM recordation and will be adjusted annually for CPI until final building permits are complete. Alternatively, the Applicant could pay the full fee as part of Final map recordation for each phase of development.	The City shall verify that adequate funding is collected to install these improvements. Compliance Status: Satisfied through Citywide TIF payment.
MM TRANS-15b. <i>The Applicant shall pay its fair share mitigation fees to fund improvements to the intersection of Higuera/Tank Farm Road to provide: 1) extension of the northbound right-turn lane, 2) the installation of a “pork chop” island to assist pedestrian crossings, and 3) widening on the south side of Tank Farm to provide a slip lane for right turning traffic. The City should consider incorporating this improvement into the AASP Fee program.</i>	The mitigation fee shall be determined by the City prior to VTM recordation and will be adjusted annually for CPI until final building permits are complete. Alternatively, the Applicant could pay the full fee as part of final map recordation for each phase of development. If the City amends the AASP program to include this improvement, the Applicant shall the AASP subarea fee program to mitigate this impact.	The City shall verify that adequate funding is collect to install these improvements. Compliance Status: Satisfied through Citywide TIF payment.
MM TRANS-15c. <i>The City shall review the cross sections for improvements to Tank Farm Road/Horizon Lane intersection as proposed within AASP to ensure long-term geometrics meet the objectives of the General Plan. The Applicant shall pay fair share mitigation fees to fund the installation of an additional northbound right-turn lane or a roundabout at the Tank Farm Road/Horizon Lane intersection. The City should consider incorporating this improvement into the AASP fee program.</i>	The mitigation fee shall be determined by the City prior to VTM recordation and will be adjusted annually for CPI until final building permits are complete. Alternatively, the Applicant could pay the full fee as part of final map recordation for each phase of development. If the City amends the AASP program to include this improvement, the Applicant shall pay the AASP subarea fee program to mitigate this impact.	The City shall verify that adequate funding is collected for these improvements. Compliance Status: Satisfied through Citywide TIF payment.
MM TRANS-15d. <i>The Applicant shall pay its fair share fees to fund the installation of a traffic signal or a single-lane roundabout at the Buckley Road/Vachell Lane intersection. While not required, this work may be implemented as part of the Buckley Road extension being installed as part of Phase 2 of the Project. The City should consider incorporating this improvement into the AASP fee program.</i>	The mitigation fee shall be determined by the City prior to VTM recordation and will be adjusted annually for CPI until final building permits are complete. Alternatively, the Applicant could pay the full fee as part of final map recordation for each phase of development. If the City amends the AASP program to include this improvement, the Applicant shall pay the AASP subarea fee program to mitigate this impact.	The City shall verify that adequate funding is collected for the improvement. Compliance Status: Weighted portion of fee paid with each phase. Phase 1 share paid prior to Final Map recordation.

Mitigation Measure	Plan Requirements & Timing	Monitoring/Compliance
Utilities		
MM UT-2. <i>The size, location, and alignment of all on- and offsite water, wastewater, and energy infrastructure offsite shall be subject to review and approval by the City's Public Works and Utilities Departments. The Applicant shall be responsible for constructing all required onsite and offsite utility improvements and well as for repaving of damaged roadways.</i>	The Applicant is required to implement the above standard mitigation measures prior to Development Plan or permit approval. City staff shall ensure the above measures are incorporated into the Development Plan and building plans prior acceptance of the final Development Plan and recordation of the final VTM.	City staff shall ensure measures are on plans. City staff can work with the Applicant to ensure that these strategies are implemented. Compliance Status: City verifying as needed through review of improvement plans.

Recording Fees Exempt pursuant to
Government Code § 27383

Recording Requested by
and when recorded return to:

City of San Luis Obispo
c/o City Clerk
990 Palm Street
San Luis Obispo, CA 93401

AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF SAN LUIS OBISPO AND AVILA RANCH, LLC
RELATING TO THE AVILA RANCH SPECIFIC PLAN

This Amendment No. 1 to Development Agreement ("Amendment No. 1") is entered into this 16th day of April, 2019, by and between, the City of San Luis Obispo, a municipal corporation and charter city ("City") and Avila Ranch, LLC, a California limited liability company ("Avila Ranch" or "Developer"), hereinafter referred to in this Amendment No. 1 as "Party" and collectively as the "Parties," as appropriate.

WHEREAS, on October 3, 2017, City adopted Ordinance No. 1639 approving a Development Agreement (the "DA") between the City and Avila Ranch, LLC regarding the Avila Ranch project located on a 150-acre site North of Buckley Road (the "Project"); and

WHEREAS, Section 5.04.2(b) of the DA needs to be amended because the timing of recordation of the final map for phase 1 of the Project is now anticipated to occur prior to the City's update to the Los Osos Valley Road ("LOVR") Interchange Impact Fees.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.
2. Effective Date of Amendment. This Amendment No. 1 shall become effective upon the date that the ordinance approving this Amendment No. 1 becomes effective.
3. Amendment: Section 5.04.2(b) of the DA is hereby amended to read as follows:

- (b) The Developer shall be required to pay all City-wide, and Project-specific development impact fees, excluding sewer and water impact fees addressed in section 5.04.2(c) immediately below, for the Project's fair share of the cost to mitigate Project impacts as identified in the Final Environmental Impact Report (FEIR), Specific Plan, conditions of approval or otherwise specified in the Development Agreement in effect when each final map is recorded in accordance with AB1600 analysis. City may adjust development impact fees not more than once a year with changes no greater than the inflation index identified upon imposition of the fee. The Developer shall be required to pay the Los Osos Valley Road (LOVR) Interchange Impact Fees as revised generally consistent with the impact fee methodology set forth in the April 3, 2018 letter agreement between the City and Developer.
4. Except as set specifically modified herein, the DA remains in full force and effect. From and after the effective date of this Amendment No. 1, all references in this Amendment to the DA shall be and be deemed to constitute references to the DA as amended thereby.
5. Counterparts. This Amendment No. 1 may be executed in counterpart, each of which shall be deemed an original but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 as of the first date above.

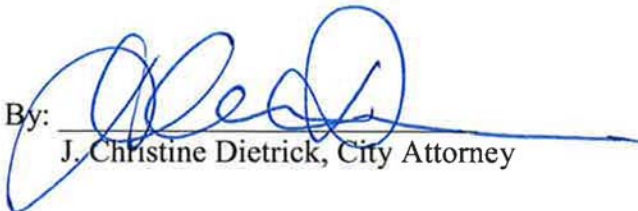
CITY:

AVILA RANCH, LLC

By: 
Heidi Harmon, Mayor

By: 
Andrew D. Mangano
Its: Managing Member

APPROVED AS TO FORM:

By: 
J. Christine Dietrick, City Attorney



Department: Public Works
Cost Center: 5201
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Matt Horn, Public Works Director

Prepared By: Alex Fuchs, Mobility Services Business Manager

SUBJECT: APPROVE TRANSIT SERVICE AGREEMENT BETWEEN THE CITY OF SAN LUIS OBISPO AND CAL POLY

RECOMMENDATION

Authorize the City Manager to enter into a Transit Service Agreement with California State Polytechnic University to provide transit service for fiscal years 2024-25, 2025-26, and 2026-27.

POLICY CONTEXT

The execution of a Transit Service Agreement with California State Polytechnic University (Cal Poly) directly supports the Major City Goal of Climate Action, Open Space, and Sustainable Transportation. Increasing transit ridership also supports the City's mode split objectives of the Circulation Element of the General Plan, the Active Transportation Plan, and of the Climate Action Plan.

DISCUSSION

In 1985, the City and Cal Poly executed the first Transit Service Agreement (TSA) to allow Cal Poly students, faculty, and staff free access to SLO Transit in exchange for an annual service fee paid directly by Cal Poly. Through this agreement, students, faculty, and staff must only present a valid identification card upon boarding to ride for free. The main purpose of the agreement is to encourage students, faculty, and staff to use mass transportation to commute to and from campus.

The Environmental Impact Report (EIR) for Cal Poly's 2035 Master Plan identified potential significant transportation impacts with the plan's implementation. Specifically, Impact 3.13-2¹ states that implementation of the 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." Mitigation of this impact requires Cal Poly to work with SLO Transit support implementation of transit services and facilities including fair share contributions based on university-related ridership.

¹ https://afd.calpoly.edu/facilities/planning-capital-projects/ceqa/master-plan/docs/feir/2020-05-01_cp2035mp-feir_3-13.pdf

The current TSA was executed on July 20, 2022, and expires on June 30, 2024. The TSA does not provide options for term extensions, so a new agreement is necessary. City staff and Cal Poly have successfully negotiated a new agreement included with this report as Attachment A. The new agreement term commences on July 1, 2024, and ends on June 30, 2027, and provides an option to extend the term for an additional two years upon mutual approval of both parties. If approved, staff will route the TSA for signature by the City Manager and send Cal Poly a fully executed copy.

The new TSA is a three-year initial term with an option for a two-year extension if agreed upon by both parties. The agreement does allow parties to reopen the contract for renegotiation if either of the following occur: 1) Cal Poly ridership increases or decreases 10% or more in any year, or 2) City of SLO increase in fare box rate of 25% over the duration of the contract. However, this is meant to be a bridge agreement to allow SLO Transit time to fully recover from impacts of the pandemic. As a reminder, current City provided transit services is below pre-pandemic levels of service because recruiting and retaining transit workers continues to be a challenge. The 3A fixed route line that services Cal Poly is still running a limited service due to these driver shortages. Driver shortages are one of multiple variables affecting ridership. Other factors like on-time performance, cleanliness, and safety concerns that may be limiting ridership are also being addressed.

Council has authorized additional driver funding and staff is working with the City's transit operations and maintenance contractor as well as the transit worker's union to negotiate and finalize the hiring incentives terms. Once complete and staffing levels increase, full restoration of pre-pandemic transit services will be available, which is a key component to increasing ridership and a key component to obtaining a long-term agreement with Cal Poly. Service restoration is a key but not the only component necessary to increase ridership. A Short Range Transit Plan update is underway to identify, prioritize, and recommend service changes to better meet the community needs with the intent to return ridership levels to pre-pandemic normal.

Previous Council Action

On July 19, 2022, City Council authorized the City Manager to enter into a two-year Transit Service Agreement with Cal Poly which expires on June 30, 2024.

Public Engagement

Members of the Public will have an opportunity to provide public comment prior to or during the City Council meeting.

CONCURRENCE

Cal Poly's President's Office concurs with the terms of the agreement and supports continued transit service to their campus.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to the recommended action because the action does not constitute a “project” under CEQA Guidelines Sec. 15378.

FISCAL IMPACT

Budgeted: Yes
Funding Identified: N/A

Budget Year: 2024-25

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$
State				
Federal				
Fees				
Other				
Total	\$	\$	\$	\$

Transit Service Agreement Revenues to the Transit Fund				
Funding Sources	FY 2023-24 (Current Contribution)	FY 2024-25	FY 2025-26	FY 2026-27
Transit Fund	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000

The revenue from the TSA contributes toward SLO Transit's cash fares which is used to calculate its Farebox Recovery Ratio (FRR). SLO Transit's FRR for fiscal year was 23.2% which is above the 20% minimum required by the State of California to qualify for certain funding opportunities. The TSA revenue makes up about 77% of all cash fares received annually and is used to support on-going operations and maintenance of SLO Transit's fleet, bus stops, and bus facilities that is not covered by federal and state grant funds.

ALTERNATIVES

Council could decide not to approve the Transit Service Agreement with Cal Poly.

This action is not recommended by staff because Cal Poly makes up a majority of SLO Transit's ridership and helps SLO Transit to maintain a 20% minimum farebox recovery ratio. The agreement also provides a significant amount of the cash fares SLO Transit uses to cover operating costs.

ATTACHMENTS

A - Transit Service Agreement with Cal Poly

**BUS SERVICE AGREEMENT
BY AND BETWEEN
CALIFORNIA POLYTECHNIC STATE UNIVERSITY 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, on behalf of the CSU Board of Trustees, (“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 constitute a significant portion of bus ridership. Cal Poly wishes to encourage students, faculty, and staff to use these Bus Services as part of its overall transportation and sustainability strategies and as a convenience to its students.

City has adopted its Climate Action Plan (CAP) with the goal of carbon neutrality by 2030. The CAP identified the City’s public transportation system as a vital component to meet this goal. The City wishes to provide public transportation services to the community to comply with the CAP.

The City of San Luis Obispo and Cal Poly partnered in a joint process to develop a financial model that provides each entity a multi-year, sustainable financial path related to transit cost recovery/costs for services required to serve the Cal Poly community.

In furtherance of these mutual goals and benefits, the parties hereby enter into the following Agreement.

2. Term

The term of this Agreement will commence on July 1, 2024, and end June 30, 2027. This Agreement supersedes all terms and conditions contained in all previous agreements between the parties. This Agreement may be extended for two additional years upon mutual written agreement of the parties.

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”) located at 1 Grand Avenue, San Luis Obispo, CA 93407.

- ii. **Changes to Base Transit Service**

1. No changes will be made to Base Transit Service without first notifying Cal Poly’s Associate Vice President for Financial Services (AVP) or designee. Upon request, the City will meet and confer with the AVP 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 AVP 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 of Bus Services provided by the City, the parties will meet and confer to discuss potential reduction of consideration as described in Section

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:** Cal Poly will make annual fixed payments to the City for Bus Services as described in Section 3(a) based on the below schedule. Payment will be made in arrears quarterly.

Period	Annual Payment	Quarterly Payment
July 1, 2024 through June 30, 2025	\$750,000	\$187,500
July 1, 2025 through June 30, 2026	\$750,000	\$187,500
July 1, 2026 through June 30, 2027	\$750,000	\$187,500
July 1, 2027 through June 30, 2028	\$750,000 **	\$187,500
July 1, 2028 through June 30, 2029	\$750,000 **	\$187,500

** If extended

- b. **Fare Changes:** City is mandated to maintain a 20% farebox ratio to remain eligible for state funding. The City will increase fares if state funding is in jeopardy. The City will meet and confer with CAS Coordinator to discuss any fare increase. Any new fare will be used to determine quarterly payments under Section 4(a) while that fare is in effect.
- c. **Reopener:** The parties retain the option to request a contract reopener if the following events occur: 1) Cal Poly ridership increases or decreases 10% or more in any year, or 2) City of SLO increase in fare box rate of 25% over the duration of the contract. If neither occurs the annual payment amount shall remain as listed in Section 4(a).

5. Full Disclosure

The City agrees to share with Cal Poly all relevant information and documentation relating to City's operation of Bus Services. Reports and related documents on the subjects enumerated below will be provided to Cal Poly's Director of Transportation and Parking Services or designee on a regular basis as prepared during the ordinary course of business. The City will provide any other relevant documents or information upon request, including but not limited to the following:

- a. Revenue and expenses (operational costs)
- b. Ridership
- c. Farebox ratio
- d. Bus Replacement
- e. Discretionary Grant Applications

Cal Poly agrees to share with City all relevant information and documentation relating to the parking fund and funding to the zero-fare bus pass program.

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 including:

- 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 and Cal Poly are self-insured entities. The City and Cal Poly, and each of their respective officers, employees and agents, shall be named as additional insureds under the commercial general liability insurance policy maintained by the transit service provider contracted with by City to provide public bus transit services in and around the City of San Luis Obispo.


8. Entire Agreement, Amendments

This Agreement constitutes the entire agreement between the parties and supersedes any and all prior discussions, negotiations or agreements, whether written or oral, that are not fully set forth in this Agreement. This Agreement may only be amended, modified, or extended by a writing executed by all Parties.

AGREED:

CAL POLY ON BEHALF OF
CSU BOARD OF TRUSTEES

CITY OF SAN LUIS OBISPO


Dru Zachmeyer (Feb 26, 2024 13:10 PST)

Signature

Signature

Dru Zachmeyer

Name

Name

Assistant Vice President, SBS

Title

Title

Date

Date



Department: Public Works
Cost Center: 5008
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Matt Horn, Public Works Director
Prepared By: Greg Cruce, Deputy Director – Maintenance Operations

SUBJECT: AUTHORIZE USE OF COMPLETED PROJECTS FUNDING TO EXPEDITE FLEET REPLACEMENTS

RECOMMENDATION

Adopt a Draft Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, approving the transfer of Completed Project Funding to expedite approved Fleet Replacements.”

POLICY CONTEXT

In September of 2020, the City Council adopted [Resolution No. 11159](#), which includes the goal of community-wide carbon neutrality by 2035 and municipal operations by 2030. In August of 2021, Council adopted the “Lead by Example” plan and [Resolution No. 11263](#), which includes a goal for to the City to eliminate fossil fuel in vehicles and equipment, with the following objectives:

1. Achieve 100% all-electric light duty vehicles, excluding long range and certain public safety vehicles.
2. Achieve 50% zero emission medium and heavy-duty vehicles.
3. Achieve 100% all-electric transit fleet.
4. Achieve 100% all-electric equipment, excluding certain heavy-duty equipment, pumps, and backup generators.

The City reaffirmed Climate Action as a Major City Goal in the 2023-25 Financial Plan.

This unexpected purchasing opportunity has undergone a thorough policy review, and Council approval is required based section 405 – H, Section 3 of the City’s Financial Management Manual.

DISCUSSION

Background

On January 29, 2024, four new Ford Lightnings vehicles were incorrectly shipped to the City by a dealership from which the City regularly purchases vehicles. While these vehicles are not required to be purchased by the City, due to recent procurement challenges of electric vehicles, staff is recommending purchasing these vehicles. Purchasing these vehicles complies with the City's Climate Action Goals, accelerates the City's "Lead by Example" plan, reduces asset maintenance needs of older more maintenance intensive internal combustion engines vehicles, and by advancing replacement of internal combustion engines vehicles reduces the City's carbon footprint.

Staff reviewed the fleet replacement plan currently approved in the 2023-25 Financial Plan and determined that one of the four Lightenings could be purchased to replace an asset identified for replacement this year. Staff also identified three vehicles that, although not identified for replacement this year in the current financial plan, would benefit the City by replacing now and advance the City closer to the goal of an 100% all-electric light-duty fleet by 2030, and a purchase order is pending for these vehicles. The Parking Services Program within the Public Works Department currently has a fleet asset replacement scheduled in the 2024-25 Fiscal Year, and the Water Distribution Program within the Utilities Department has two fleet assets scheduled for replacement in the 2025-26 Fiscal Year. These three vehicles are recommended for expedited replacement because they are older vehicles and recently have been problematic with breakdowns, at times leaving both the Parking Service and Water Distribution programs without the necessary vehicles to complete their work. Additionally, the two vehicles assigned to the Water Distribution Program are 2010 Dodge Dakotas, and the City has experienced that replacement parts have become more challenging to procure requiring staff to find and use parts from an auto dismantler.

It should be noted that, in addition to the many factors previously mentioned benefiting the replacement of these vehicles with all electric vehicles, the City will save approximately \$5,000 per vehicle due to the price increase between the 2023 and 2024 models. Additionally, these vehicles are eligible for the \$7,500 rebate through the federal government and may potentially qualify for other local rebates. Staff will apply for all applicable rebates.

Previous Council or Advisory Body Action

September 2020 – City Council adopted Resolution R-11159, which includes the goal of community-wide carbon neutrality by 2035 and municipal operations by 2030.

August 2021 – City Council adopted the "Lead by Example" plan, which includes the goal that the City eliminates fossil fuel in vehicles and equipment by 2030.

September 2022 – City Council adopted the Fleet Replacement Policy.

June 2023 – City Council adopted the 2023-25 Financial Plan, which includes the recommended fleet replacements within the five-year capital plan.

Public Engagement

This is an administrative item intended to carry out previously approved plans and direction, so no public engagement was completed specific to the proposed purchase of these electric vehicles. Public comment can be provided to the City Council through written correspondence submitted prior to the meeting and through public testimony during the meeting.

CONCURRENCE

The Finance and Utilities Departments concur with the proposed expedited replacements.

ENVIRONMENTAL REVIEW

The recommended action is not considered a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378.

FISCAL IMPACT

Budgeted: Yes

Budget Year: 2023-24

Funding Identified: Yes

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
Parking Fund (611): Completed Projects Account	\$169,082.85	\$60,000	\$109,082.85	\$0
Water Fund (601): Completed Projects Account	\$235,845.16	\$120,000	\$115,845.16	\$0
State				
Federal				
Fees				
Other:				
Total	\$404,928.01	\$180,000	\$224,928.01	\$0

To fund the vehicle replacements, the use existing funding within the completed projects account of Parking Fund and Water Fund is recommended.

ALTERNATIVES

The City Council could choose to deny the request. This approach is not recommended as the City would miss a valuable opportunity to procure necessary fleet replacement assets. Denying this request will result in increased costs, as these vehicles are invoiced from a 2023 quote. 2024 Lightnings will each cost approximately \$5,000 more than the 2023 model delivered. The City is eligible for a \$7,500 federal rebate incentive offered on each Lightning, which may not be applicable in the future. Denying the request could increase the challenge of meeting our CAP goal of 100% electric light-duty vehicles by 2030.

ATTACHMENTS

A - Draft Resolution approving funds to expedite approved Fleet Replacements

RESOLUTION NO. _____ (2024 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, APPROVING THE TRANSFER OF COMPLETED PROJECT FUNDING TO EXPEDITED APPROVED FLEET REPLACEMENTS

WHEREAS, in September 2020 the City Council adopted Resolution R-11159, which includes the goal of community-wide carbon neutrality by 2035 and municipal operations by 2030; and

WHEREAS, the City Council adopted the “Lead by Example” plan, which includes the goal that the City eliminates fossil fuel in vehicles and equipment; and

WHEREAS, the City Council adopted the 2023-25 Financial Plan that includes the recommended fleet replacements within the five-year capital plan; and

WHEREAS, on January 29, 2024, four new Ford Lightnings vehicles were erroneously shipped to the City by a dealership from which the City regularly purchases vehicles, and while these vehicles are not required to be purchased by the City, due to recent procurement challenges of electric vehicles, staff is recommending purchasing these vehicles at this time; and

WHEREAS, the City issued a purchase order for one of the four new Ford Lightning vehicles as authorized in the adopted 2023-25 Financial Plan; and

WHEREAS, replacement of the three additional vehicles will reduce replacement costs, decrease required maintenance and reduce the City’s carbon footprint; and

WHEREAS, maintaining the City’s fleet is essential to operating programs that ensure the City of San Luis Obispo’s residents are healthy and safe.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Council authorizes staff to transfer of \$60,000 from the Parking Fund Completed Project Account to expedite the purchase of a new Ford Lightning.

SECTION 2. Council authorizes staff to transfer of \$120,000 from the Water Fund Completed Project Account to expedite the purchase of two new Ford Lightnings.

Upon motion of _____, seconded by _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2024.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk



Department: Community Development
Cost Center: 4008
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Timmi Tway, Community Development Director
Prepared By: Daisy Wiberg, Homelessness Response Manager

SUBJECT: AUTHORIZE STAFF TO SUBMIT AN APPLICATION FOR FY 2023-24
SAN LUIS OBISPO COUNTY OUTREACH SERVICES FUNDING
OPPORTUNITY

RECOMMENDATION

1. Authorize staff to submit a funding application to San Luis Obispo County's Adult and Homeless Services Division for Outreach Services funding opportunity in an amount not to exceed \$100,000; and
2. Adopt a Draft Resolution entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing Funding Application for San Luis Obispo County Outreach Services Funding Opportunity in a total amount not to exceed \$100,000 and authorizing the City Manager to execute all related grant documents," approving the City's application for the San Luis Obispo County Outreach Services funding opportunity; and
3. If the funding opportunity is awarded, authorize the City Manager to execute grant related documents and authorize the Finance Director to make the necessary budget adjustments and appropriations upon the award of funding.

POLICY CONTEXT

The recommended actions are in alignment with the City of San Luis Obispo's Major City Goal for Housing and Homelessness, which directs staff to collaborate with local non-profit partners, non-governmental agencies, the county, the state, and the federal government to advocate for increased funding and implementation of comprehensive and effective strategies to prevent and reduce homelessness.

Additionally, the City's Homelessness Response Strategic Plan¹ includes key components for Regional Collaboration and Engagement and Funding Opportunities that directly support the recommended actions. The Regional Collaboration component prioritizes collaborating with the County's Homeless Services team to establish and support regional priorities and implement strategies in alignment with shared regional goals, while the Funding Opportunities component prioritizes strategically applying for

¹ [City of San Luis Obispo's Homelessness Response Strategic Plan](#)

funding opportunities for homelessness response in coordination with the County and non-profit partners to secure funding that may become available through Federal, State, and other sources.

The recommended actions are also consistent with the City of San Luis Obispo's Financial Management Manual, Section 740 – Grant Management Policy. The policy states that Council must approve all grant applications in excess of \$5,000 and delegate receipt and contract execution to the City Manager.

DISCUSSION

Background

San Luis Obispo County's Adult and Homeless Services Division released a FY 2023-24 Notice of Funding Availability (NOFA) on February 29, 2024, to fund homeless outreach services. Requested funds must be expended by June 30, 2024, and must supplement and not supplant existing funding. Despite this quick turnaround, staff has collaborated to determine how potential funds could be used in ways that are most beneficial to the community in the next several months. Awards will not exceed \$100,000 per agency awarded, and the total number of awards depends on the number of proposals. Funds must be used to provide outreach to those experiencing homelessness in the community or who are at risk of homelessness in the community. Examples of funding uses include, but are not limited to:

1. Purchase of outreach materials
2. Design of outreach locations to make them more trauma informed and accessible
3. Provision of training to outreach staff or purchase of training materials
4. Provision of direct services to unsheltered individuals or individuals at risk of homelessness to encourage engagement with outreach staff
5. Outreach events
6. Supportive services to reunify unsheltered individuals with their family or secure permanent housing in the community
7. Adding capacity for outreach staff including limited term positions or paying for overtime for existing staff to extend their outreach capacity.

City staff from the Community Development, Police, and Fire Departments are proposing a funding request for \$100,000 to be used for the purchase of outreach materials, provision of training to outreach staff, a resource fair and outreach event, supportive services to reunify individuals with family or agencies, and adding capacity for outreach staff.

The City's proposal includes the following funding requests:

FUNDING CATEGORY	FUNDING REQUEST	FUNDING AMOUNT
Outreach Materials (<i>Communications</i>)	Printing Costs for 1,250 Homeless Resources Pocket Guides for continued distribution to unhoused community members, service providers, businesses, and community members.	\$1,500
Training (<i>Pilot Programs</i>)	De-Escalation Training opportunity for City staff and service providers; Development of Crisis Intervention Training (CIT) curriculum, including purchasing training materials.	\$8,000
Outreach Events (<i>Regional Collaboration & Engagement</i>)	Homelessness Response Resource Fair for community members experiencing homelessness or at risk of homelessness, to be hosted in collaboration with Regional Partners in June 2024. Budget includes funding for refreshments, printing resource materials, and event supply costs.	\$5,000
Supportive Services (<i>Pilot Programs</i>)	Family and/or agency reunification funding for the Fire Department's Mobile Crisis Unit (MCU) to provide bus/train/plane tickets, meals, gas, and treatment programming for reunification efforts.	\$4,000
Outreach Staff Capacity* (<i>Pilot Programs</i>)	Supplemental funding for a Licensed Psych Tech (LPT) to be paired with the Fire Department's MCU team, via contract with the County's Behavioral Health Department. Monthly cost estimate of \$10,500 for three months (April-June 2024).	\$31,500
Outreach Staff Capacity* (<i>Pilot Programs</i>)	Supplemental funding for a Licensed Psych Tech (LPT) to be paired with the Police Department's CAT team, via contract with the County's Behavioral Health Department. Monthly cost estimate of \$10,500 for three months (April-June 2024).	\$31,500
Outreach Staff Capacity (<i>Pilot Programs</i>)	Contract Community Resource Coordinator (CRO) to be paired with the Police Department's CAT team, via contract service, to provide outreach services to unhoused community. Monthly cost estimate of \$9,250 for two months (May & June 2024).	\$18,500
Total		\$100,000

*Alternatively, depending on availability of Licensed Psych Techs from the County Behavioral Health Department, funding may be allocated for additional outreach and supportive services facilitated through the CAT and MCU teams and partner agencies including hotel vouchers, no-cook food bags, and additional supportive services.

Given the cross-departmental structure of the City's Homelessness Response efforts, the City's proposal includes funding for the Community Development, Police, and Fire Departments to supplement existing programs, projects, and efforts to prevent and address homelessness.

The proposed activities outlined in the funding request table align with the following objectives included in the City's Homelessness Response Strategic Plan:

1. Regional Collaboration & Engagement –
 - a. Work collaboratively with the County's Homeless Services team to establish and support regional priorities and implement strategies in alignment with shared regional goals.
 - b. Strengthen relationships with key stakeholders to create alignment, accountability, and opportunities for resource sharing and collaboration.
 - c. Coordinate regional encampment and street outreach and cleanup efforts with the County, service providers, and regional partners.
2. Communications –
 - a. Increase homelessness response communications.
 - b. Communicate consistent homelessness response messaging across region.
3. Pilot Programs –
 - a. Continue development of City-operated pilot programs and share best practices with County for potential regional implementation if proven effective.
4. Funding Opportunities –
 - a. Strategically apply for funding opportunities for homelessness response in coordination with the County and non-profit partners to secure funding that may become available through Federal and State, and other sources.
 - b. Engage in efforts to leverage resources to develop a more robust regional service delivery system.

Public Engagement

This item is on the agenda for the April 16, 2024, City Council meeting and will follow all required postings and notifications. The public may have an opportunity to comment on this item at or before the meeting.

CONCURRENCE

The Homelessness Response Steering Committee, including the Police Chief and Fire Chief, are in support of the application.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act does not apply to the recommended action in this report because the action does not constitute a "Project" under CEQA Guidelines Section 15378.

FISCAL IMPACT

Budgeted: No
Funding Identified: Yes

Budget Year: 2023-24

Fiscal Analysis:

Funding Sources	Total Budget Available*	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund				
State				
Federal				
Fees				
Other: SLO County Adult and Homeless Services	\$100,000			
Total	\$100,000	\$	\$	\$

*Total Budget Available amount assumes award of full funding request.

City matching funds are not required for this funding opportunity.

ALTERNATIVES

Deny the recommendation. The Council may deny staff's recommendation to apply for the SLO County Outreach Services funding opportunity, based on findings of inconsistency with City policies and funding priorities. This alternative is not recommended as the funding will provide needed resources to support the City's Homelessness Response programs and priorities.

ATTACHMENTS

- A - Draft Resolution Authorizing Application for SLO County Outreach Services Funding Opportunity
- B - Draft Application for FY23-24 SLO County Outreach Services Funding Opportunity

RESOLUTION NO. _____ (2024 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AUTHORIZING APPLICATION FOR OUTREACH SERVICES FUNDING THROUGH THE SAN LUIS OBISPO COUNTY'S ADULT AND HOMELESS SERVICES DIVISION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED GRANT DOCUMENTS

WHEREAS, San Luis Obispo County's Adult and Homeless Services Division ("County") issued a Notice of Funding Availability ("NOFA"), dated February 29, 2024, for Outreach Services in an award amount not to exceed \$100,000; and

WHEREAS, the City of San Luis Obispo ("The City") desires to submit an application for Outreach Services funds to the County for review and consideration; and

WHEREAS, the City's Major City Goal for Housing and Homelessness and the City's Homelessness Response Strategic Plan align with the Outreach Services funding opportunity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. The City of San Luis Obispo is hereby authorized and directed to submit an application to the County, in response to the NOFA, for Outreach Services funding for an anticipated project cost of \$100,000, and a total authorized amount not to exceed \$100,000.

SECTION 2. If the Application is approved, the City Manager of the City of San Luis Obispo is authorized and directed to enter into, execute, and deliver all required grant documents, and all amendments thereto.

SECTION 3. Authorize the Finance Director to make the necessary budget adjustments upon award of the grant.

SECTION 4. The City of San Luis Obispo acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the NOFA; the Funding Restrictions; and any and all other applicable law.

R _____

SECTION 5. Grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Upon motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote:

AYES:
NOES:
ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2024.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk

R _____



City of San Luis Obispo – FY23-24 Proposal

1. Applicant information:

- City of San Luis Obispo
- Daisy Wiberg, Homelessness Response Manager, 805.781.7025, dwiberg@slocity.org
- 919 Palm St., San Luis Obispo, CA 93401

2. Identified Need and justification:

- In March 2023, the City of San Luis Obispo adopted its first Homelessness Response Strategic Plan, in alignment with the Countywide Plan to Address Homelessness. Components of the City's Strategic Plan include regional collaboration and engagement, communications, data, pilot programs, and funding opportunities. To implement key tasks under each of those focus areas, additional resources are needed for the City's Homelessness Response team, which includes the Police Department's Community Action Team (CAT) and the Fire Department's Mobile Crisis Unit (MCU). In addition to responding to emergency calls for service, the City's CAT and MCU teams provide critical outreach to unhoused community members in the City of SLO to facilitate housing and service referrals, connect individuals to resources, and facilitate family and agency reunifications. In 2023, the CAT team engaged with 408 individuals, providing 258 mental health and substance abuse treatment referrals, 6 family and agency reunifications, and 3 permanent housing placements. The MCU team had 3,285 points of engagement in 2023, including 265 dispatched calls for mental health and/or behavioral health crisis intervention and 56 transports to services. The MCU team also facilitated 91 family and agency reunifications in 2023.

3. Project Summary:

- Given the cross-departmental structure of the City's Homelessness Response efforts, the City's proposal includes funding for the Community Development, Police, and Fire Departments to supplement existing programs, projects, and efforts to prevent and address homelessness. Project components include funding for Homeless Resources Pocket Guides, De-Escalation and Crisis Intervention Training, a Homelessness Response Resource Fair, Family and Agency Reunification Efforts for the Mobile Crisis Unit, and supplemental funding for Licensed Psych Tech (LPT) positions with the Police and Fire Departments as well as a Community Resource Coordinator with SLOPD. The City is working with the County's Behavioral Health Department to contract the LPT positions and if the positions are not filled before the funding deadline, requested funds may alternatively be allocated for additional outreach and supportive services facilitated through the CAT and MCU teams and partner agencies including hotel vouchers, no-cook food bags, and additional supportive services.



4. Intended Project Outcomes:

- 1. Community Engagement – Connecting individuals experiencing homelessness with needed resources through a Homelessness Response Resource Fair and distributing 1,250 Homeless Resources Pocket Guides to unhoused community members, service providers, faith-based organizations, businesses, and community members through the Homelessness Response Forum and Resource Fair events. // 2. Enhanced Outreach Staff Capacity – Adding LPT positions and a Community Resource Coordinator to support CAT and MCU outreach efforts and to further integrate with the County's Behavioral Health Dept. to provide more comprehensive outreach services. // 3. Field Staff Training Opportunities – Provide enhanced de-escalation training and crisis intervention training for City outreach staff.

5. Brief history of entity and why this entity is the preferred provider for this service:

- SLOPD's CAT program has been in operation for over 10 years (created in 2013) and the Fire Department's MCU program has been in operation since 2022. Both programs collaborate closely with regional partners including Transitions-Mental Health Association (TMHA), CAPSLO, SLO County Mental Health and Drug and Alcohol Services, and countless other agencies to provide referrals to comprehensive outreach and support services for unhoused community members. The City of SLO created its Homelessness Response Manager role in 2021 and adopted its first Homelessness Response Strategic Plan in 2023, in alignment with the Countywide Plan to Address Homelessness. Housing and Homelessness continues to be a Major City Goal for the City and regional collaboration is a key component in the City's plans to prevent and address homelessness.

6. Budget:



The City's proposal includes the following funding requests:

FUNDING CATEGORY	FUNDING REQUEST	FUNDING AMOUNT
Outreach Materials (Communications)	Printing Costs for 1,250 Homeless Resources Pocket Guides for continued distribution to unhoused community members, service providers, businesses, and community members.	\$1,500
Training (Pilot Programs)	De-Escalation Training opportunity for City staff and service providers; Development of Crisis Intervention Training (CIT) curriculum, including purchasing training materials.	\$8,000
Outreach Events (Regional Collaboration & Engagement)	Homelessness Response Resource Fair for community members experiencing homelessness or at risk of homelessness, to be hosted in collaboration with Regional Partners in June 2024. Budget includes funding for refreshments, printing resource materials, and event supply costs.	\$5,000
Supportive Services (Pilot Programs)	Family and/or agency reunification funding for the Fire Department's Mobile Crisis Unit (MCU) to provide bus/train/plane tickets, meals, gas, and treatment programming for reunification efforts.	\$4,000
Outreach Staff Capacity (Pilot Programs)	Supplemental funding for a Licensed Psych Tech (LPT) to be paired with the Fire Department's MCU team, via contract with the County's Behavioral Health Department. Monthly cost estimate of \$10,500 for three months (April-June 2024).	\$31,500
Outreach Staff Capacity (Pilot Programs)	Supplemental funding for a Licensed Psych Tech (LPT) to be paired with the Police Department's CAT team, via contract with the County's Behavioral Health Department. Monthly cost estimate of \$10,500 for three months (April-June 2024).	\$31,500
Outreach Staff Capacity (Pilot Programs)	Contract Community Resource Coordinator (CRC) to be paired with the Police Department's CAT team, via contract service, to provide outreach services to unhoused community. Monthly cost estimate of \$9,250 for two months (May & June 2024).	\$18,500
Total		\$100,000



Department: Community Development
Cost Center: 4008
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Timmi Tway, Community Development Director
Prepared By: Teresa McClish, Housing Policy and Programs Manager
Daisy Wiberg, Homelessness Response Manager

SUBJECT: APPROVE COOPERATING AGREEMENT WITH PEOPLE'S SELF-HELP HOUSING FOR THE CALLE JOAQUIN HOMEKEY PROJECT AND APPROVE AMENDMENTS TO RESOLUTION NO. 11439 (2023 SERIES)

RECOMMENDATION

1. Approve the Cooperating Agreement with People's Self-Help Housing for the Calle Joaquin Homekey Project and authorize the City Manager, or their designee, to execute the agreement; and
2. Approve amendments to Resolution No. 11439 (2023 Series).

POLICY CONTEXT

The City's General Plan 6th Cycle Housing Element¹ includes Safety as Goal 1, and Program 1.7 states "*Continue to support local and regional solutions to homelessness by funding supportive programs services and housing solutions.*"

Additionally, providing financial assistance to affordable housing projects is a theme supported throughout the Housing Element. Housing Element Goal 2 is Affordability, which specifically states "*Accommodate affordable housing production that helps meet the City's quantified objectives.*" HE Program 2.9 states "*Assist with the issuance of tax-exempt bonds, tax credit financing, loan underwriting or other financial tools to help develop or preserve at least 20 affordable units annually through various programs.*"

Goal 3 in the HE is Housing Conservation, to Conserve existing housing and prevent the loss of safe housing and the displacement of current occupants, and Policies 3.3, 3.5 and Program 3.9 respectively state:

- "*Encourage the construction, preservation, rehabilitation or expansion of residential hotels, group homes, integrated community apartments, and single-room occupancy dwellings,*"
- "*Encourage and support creative strategies for the rehabilitation and adaptation and reuse of residential, commercial, and industrial structures for housing,*" and

¹ [City of San Luis Obispo 6th Cycle Housing Element](#)

- *“Work annually with non-profit organizations, faith-based organizations, or the Housing Authority of the City of San Luis Obispo to encourage rehabilitation of residential, commercial, or industrial buildings to expand extremely low, very-low, low- or moderate-income rental housing opportunities.”*

HE Goal 6 is Housing Production, which specifically states *“Plan for new housing to meet the full range of community housing needs.”* HE Program 6.20 states, *“Continue to financially assist in the development of housing affordable to extremely low, very-low-, low- or moderate-income households during the planning period using State, Federal and local funding sources, with funding priority given to projects that result in the maximum housing benefits for the lowest household income levels.”*

Additionally, the City’s Homelessness Response Strategic Plan includes Objective 2: to support efforts to establish emergency/transitional housing for key beneficiary groups including chronically homeless individuals, medically vulnerable individuals, and families, with a key task to establish partnerships with housing developers and homeless services providers to submit funding applications in coordination with the County (e.g., Homekey Grant Funding) that will provide new transitional and permanent supportive housing resources for families.²

DISCUSSION

Background

On March 29, 2023, the California Department of Housing and Community Development (HCD) announced a notice of funding availability (NOFA) of approximately \$736 million in Round 3 Homekey funds to sustain and rapidly expand the inventory of housing for people experiencing homelessness or at risk of homelessness.

On May 16, 2023, the San Luis Obispo County Board of Supervisors authorized a total of \$2.6 million for the Homekey project to cover the estimated \$650,000/year in project costs for four years. A subsequent commitment letter from the County authorized the project funding to be allocated for capital, renovations, and operations for the project.

On July 24, 2023, the City Council adopted a resolution³ authorizing the submittal of a joint application for Homekey Round 3 grant program funds in conjunction with People’s Self-Help Housing (PSHH) for the proposed acquisition, rehabilitation and conversion of the 87-unit Motel 6 North located at 1433 Calle Joaquin in San Luis Obispo.

On December 19, 2023, and revised on January 18, 2024, HCD provided the City and PSHH a conditional Homekey Round 3 award commitment and acceptance of terms and conditions for the Calle Joaquin Homekey project for a capital award amount of \$17,414,328 and operating award of \$1,943,942. On January 22, 2024, the City Manager and CEO for PSHH, as co-applicants, executed the conditional award letter for Homekey Round 3 funding.

² [City of San Luis Obispo Homelessness Response Strategic Plan](#)

³ [Resolution No. 11439](#)

Cooperating Agreement

The proposed Cooperating Agreement between the City and PSHH will provide the terms and provisions for the City and PSHH to construct and operate the Calle Joaquin Homekey project in accordance with the Homekey Standard Agreement, which will be drafted by HCD. The proposed Cooperating Agreement (Attachment A) includes a provision requiring that it shall be construed to be consistent with the Standard Agreement. The Homekey Program is intended to meet urgent housing needs, and as such, requires aggressive implementation timelines. Homekey capital funds must be expended within eight months of the date of award, December 19, 2023. Acquisition, rehabilitation and/or construction must be completed twelve months from the date of award and full occupancy must be achieved by fifteen months from the date of award.

The City and PSHH anticipate receiving the Standard Agreement from HCD in April 2024 and, upon receiving the agreement, will confirm that the terms of the Cooperating Agreement are consistent with the Standard Agreement. Staff request authorization to amend the Cooperating Agreement to address any non-substantive inconsistencies, since staff anticipate that HCD's Standard Agreement will not be negotiable. Staff is bringing forward this Cooperative Agreement in advance of the Standard Agreement due to the fast project timeline and need to continue to move the project forward. Staff does not anticipate substantive changes to the Cooperating Agreement; PSHH is familiar with the HCD Standard Agreement and was involved in the drafting of the Cooperating Agreement as a signing party. Council's authorization to apply for the program included an acknowledgement that the City shall be subject to the terms and conditions of the Standard Agreement.

Resolution Amendments

The State of California's Department of Housing and Community Development (HCD), the entity which awards funds under the Homekey Program, requested corrections be made to the City of San Luis Obispo's Resolution No. 11439 (2023 Series) for the Calle Joaquin Homekey project. Previously, on March 21, 2024, some non-substantive amendments were previously made administratively regarding the naming of all co-applicants for the project and the resolution was amended to include the City, Peoples Self-Help Housing Corporation ("Co-Applicant 1"), Calle Joaquin Homekey LLC ("Co-applicant 2"), quin LP ("Co-Applicant 3"). HCD has requested additional amendments to the previously adopted resolution that staff have determined require Council approval.

Prior to issuing a Standard Agreement for the Calle Joaquin Homekey project, HCD has requested amendments to the Resolution regarding the anticipated project cost and funding sources. When the originally adopted Resolution was executed, an anticipated award amount of \$15,000,000 (with a not-to-exceed authorization of up to \$22,000,000) was included in the Resolution, however the final award amount requested on the Homekey Round 3 application was \$21,528,657. HCD requested the Resolution be amended to remove the anticipated award amount of \$15,000,000 and replace it with the authorized amount not to exceed \$22,000,000. Additionally, HCD requested that the City's \$400,000 Affordable Housing Funds (AHF) commitment be included in the Resolution as well as naming additional funding sources including: \$150,000 Wells Fargo Homekey Accelerator Funding and \$164,329 Deferred Developer Fee. All requested

revisions are included in the amended resolution (Attachment B). The three sections of the amended Resolution are outlined below, including language from the originally adopted Resolution and the proposed amendments to the Resolution:

Update #1 – Originally Adopted Resolution, Page 2, Section 3, Findings, No. 1:

“The City Manager or their designee is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds for an anticipated project cost of \$15,000,000. Per the Homekey grant provisions, it is recommended to identify an authorized dollar amount that is at least double the anticipated award. In line with available funding allocation for the Central Coast Geographical Area, the total authorized amount shall not exceed \$22,000,000.”

The amended resolution will state:

“The City Manager or their designee is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds for an anticipated project cost not to exceed \$22,000,000. Per the Homekey grant provisions, it is recommended to identify an authorized dollar amount that is at least double the anticipated award. In line with available funding allocation for the Central Coast Geographical Area, the total authorized amount shall not exceed \$22,000,000.”

Update #2 – Originally Adopted Resolution, Page 2, Section 1, Findings:

“SECTION 1. Findings. The City Council does hereby make the following findings in support of the proposed AHF awards:”

The amended Resolution will state:

“SECTION 1. Findings. The City Council does hereby make the following findings in support of the proposed \$400,000 AHF award:”

Update #3 – Originally Adopted Resolution, Page 3, Section 1, No. 5, Financial Effectiveness, Paragraph 2:

“This is a highly effective use of the City’s Affordable Housing Funds, as it will leverage additional funding sources as they demonstrate local support and commitment to the development. These funding sources include the Homekey Grant Round 3 \$15 million, County of San Luis Obispo \$2.6 million; and Private Foundation funding \$800,000. Project financial feasibility is dependent upon Affordable Housing Funds.”

The amended resolution will state:

“This is a highly effective use of the City’s Affordable Housing Funds, in the amount of \$400,000, as it will leverage additional funding sources as they demonstrate local support and commitment to the development. These funding sources include the Homekey Grant Round 3 award for an anticipated project cost of \$21,528,657; County of San Luis Obispo funding commitment in the amount of \$2.6 million; Private Foundation funding in the amount of \$800,000; \$150,000 Wells Fargo Homekey Accelerator funding; and \$164,329 Deferred Developer Fee. Project financial feasibility is dependent upon the City’s Affordable Housing Funds.”

The requested amendments to the Resolution are consistent with the partnership structure outlined in the Homekey Round 3 grant application and do not alter the project, partnership, or the City's financial obligations in any way. The anticipated award amount, Affordable Housing Fund commitment from the City, and additional funding sources were all outlined in the final Homekey Round 3 application that the City and PSHH submitted to HCD in July 2023.

Staff will submit the amended Resolution to HCD so that the Calle Joaquin Homekey project may move forward.

Next Steps

PSHH will administer subrecipient agreements with the County of San Luis Obispo, 5Cities Homeless Coalition, and other service providers for the provision of ongoing funding and services at the project site. The Balay Ko Foundation, a nonprofit corporation, has also committed up to \$800,000 in gap funding for the project and the Wells Fargo Accelerator Fund contributed \$150,000. The Housing Authority of San Luis Obispo (HASLO) will provide 60 Project Based Vouchers as Operational Subsidy in years 4-14 of the project.

The tentative project timeline for the Calle Joaquin Homekey project, which is subject to change, includes the following estimated milestones:

- Property Acquisition – May 2024
- Start of Rehabilitation & Construction – June 2024
- Collaboration with County and Service Providers on Coordinated Entry System for Calle Joaquin Homekey Housing Placements – August 2024
- Rehabilitation & Construction Complete – December 2024
- Leasing Process Begins for Permanent Supportive Housing (PSH) Units – January 2025
- Calle Joaquin Homekey Opening – March 2025

Previous Council or Advisory Body Action

On July 24, 2023, the City Council adopted a resolution authorizing the submittal of a joint application for Homekey Round 3 grant program funds in conjunction with People's Self-Help Housing for the proposed acquisition, rehabilitation, and conversion of the 87-unit Motel 6 North located at 1433 Calle Joaquin⁴.

The Resolution grants the City Manager, or their designee, authorization to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed \$22,000,000, and any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from HCD and to participate in the Homekey Program, and all amendments thereto.

⁴ [Resolution No. 11439](#)

The Resolution also includes an acknowledgement that the City shall be subject to the terms and conditions specified in the Standard Agreement. The City Manager, or their designee, is authorized in the Resolution to execute the Homekey Documents on behalf of the City for participation in the Homekey Program and to execute such other documents and take such other actions consistent with the purposes of the grant as necessary to accept and comply with grant requirements and implement the project.

On March 21, 2024, the Resolution was administratively amended to include additional project co-applicants, per the request of HCD⁵. PSHH created a Limited Liability Company (LLC), Calle Joaquin Homekey LLC, and a Limited Partnership (LP), Calle Joaquin LP, for the Homekey project, and HCD requested that both entities be listed as additional co-applicants on the Resolution. The requested amendment to the resolution was consistent with the partnership structure outlined in the Homekey Round 3 grant application and did not alter the project, partnership, or the City's financial obligations in any way.

Public Engagement

On October 11, 2023, PSHH noticed Calle Joaquin neighbors and stakeholders and conducted an informational meeting at City Farm SLO to provide an overview of the proposed project. Only one neighboring business attended but City staff have been responding to public inquiries regarding the project.

The City and PSHH plan to conduct additional community outreach to neighboring businesses and stakeholders in advance of the project groundbreaking, including providing an overview of the project timeline. Key stakeholders will be invited to a groundbreaking event for the Calle Joaquin Homekey project and additional community engagement opportunities will be provided throughout the development of the project.

CONCURRENCE

The Homelessness Response Steering Committee is in support of the agreement.

ENVIRONMENTAL REVIEW

As provided by Health and Safety Code section 50675.1.4, the guidelines allow for exemption of this Round 3 Homekey Project from the California Environmental Quality Act (CEQA). Compliance with Section 50675.1.4 is a material term of the Cooperating Agreement, and a Notice of Exemption has been filed. Additionally, a finding of no significant impact will be filed in accordance with the National Environmental Policy Act (NEPA) for the provision of Homekey funds.

FISCAL IMPACT

Budgeted: No
Funding Identified: Yes

Budget Years: 2023-24 & 2024-25

⁵ [Amended Resolution No. 11439](#)

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$
State	\$19,358,270	\$0	\$19,358,270	
Federal				
County	\$2,600,000	\$0	\$2,600,000	
Fees				
Other: AHF	\$400,000	\$0	\$400,000	
HASLO 60 Project Based Vouchers	Operational Subsidy (Years 4-14)	\$0		
Private Donation	\$800,000	\$0	\$800,000	
Wells Fargo Accelerator Fund	\$150,000	\$0	\$150,000	
Total	\$23,308,270	\$0	\$23,308,270	

City Council's approval of the Cooperating Agreement does not have fiscal implications. The fiscal analysis reflects the Homekey project budget as previously approved on July 24, 2023.

ALTERNATIVES

1. ***Council could deny approval of the Cooperating Agreement with PSHH.*** Under this alternative, the City and its co-applicant would have no agreed terms to manage the Calle Joaquin Homekey project. Staff does not recommend this alternative.
2. ***Council could deny approval of the amendments to Resolution No. 11439.*** Under this alternative, the City would risk not being in compliance with HCD's resolution requirements for the Homekey Round 3 program and may encounter delays with execution of the Standard Agreement. Staff does not recommend this alternative.

ATTACHMENTS

- A - Draft Cooperating Agreement for Calle Joaquin Homekey Project
 B - Amended Resolution No. 11439 (2023 Series)

COOPERATING AGREEMENT FOR HOMEKEY ROUND 3 PROJECT

THIS COOPERATING AGREEMENT (“Agreement”) is between the City of San Luis Obispo (“City”) and People’s Self- Help Housing, a 501(c)(3) Corporation (“PSHH”). PSHH, is referred to as “Developer.” City and PSHH are sometimes individually referred to as a “Party” and collectively as the “Parties.” This Agreement will be effective as of the last date the Agreement is signed by all Parties (“Effective Date”).

RECITALS

A. In response to the spread of COVID-19 in the State of California, Governor Newsom secured Federal Emergency Management Agency (FEMA) approval for “Project Roomkey”, a state-wide initiative with the intention of securing thousands of motel rooms to provide non-congregate shelter for extremely vulnerable individuals experiencing homelessness to help keep susceptible, homeless persons safe, flatten the curve, and preserve hospital capacity.

B. On June 15, 2020, the state of California passed a budget that included \$550 million for the purpose of rapidly expanding the inventory of housing available to homeless persons currently served by Project Roomkey and subsequently launched the Homekey Program.

C. Following on the success of the 2020 Homekey Program, the State’s FY 2022-23 budget included funds for Homekey Round 3 administered by the Department of Housing and Community Development (“HCD”).

D. On March 29, 2023, The California Department of Housing and Community Development (HCD) announced the notice of funding availability (NOFA) of approximately \$736 million in Round 3 Homekey funds to sustain and rapidly expand the inventory of housing for people experiencing homelessness or at risk of homelessness and who are, thereby, inherently impacted by or at increased risk for medical disease or conditions due to the COVID-19 pandemic or other communicable diseases. The estimated Homekey funds for the Central coast geographic allocation was \$22,657,376.

E. On July 24, 2023, the City adopted a resolution authorizing the submittal of a joint application for Homekey Round 3 grant program funds in conjunction with PSHH, a developer who is experienced in affordable housing development and in providing housing assistance to those experiencing homelessness, for the proposed acquisition, rehabilitation and conversion of 87-unit Motel 6 located at 1433 Calle Joaquin San Luis Obispo, CA (“Project”).

F. On December 19, 2023, and revised January 18, 2024, HCD provided the City and Developer a Homekey Round 3 conditional award for the Calle Joaquin Homekey project (Contract No. 23-HK-18089) consisting of a capital award of \$17,414,328 and operating award of \$1,943,942.

G. On January 22, 2024, the City and Developer, as co-applicants, executed the conditional award for Homekey Round 3 funding.

H. To support the joint application for Homekey Round 3 program funding, the Developer agreed to undertake the following activities:

1. Negotiate directly with property owner(s) and effectuating the purchase of the

real property located at 1433 Calle Joaquin San Luis Obispo, CA (“Project Site”);

2. Assist the City in obtaining state funding made available for the purpose of acquiring the Project Site and applying for all other necessary Project financing;
3. Prepare and carry out a scope of work necessary to convert the Project Site into housing that meets the criteria of Health and Safety Code section 50675.1.4 and to create safe and habitable living spaces for up to 75 tenants who are homeless or at-risk of homelessness; and,
4. Own, manage and operate the site as housing in compliance with the requirements of the Homekey Round 3 Program and consistent with Health and Safety Code section 50675.1.4.

I. To support the joint application for Homekey Round 3 program funding, and maximize the investment of, Homekey Round 3 funds from the State, the City provided a local match contribution of \$400,000 from the City’s Affordable Housing Fund for the acquisition and rehabilitation of the Project site; and the City initiated the review process required to obtain environmental clearance pursuant to the National Policy Environmental Act (NEPA).

NOW, THEREFORE, in consideration of the recitals and mutual covenants and conditions contained in this Agreement, incorporated herein, the Parties agree as follows:

1. Term.

1.1 The term of this Agreement will be from the date of execution until completion of the tasks stated herein (the “Term.”) This agreement shall be construed to be consistent with the Standard Agreement, which will be drafted by The Department of Housing and Community Development. The Standard Agreement will be entered under the authority and in furtherance of the Homekey Round 3 Program (“Agreement”). The Agreement shall be executed by the City of San Luis Obispo and People’s Self-Help Housing, as co-grantees. The Agreement will incorporate by reference the representations and descriptions included in the Homekey Round 3 application.

2. Project Development Tasks.

2.1 During the Term, the Developer’s responsibilities, with the cooperation from City staff, include the followings tasks:

- a) Negotiate with property owner(s) and effectuate the purchase of the Project Site;
- b) Define a development schedule, including Project(s) milestones;
- c) Undertake all such environmental review required by the National Environmental Policy Act, as applicable, and acquire all use entitlements and/or permit approvals to place the Project Site in a condition ready for development and construction of the Project.
- d) Identify and obtain required funding sources for the Project.
- e) Assist the City in obtaining state funding made available for the purpose of acquiring the Project Site utilizing Homekey Round 3 funds and to apply for all other necessary Project financing;
- f) Prepare and carry out a scope of renovation work necessary to create housing for individuals and families who are experiencing homelessness or who are at-risk of

- homelessness that meets the criteria of Health and Safety Code section 50675.1.4;
- g) Implement all the requirements of Health and Safety Code section 50675.1.4 for the Project to be statutorily exempt from the California Environmental Quality Act; and
- h) At the conclusion of the tasks defined above, PSHH shall own, manage and operate the property throughout the required affordability periods pursuant to Homekey Program requirements and Health and Safety Code section 50675 *et seq.*, which shall be no fewer than 55 years.

2.2 During the Term, the City will be a cooperative partner as the Lead Applicant for Homekey application funds. The City's primary tasks will include:

- a) Obtain approvals required to apply for and receive Homekey program funding including execution of the Standard Agreement with HCD.
- b) Authorize and execute documents for required local match contribution.
- c) Acting as Responsible Entity, take actions necessary to obtain National Environmental Protection Act (NEPA) clearance.
- d) Participate in project meetings to stay abreast of project development activities and to facilitate communication as appropriate.

3. Developer Status.

3.1 Project Managers. The Project Manager for Developer will be PSHH.

3.2 Non-Assignability. With the exception of Developer-formed special purpose entity for ownership and or future low-income housing tax credit investment, Developer will not assign this Agreement or any portion thereof to a third party without the prior written consent of City, and any attempted assignment without such prior written consent will be null and void and will be cause, at City's sole and absolute discretion, for immediate termination of this Agreement.

3.3 Additional Financing. Development of the Project is a critical component of the City's efforts towards addressing homelessness and facilitating safe housing for those experiencing or at risk of experiencing homelessness. Delays in development caused by Developer's financial default will impede these efforts. In acknowledgment of this, Developer agrees that it will not pursue any debt funding or take any other action which would inure to any third party a financial interest in the Project without the City's express written consent in advance thereof.

4. Indemnification.

4.1 Indemnity. Each Party to this Agreement shall defend, indemnify, and hold harmless the other Party, and their governing bodies, officials, officers, employees, and agents ("Indemnified Parties") from and against all claims, suits, actions, losses, and liability of every kind (collectively, "Liability"), arising out of, connected with or resulting from the indemnifying Party's negligence or willful misconduct in carrying out its respective obligations under this Agreement, except to the extent such Liability is caused by the negligence or willful misconduct of an Indemnified Party. This indemnification section shall survive termination of the Agreement.

5. Miscellaneous.

5.1 Notices. Formal notices, demands, and communications between City and Developer must be given either by (i) personal service, (ii) delivery by reputable overnight document delivery service that provides a receipt showing date and time of delivery, or (iii) or by U.S. first class certified mail, return receipt requested, addressed to:

To City: City Executive Office
Attn: Timmi Tway, Community Development
Director
(805) 781-7187
ttway@slocity.org

To Developer: Peoples' Self-Help Housing
Attn: Ken Trigueiro, CEO & President
(805) 540-2453
kennetht@pshhc.org

People's Self-Help Housing
Attn: Veronica Garcia, Chief Real Estate Development Officer 805.651.3592
veronicag@pshh.org

Notices will be deemed effective upon receipt. Such written notices, demands, and communications will be sent in the same manner to such other addresses as any party may from time to time designate by mail.

5.2 Interpretation and Governing Law. The terms of this Agreement will be construed in accordance with the meaning of the language used and will not be construed for or against any party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply. The section headings are for purposes of convenience only and will not be construed to limit or extend the meaning of this Agreement. Any action arising out of this Agreement shall be brought in the Superior Court of San Luis Obispo County, California. The validity, interpretation, construction and performance of this Agreement, and all acts and transactions pursuant hereto and the rights and obligations of the Parties hereto shall be governed, construed and interpreted in accordance with the laws of the State of California, without giving effect to principles of conflicts of law.

5.3 Amendments. Any alteration, change, or modification of or to this Agreement must be in writing and signed by authorized representatives on behalf of each of the Parties. Substantial amendments to this Agreement may be subject to the approval of the City Council of San Luis Obispo. The City's Community Development Director or designee is authorized to execute amendments to this Agreement on behalf of the City.

5.4 Counterparts. This Agreement may be executed in counterparts, each of which, after all the Parties hereto have signed this Agreement, will be deemed to be an original, and such counterparts will constitute one and the same instrument.

5.5 Independent Status. As co-applicants to the Homekey Project, PSHH and the City are and shall at all times remain independent entities. The personnel performing the Services under this Agreement on behalf of each Party shall at all times be under their respective Party's exclusive direction and control. Neither Party nor any of their officers, employees, or agents shall have control over the conduct of the other Party or any of their officers, employees, or agents, except as set forth in this Agreement. Neither Party shall incur nor have the power to incur any debt, obligation, or liability whatsoever against the other, or bind the other in any manner.

5.6 Confidentiality. Developer acknowledge and agree that the City is a public entity with a responsibility and, in many cases, a legal obligation to conduct its business in a manner open and available to the public. Accordingly, any information provided by Developer to City with respect to the Project Site, the Project or Developer may be disclosed to the public either purposely, inadvertently, or as a result of a public demand, request or order.

5.6 Time is of the Essence. Time is of the essence for each of Developers' obligations under this Agreement.

[SIGNATURES ON FOLLOWING PAGE]


THE UNDERSIGNED AUTHORIZED REPRESENTATIVES of City of San Luis Obispo and People’s Self-Help Housing have executed this Agreement as set forth below:

CITY OF SAN LUIS OBISPO

By: _____,
Derek Johnson, City Manager

Date: _____

PEOPLE’S SELF-HELP HOUSING

By:  _____
Ken Trigueiro, President and CEO

Date: 4/4/2024 | 12:31 PM PDT

RESOLUTION NO. 11439 (2023 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AUTHORIZING JOINT APPLICATION TO, AND PARTICIPATION IN, THE HOMEKEY PROGRAM FOR THE CALLE JOAQUIN HOMEKEY PROJECT

WHEREAS, the California Department of Housing and Community Development (“Department”) has issued a Notice of Funding Availability, dated March 29, 2023 (“NOFA”), for the Homekey Program (“Homekey” or “Program”). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assembly. Bill No. 140 (2021-2022 Reg. Sess.), § 20.); and

WHEREAS, The City of San Luis Obispo (“The City”) desires to jointly apply for Homekey grant funds with People’s Self-Help Housing Corporation (“Co-Applicant 1”), Calle Joaquin Homekey LLC (“Co-Applicant 2”), and Calle Joaquin LP (“Co-Applicant 3”). Therefore, The City is joining Corporation in the submittal of an application for Homekey funds (“Application”) to the Department for review and consideration of the Calle Joaquin Homekey Project located at 1433 Calle Joaquin; and

WHEREAS, The Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code. Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement (“Standard Agreement”), and all other legal requirements of the Homekey Program; and

WHEREAS, Housing Element policies and programs encourage and support the construction of new affordable housing in the City; and

WHEREAS, on July 24, 2023, the Council of the City of San Luis Obispo authorized the joint application to, and participation in, the Homekey program by adoption of Resolution No. 11329 (2023 Series).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo to amend Resolution No. 11439 (2023 Series) and authorize the joint application to, and participation in, the Homekey program as follows:

SECTION 1. Recitals. The recitals set forth above are hereby adopted as additional findings of the City in adopting the policies herein.

SECTION 2. Environmental Review. As provided by Health and Safety Code section 50675.1. the guidelines allow for exemption of certain Round 3 Homekey Projects from the California Environmental Quality Act (CEQA). Evaluation of potential environmental impacts in accordance with CEQA will occur if during the application submittal or funding award it is determined that the project is not exempt per HSC section 50675.1.4.

SECTION 3. Findings. The City Council, after consideration of the Homekey Program and staff recommendations, makes the following findings:

1. The City Manager or their designee is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds for an anticipated project cost not to exceed \$22,000,000. Per the Homekey grant provisions, it is recommended to identify an authorized dollar amount that is at least double the anticipated award. In line with available funding allocation for the Central Coast Geographical Area, the total authorized amount shall not exceed \$22,000,000.
2. If the Application is approved, the City Manager or their designee is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed \$22,000,000, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the "Homekey Documents").
3. The City acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.
4. The City Manager of the City of San Luis Obispo, or their designee, is authorized to execute the Application and the Homekey Documents on behalf of the City for participation in the Homekey Program and to execute such other documents and take such other actions consistent with the purposes of the grant as necessary to accept and comply with grant requirements and implement the project.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Findings. The City Council does hereby make the following findings in support of the proposed \$400,000 AHF award:

1. **Eligibility:** Use of the AHF for the requested purpose will increase or improve the City's affordable housing inventory and promote General Plan policies regarding housing, as follows:

The Calle Joaquin Homekey Project will enable an increase to the City's affordable housing inventory specifically for permanent supportive housing and implements several General Plan policies regarding housing. The project will

increase the supply of affordable housing for extremely low, very low, and low income households with the conversion of 87 motel units to 50-75 permanent supportive housing units and associated supportive services.

2. **Need:** There exists a substantial or overarching need for the type of unit to be assisted, as follows:

Housing needs in general are growing along the coastal areas, particularly for lower income households, which is exacerbating the Homelessness crisis. San Luis Obispo will benefit greatly from the Calle Joaquin Homekey Project development because it specifically provides critical permanent supportive housing units called for in both the City's Homelessness Response Strategic Plan and the County of San Luis Obispo Countywide Plan to Address Homelessness.

3. **Suitability:** The project to be assisted is appropriate for its location both in terms of land use and design, as follows:

The Calle Joaquin Homekey Project is appropriately suited for this location, both in terms of land use, adjacent bus routes, and proximity to services along Los Osos Valley Road, Madonna Road, South Higuera and Prado Road and will accommodate full-time on-site supportive services, management, and oversight.

4. **Timing:** The project would better serve the City's needs if it were built immediately as opposed to later, as follows:

The Calle Joaquin Homekey Project will be permitted and motel rooms converted and occupied within 15 months as allowed for and intended by the state Homekey Grant program to rapidly expand the inventory of housing for people experiencing homelessness or at risk of homelessness at the specified location.

5. **Financial Effectiveness:** But for the requested funding, the project would not be economically feasible; or AHF funding "leverages" significant additional funding from other sources, as follows:

This is a highly effective use of the City's Affordable Housing Funds , in the amount of \$400,000, as it will leverage additional funding sources as they demonstrate local support and commitment to the development. These funding sources include the Homekey Grant Round 3 award for an anticipated project cost of \$21,528,657; County of San Luis Obispo funding commitment in the amount of \$2.6 million; Private Foundation funding in the amount of \$800,000; \$150,000 Wells Fargo Homekey Accelerator funding; and \$164,329 Deferred Developer Fee. Project financial feasibility is dependent upon the City's Affordable Housing Funds.

6. **Readiness:** The project is ready to proceed, as follows:

Per Homekey Guidelines and City Zoning regulations, the proposed Calle Joaquin Homekey Project will not require discretionary approvals. Upon the award of a City Affordable Housing Fund award, PSHHC will be eligible to apply for additional public funding programs and other private activity bond financing. Should the project receive the Homekey Round 3 Grant award, construction will start immediately with occupancy 15 months from award.

Upon motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2024.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington,
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick,
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington,
City Clerk



Department: Public Works
Cost Center: 5010
For Agenda of: 4/16/2024
Placement: Consent
Estimated Time: N/A

FROM: Matt Horn, Public Works Director
Prepared By: Adam Fukushima, Active Transportation Manager

SUBJECT: AUTHORIZATION TO APPLY FOR GRANT FUNDING FOR THE SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT PROGRAM

RECOMMENDATION

Adopt a Draft Resolution entitled, “A Resolution of the City Council of San Luis Obispo, California, approving the application for grant funding for the Federal Safe Streets and Roads for all (SS4A) program for the South Broad Complete Street Project” authorizing:

- A. Staff to prepare and submit an application for the SS4A grant program of up to \$500,000 for the South Broad Street Project;
- B. The use of up to \$100,000 of the previously approved funding as matching funds for this grant;
- C. The City Manager to appropriate grant funds and approve a budget amendment to reflect received grant funds, if awarded;
- D. The appointment of the City Manager, or their designee, as agent to conduct all negotiations, execute and submit all grant documents including, but not limited to, applications, agreements, payment requests which may be necessary for the completion of the aforementioned project.

Policy Context

The [South Broad Street Area Plan](#), adopted by the City Council on December 2, 2014, implements General Plan policies for the South Broad Street area corridor to create a safe, attractive and economically vital neighborhood with a mix of complementary land uses that encourages walking, bicycling and public transit use.

The Broad Street corridor between South Street and the southern City Limit is identified as part of the Tier 1 network of the Active Transportation Plan for planned bicycle and pedestrian improvements.

The Broad Street corridor has also been identified as a High Collision Rate Roadway Segment, with a history of high frequency and severity of traffic collisions.

Per Section 740 of the City’s Financial Management Manual, staff is required to obtain Council approval prior to applying for grant applications over \$5,000.

DISCUSSION

Background

The [South Broad Street Area Plan](#) implements General Plan policies for the South Broad Street area corridor to create a safe, attractive and economically vital neighborhood with a mix of complementary land uses that encourages walking, bicycling and public transit use. It is important to remember that the South Broad Street Plan provided zoning for an estimated additional 355 new dwellings and therefore, multimodal connections will become increasingly important as the area develops.

During the Mid-year Budget Review on February 6, 2024, the City Council received public comment requesting transportation improvements on South Broad Street and Council allocated \$400,000 to advance early planning for the project and an additional \$400,000 for staffing support.

Staff has begun the early planning for the South Broad Complete Street project and is exploring grant opportunities to complete preliminary study focused on transportation issues and begin outreach and early design to supplement recently allocated funding by Council at the Mid-Year Budget Review.

Safe Streets and Roads for All Grant

Congress has authorized the Federal Safe Streets and Roads for All (SS4A) discretionary program, which is administered by the United States Department of Transportation (USDOT), with \$5 billion in appropriated funds over 5 years, 2022-2026. The SS4A program funds regional, local, and tribal initiatives through grants to prevent roadway deaths and serious injuries. Over \$3 billion is still available for future funding rounds and the program requires a 20% match of local funds. Given unsuccessful prior experience in applying for this grant to fund construction for other projects and further discussions with USDOT staff, staff recommends applying for up to \$500,000 to assist in planning and demonstration activities for the South Broad Complete Street corridor, which may have a higher chance of being awarded.

Planning activities would include stakeholder engagement, a roadway safety audit, safety analysis, and expanded data collection. The grant funds would also help to broaden the study area along the South Broad Street corridor to extend from High Street to the southern City Limit (near Farmhouse Lane) rather than just South Street to Tank Farm Road as discussed at the Mid-Year Budget Review. Pilot “demonstration activities” would test out designs with temporary materials, such as buffered bicycle lanes, bulb-outs, temporary medians, and left-turn provisions between South Street and Orcutt Road to inform the design of more permanent features later on.

The project's anticipated timeframe is as follows:

<i>Task</i>	<i>Anticipated Schedule</i>
Submit SS4A Grant Application	Spring 2024
Staffing Mobilization and Data Collection	Spring - Summer 2024
Begin Public Outreach and Corridor Study	Fall 2024
Draft Corridor Recommendations and Demonstration Project Initiation	Fall 2025
Finalize Corridor Plan and Initiate Final Design	Spring 2026

The schedule above is preliminary and dependent on grant administration requirements and resources.

Previous Council or Advisory Body Action

On February 6, 2024, the City Council approved \$800,000 as part of the Fiscal Year 2023-24 Mid-year Budget Review for staffing and to advance early planning for a South Broad Complete Street project to incorporate elements of the South Broad Street Area Plan and the Active Transportation Plan.

Public Engagement

At Council's Mid-year Budget Review meeting on February 6, 2024, residents requested advancing the South Broad Complete Street project.

CONCURRENCE

The Public Works Department, Finance Department, and City Administration have reviewed this authorization request and concur with its contents.

ENVIRONMENTAL REVIEW

There is no environmental review required for grant submittals. The California Environmental Quality Act does not apply to the recommended action in this report because the action does not constitute a "Project" under CEQA Guidelines Sec. 15378.

FISCAL IMPACT

Budgeted: Yes

Budget Year: 2023-24

Funding Identified: Yes

Fiscal Analysis:

There is currently \$800,000 in the South Broad Street Corridor Account (Project: 2001070). Staff recommends using \$100,000 of this funding as the required 20% local match for the \$500,000 grant request for the SS4A funding program.

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance
General Fund	\$800,000	\$100,000	\$700,000
Federal: SS4A Grant*	\$0	\$500,000	\$0
Total	\$800,000	\$600,000	\$700,000

*If grant application is successful.

ALTERNATIVES

Deny authorization to apply for grant funding. The City Council could choose to deny the request to apply for the Safe Streets and Roads for All Grant program. This alternative is not recommended because this grant would provide critical supplemental funding sources for transportation improvements on the South Broad Street project.

ATTACHMENTS

A – Draft Resolution Authorizing Submittal of SS4A Grant Application

RESOLUTION NO. _____ (2024 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDING FROM THE FEDERAL SAFE STREETS AND ROADS FOR ALL (SS4A) PROGRAM FOR THE SOUTH BROAD COMPLETE STREET PROJECT

WHEREAS, Congress has authorized the Federal Safe Streets and Roads for All (SS4A) discretionary program, which is administered by the United States Department of Transportation (USDOT), with \$5 billion in appropriated funds over 5 years, 2022-2026; and

WHEREAS, the SS4A program funds regional, local, and tribal initiatives through grants to prevent roadway deaths and serious injuries; and

WHEREAS, the Broad Street corridor is identified as part of the Tier 1 network of the Active Transportation Plan for planned bicycle and pedestrian improvements and has been identified as a High Collision Rate Roadway Segment, with a history of high frequency and severity of traffic collisions; and

WHEREAS, the SS4A program requires a 20% match of local funds; and

WHEREAS, on February 6, 2024 the City Council approved \$800,000 as part of the Fiscal Year 2023-24 Mid-year Budget Review to advance early planning for a South Broad Complete Street project to incorporate elements of the South Broad Street Area Plan and the Active Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Authorizes staff to prepare and submit an application for the Safe Streets and Roads for All (SS4A) grant program of up to \$500,000 for the South Broad Complete Street Project.

SECTION 2. Approves the use of up to \$100,000 of the previously approved funding as matching funds for this grant, if awarded.

R _____

SECTION 3. Authorize the City Manager to appropriate grant funds and approve a budget amendment to reflect received grant funds, if awarded.

SECTION 4. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all grant documents including, but not limited to, applications, agreements, payment requests which may be necessary for the completion of the aforementioned project.

Upon motion of _____, seconded by _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2024.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington,
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick,
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington,
City Clerk

R _____



Department: Community Development
Cost Center: N/A
For Agenda of: 4/16/2024
Placement: Public Hearing
Estimated Time: 30 Minutes

FROM: Timmi Tway, Community Development Director
Prepared By: Owen Goode, Assistant Planner

SUBJECT: REVIEW AND ACCEPT THE 2023 GENERAL PLAN ANNUAL REPORT

RECOMMENDATION

As recommended by the Planning Commission, review and accept the 2023 General Plan Annual Report

POLICY CONTEXT

According to Land Use Element Policy 11.3 the City shall prepare an annual report on the status of the General Plan, which is to include the following items:

- A. A summary of private development activity and a brief analysis of how it helped achieve General Plan goals;
- B. A summary of major public projects and a brief analysis of how they contributed to achieving General Plan goals;
- C. An overview of programs, and recommendations on any new approaches that may be necessary;
- D. A status report for each General Plan program scheduled to be worked on during that year, including discussion of whether that program's realization is progressing on schedule, and recommendations for how it could better be kept on schedule if it is lagging;
- E. A status report on how the City is progressing with implementing its open space preservation policies and programs;
- F. Updated population or other information deemed important for the Plan.

All jurisdictions are required to provide the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD), with separate General Plan Annual Reports, per Government Code Sections 65400 and 65700.

DISCUSSION

Background

The General Plan Annual Report is an opportunity for the City to keep the General Plan current by reflecting on how well the Plan continues to meet the City's goals and objectives. It is also an opportunity to review how well the programs identified in the Plan are being implemented and to determine if programs are still relevant or if priorities should be reassigned.

Assessment of the implementation of the General Plan informs the City Council about the availability of resources and about programs and projects that might be initiated as the City develops a new financial plan. During the budgeting process, City Council reviews the progress being made to implement the General Plan and decides whether or not to move forward with additional work programs over the next two years.

Report Organization

The General Plan contains an array of policies and implementing programs covering most types of City actions. General Plan implementation supports the quality-of-life objectives for the community that serve as the foundation for the General Plan. Activities undertaken by the City through its Capital Improvement Program projects, project plans and studies, facility maintenance and management, and inter-agency coordination each play a part in the General Plan Implementation. The General Plan Annual Report touches on the major programs that saw activity in 2023. The report is organized around the following key implementation areas:

- | | |
|--|-----------------------------------|
| 1. General Plan Element Updates | 8. Non-Residential Growth |
| 2. Community Development
Department | 9. Specific Plan Area Development |
| 3. Planning and Building Activity | 10. Municipal Code Updates |
| 4. Regional Housing Needs
Allocation RHNA) Progress | 11. Economic Development |
| 5. Housing Element Program
Implementation | 12. Policy Initiatives |
| 6. Homelessness Policies and
Programs | 13. Water Supply |
| 7. Residential Growth | 14. Transportation & Circulation |
| | 15. Safety Services |
| | 16. Neighborhood Wellness |
| | 17. Conservation & Open Space |
| | 18. Parks & Recreation |

Report Highlights

In 2023, the City continued to make progress implementing General Plan Programs. The City completed and approved the Climate Adaptation and Safety Element update and began implementation of the element in 2023. A specific example of this implementation is the Flood Damage Prevention program (FL-3.8) where staff designed Capital Improvement Projects to create additional channel capacity and the funding request to update the Waterway Management Plan (FL-3.7) that will allow staff to identify new opportunities to integrate updated methodologies for flood prevention.

The City's Major City Goals for Fiscal Years 2023-25 were adopted through the FY 2023-25 Financial Plan which was approved in June 2023. These Major City Goals are Climate Action, Open Space & Sustainable Transportation; Diversity, Equity, and Inclusion (DEI); Economic Resiliency, Cultural Vitality and Fiscal Sustainability; and Housing and Homelessness. These Major City Goals resulted in a significant amount of activity in the General Plan program areas discussed above and will continue to be the City's top priority through the end of the FY 2023-25 Financial Plan.

Development activity in 2023 remained strong and saw an increase in building permit issuance. 600 building permits were issued in 2023, a 12 percent increase from last year's issuances. It should be noted that over half of those permits were associated with residential and commercial alterations, totaling 358 permits, and 216 permits were associated with new residential development. The remainder was associated with demolitions (20 permits), and new commercial development (6 permits).

Based on the Community Development Department's running total of "finaled" permits for non-residential construction, 41,363 square feet of floor area was added to the city in 2023, yielding a five-year net non-residential growth rate of 2.35 percent. Land Use Element Policy 1.11.4 states that the City Council shall consider establishing limits for the rate of non-residential development if the increase in non-residential floor area for any five-year period exceeds five percent. The City is significantly below the threshold to establish any non-residential growth limit at this time.

The Land Use Element policy related to residential growth (LUE 1.11.2) states that the City's housing supply shall grow no faster than one percent per year, on average, based on established thresholds in Table 3 of the Land Use Element. Based on the Community Development Department's residential building permit data, the City has maintained an average annual growth rate of 0.98 percent per year since 2015, in compliance with the one percent maximum average annual growth rate.

Housing production has been a Major City Goal for several financial plans and the City has prioritized programs that support new housing production. Lack of affordable and workforce housing continues to be an obstacle for many residents in San Luis Obispo. The good news is that the City is purposefully growing in alignment with the community's long-range plans and priorities. Current levels of residential growth are consistent with the City's Growth Management Ordinance and the City's obligations to accommodate its Regional Housing Needs Allocation (RHNA). The City has planned its resources to support a "build out" population of 57,200 residents, while the current State population estimate for the City is 47,788 residents as of January 1, 2023. To see details on this current RHNA Cycle, please see page 12 of the GPAR which shows a detailed tracking of the City's below market rate housing units permitted since 2019.

Previous Advisory Body Action

The Planning Commission reviewed the 2023 General Plan Annual Report on March 13, 2024. Staff responded to Planning Commission questions regarding updates on the City's Growth Management policies, RHNA Progress, and the status on various development projects and specific plans. The report was unanimously recommended to be forwarded to the City Council.

Public Engagement

The General Plan Annual Report is strictly a reporting document and does not create nor modify any goals or policies found within the General Plan. Once accepted by the City Council, the Report will be available on the City's website for public review and will be submitted to the State Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR) as required. In addition, the public will have the opportunity to provide public comment before or during the City Council meeting.

CONCURRENCE

The Community Development Department prepares the General Plan Annual Report with significant input from the other City departments. Administration (including Natural Resources, Economic Development, and Office of Sustainability divisions), Utilities, Public Works, Police, Fire, and Parks and Recreation Departments collaborated with the Community Development Department to complete the report.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply because the General Plan Annual Report does not constitute a "Project" under CEQA Guidelines Sec. 15378.

FISCAL IMPACT

Budgeted: Yes/No

Budget Year: N/A

Funding Identified: Yes/No

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$ N/A	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$0	\$0	\$	\$0

The acceptance of the 2023 General Plan Annual Report does not have a direct fiscal impact. However, it should be noted that it is estimated that the City's population will grow to 56,686 at full build out of the General Plan, by 2035. This represents a 19% increase compared to the City's population as of January 1, 2023, which will trigger the need for additional staff and other resources to support a larger population and respond to an increasing diversity of needs.

ALTERNATIVES

Continue consideration of the 2023 General Plan Annual Report. Although no action is recommended in association with this recommendation, the City council could ask staff to return during a future meeting to present additional information.

ATTACHMENTS

A - 2023 General Plan Annual Report



City of San Luis Obispo 2023 General Plan Annual Report



Community Development Department

Our Mission Statement

Our mission is to serve all persons in a positive and courteous manner and help ensure that San Luis Obispo continues to be a healthy, safe, attractive, and enjoyable place to live, work, or visit. We help plan the City's form and character, support community values, preserve the environment, promote wise use of resources, and protect public health and safety.

Our Service Philosophy

The City of San Luis Obispo Community Development Department (CDD) staff provides high quality service when you need it. We will:

- Listen to understand your needs;
- Give clear, accurate and prompt answers to your questions;
- Explain how you can achieve your goals under the City's rules;
- Help resolve problems in an open, objective manner;
- Maintain high ethical standards; and
- Work to improve our service.



Acknowledgements

City Council

Erica A. Stewart, Mayor
Jan Marx, Vice Mayor
Emily Francis
Andy Pease
Michelle Shoresman

Planning Commission

Juan Munoz-Morris, Chair
Justin Cooley, Vice Chair
Steven Kahn
David Houghton
Robert Jorgensen
Lindsay Ringer
Eric Tolle

City Manager

Derek Johnson, City Manager

Project Management Team

Project Lead: Owen Goode, Assistant Planner
Brian Leveille, Senior Planner
Rachel Cohen, Senior Planner
Teresa McClish, Housing Policy & Programs Manager

The 2023 General Plan Annual Report was prepared by the Community Development Department for review by the Planning Commission and acceptance by City Council.

The Community Development Department's Planning Division often takes the lead for staff work involving the General Plan. However, all City departments and advisory bodies are involved in General Plan implementation and have contributed to the 2023 General Plan Annual Report.

Staff Contributors

Adam Fukushima, Active Transportation Manager
Alexander Fuchs, Mobility Services Business Manager
Austin O'Dell, Transit Manager
Brian Amoroso, Deputy Chief - Administration
Bryan Wheeler, Transportation Planner/Engineer III
Chris Read, Sustainability Manager
Christine Wallace, Neighborhood Outreach Manager
Daisy Wiberg, Homelessness Response Manager
Devin Hyfield, Recreation Manager
Doug Carscaden, Recreation Supervisor
Fred Mickel, Operations Captain
Freddy Otte, City Biologist
Gaven Hussey, Parking Program Manager
Greg Avakian, Parks and Recreation Director
James Blattler, Emergency Manager
Jennifer Rice, Deputy Director of Mobility Services
Joey Nau, Fire Inspector
John Mezzapesa, Code Enforcement Supervisor
Kyle Bell, Housing Coordinator
Lee Johnson, Economic Development Manager
Luke Schwartz, Transportation Manager
Matt Horn, Public Works Director
Matheson Bliss, Hazardous Materials Coordinator
Meghan Tolley, Recreation Manager
Michael Codron, Community Development Director
Molly Cano, Economic Development & Tourism Manager
Nicole Vert, Administrative Analyst
Owen Goode, Assistant Planner
Rick Scott, Police Chief
Robert Hill, Sustainability & Natural Resources Official
Sammy Fox, Deputy Fire Chief
Shawna Scott, Special Projects Manager
Teresa McClish, Housing Policy & Programs Manager
Todd Tuggle, Fire Chief
Tyler Corey, Deputy Community Development Director
Vanessa Nichols, Permit Services Supervisor

Contents

Community Development Department	ii
Acknowledgements.....	iii
List of Figures	vi
List of Tables	vi
Introduction	1
Background	2
General Plan Element Updates	3
Community Development Department	7
Planning and Building Activity.....	9
Regional Housing Needs Allocation (RHNA) Progress.....	12
Housing Element Program Implementation	15
Homelessness Solutions.....	18
Residential Growth	21
Non-Residential Growth	23
Specific Plan Area Development	24
Municipal Code Updates.....	31
Climate Action Plan.....	34
Economic Development.....	36
Policy Initiatives	38
Water Supply.....	39
Transportation & Circulation	40
Neighborhood Wellness.....	61
Conservation & Open Space	64
Parks & Recreation.....	67
Conclusion.....	78

List of Figures

Figure 1 - Total Planning Applications Received per Calendar Year, 2021-2023.....	9
Figure 2 - Net Annual Growth Rates of Non-Residential Sectors, 2019-2023.....	23
Figure 3 - Fire Department Twitter Profile Visits, 2019-2023	47
Figure 4 - Monthly Noise Party Calls for Service, 2023	63

List of Tables

Table 1 – Plan Check Applications Submitted, 2021-2023	10
Table 2 – Building Permits Issued, 2021-2023.....	10
Table 3 – Valuation of Construction, 2021-2023	10
Table 4 – Progress Towards 6 th Cycle Quantified Objectives, 2020-2028.....	12
Table 5 – Active BMR Housing Projects in the Pipeline	13
Table 6 – Highlights of Housing Element Program Implementation Progress, 2023	15
Table 7 – LUE Table 3, One Percent City Population Growth Projection	21
Table 8 – Residential Growth Rates, 2015-2023	21
Table 9 – Margarita Area Development Status, 2023	24
Table 10 – Orcutt Area Development Status, 2023	25
Table 11 – Airport Area Development Status, 2023	26
Table 12 – Avila Area Development Status, 2023.....	27
Table 13 – San Luis Ranch Area Development Status, 2023	29
Table 14 – City Water Resource Availability	39
Table 15 – Code Enforcement Statistics	62

Introduction

General Plan Annual Report

The General Plan is a comprehensive statement of the City's goals and how those goals will be achieved over the long-term. Policies and programs in the General Plan provide guidance to the public, staff, and decision-makers on development-related issues. The General Plan is adopted and amended by the City Council, after considering recommendations by citizens, appointed advisory bodies, other agencies, and City staff.

Each year, the City publishes an Annual Report on the status of its General Plan and provides an overview of actions taken to implement the Plan during the past year, as provided by California Government Code Section 65400. This report is provided to help citizens and City officials gauge progress towards achieving the City's stated goals and objectives. It is also an opportunity to review how well the Plan's programs are being implemented. The Annual Report fulfills the requirements of State law, and the General Plan itself. According to Land Use Element Policy 11.3 the City shall prepare an annual report on the status of the General Plan, which is to include the following items:

- A) A summary of private development activity and a brief analysis of how it helped achieve General Plan goals;
- B) A summary of major public projects and a brief analysis of how they contributed to achieving General Plan goals;
- C) An overview of programs, and recommendations on any new approaches that may be necessary;
- D) A status report for each General Plan program scheduled to be worked on during that year, including discussion of whether that program's realization is progressing on schedule, and recommendations for how it could better be kept on schedule if it is lagging;
- E) A status report on how the City is progressing with implementing its open space preservation policies and programs;
- F) Updated population or other information deemed important for the plan.

Housing Element Annual Report

The City also completes a separate Housing Element Annual Report and submits this report concurrently with the General Plan Annual report as required under Government Code Sections 65400 and 65700. The Housing Element Annual Report contains a range of detailed information on issued and/or completed residential building permits for the previous calendar year. This information can be accessed on the California Department of Housing and Community Development (HCD) website.

Background

State law requires each city and county to adopt a general plan that addresses seven topics, typically referred to as “elements.” Additional topics, or general plan elements, may be included. The law also requires general plans to be comprehensive, internally consistent and provide a long-term perspective. The California Governor’s Office of Planning and Research (OPR) publishes General Plan Guidelines, which includes the following basics:

- **Geographic Comprehensiveness:** The general plan must cover all territory in the jurisdiction’s boundaries.
- **Regional Context:** The general plan must consider regional plans for transportation, air quality and water quality, and must spell out measures needed to meet federal or state standards for the region.
- **Issue Comprehensiveness:** General plans must address the jurisdiction’s physical development over the long term, but because the general plan is the most comprehensive expression of the general welfare, it should also recognize social and economic concerns.
- **Internal Consistency:** All general plan elements must be internally consistent. Each element’s data, analyses, goals, policies, and programs must be consistent and complement one another. This includes consistency with area and specific plans.
- **Long-Term Perspective:** The general plan must address the welfare of current & future generations, although the timeframes may vary between elements. The Housing Element, for instance, must be updated every five to eight years.

State law says that a City’s general plan should be kept current. The City of San Luis Obispo does this through this annual review process, comprehensive updates, and through amendments. Updates to entire elements are done as needed and include a look at underlying conditions and preferences. Amendments are typically smaller in scope and involve changing one part in a way that fits within the overall framework. Consideration of amendments are triggered by private applications or by direction from the City Council.

Changes to the City of San Luis Obispo General Plan require hearings by the Planning Commission and by the City Council. The type of notice provided for the hearings depends on the type of proposed change, but always includes a descriptive item on the meeting agenda, which is published in the newspaper. The City’s website and public access television channel provide additional information.

City of San Luis Obispo General Plan Elements

Land Use
Update Adopted 2014

Circulation
Update Adopted 2014

Housing
*Update Adopted
2020*

Conservation and
Open Space
Revised 2014

Climate Adaptation
and Safety
Revised 2023

Parks and
Recreation
Adopted 2021

Water and
Wastewater
Revised 2018

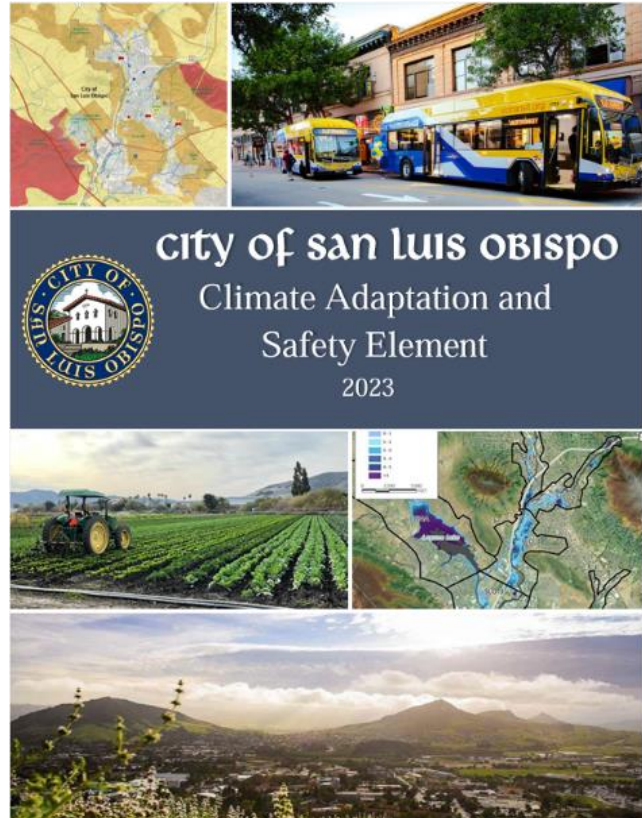
Noise
Adopted 1996

General Plan Element Updates

Safety Element Update

On January 17, 2023, the City Council approved an update to the Safety Element of the General Plan titled, the [Climate Adaptation and Safety Element](#). The approval culminated a multi-year project to incorporate climate adaptation and environmental justice into the safety element and to update the document based on best available climate information, collaboration with state and regional partners, and robust public engagement.

The update started with an adaptation planning grant issued through Caltrans and allowed for the preparation of a Baseline Conditions Report, current and future hazards assessment and a Hazards and Vulnerabilities Report, development of adaptation strategies, several surveys, webinars and outreach activities and policy development based upon the California Adaptation Planning Guide. The technical work and community engagement, along with the 2019 Hazard Mitigation Plan update, form the foundation for the Climate Adaptation and Safety Element in compliance with State Bills such as SB-379, SB-99, SB-100, SB-1035, and other State laws.



2023 Climate Adaptation and Safety Element Goals

Public Safety. Minimize injury and loss of life, damage to public and private property, and social and economic disruptions resulting from injury, death, and property damage.

Community Resilience. All community members are enabled and empowered to prepare for, respond to and recover from disruptions while seizing opportunities to thrive in changing conditions.

City Government Resilience. The City's facilities, infrastructure, and operations are resilient, innovative, and continue to cost-effectively provide core functions and services for all community members in times of acute disaster and ongoing disruptions.

Environmental Justice. A diverse, equitable, and healthy community where those who are disproportionately affected by natural hazards and climate change have the resources and capacity to participate in public processes and have an active role in preparing and responding to future impacts.

Natural Systems. The natural environment sustains and supports ecological and community health, safety, and natural beauty, provides equitable access to nature, and can adapt and keep pace with a dynamic, changing climate.

Built Environment. Community buildings, public spaces and transportation systems withstand the natural hazards and escalating impacts of climate change, provide places of refuge, foster social cohesiveness, minimize injury and loss of life, and equitably protect personal and community assets.

2023 Climate Adaptation and Safety Element (CASE) Policy Priorities and Recent Accomplishments

High-Impact Multi-Hazard Resilience:

The CASE emphasizes a set of high priority policies and programs that address multiple climate hazards at the same time. These actions address the root causes of vulnerability in our community and help prepare our infrastructure and natural resources for the changes ahead. One such program is to update the City's Capital Improvement Project process to better incorporate climate change (MH-1.5) as well as diversity equity and inclusion (EJ2.5). As a result, the 2022-23 CIP Planning Process included direct questions about projects' climate and DEI impacts. This new information was factored into the decision-making process and impacted the ranking and funding of CIP projects. Another high-impact multi-hazard program centers around Climate Resilience Hubs (MH-1.8). In 2023, the City applied for a Sustainable Growth Council grant with Diversity Coalition SLO, UndocuSupport, and the Center for Family Strengthening / Promotores. This group of community partners put forward a Multicultural Center & Resilience Hub concept. If funded, the City and its nonprofit partners would initiate a planning process for a physical space that could gather the community and provide regular programming and services, while simultaneously serving as a safe place during emergencies by being equipped with back-up power, food distribution capabilities, and showers.

Equity and Environmental Justice:

As the CASE serves as the City's Environmental Justice element, as defined by state law, it calls for specific actions to advance procedural, distributive, and structural equity. In 2023, the City updated its Public Engagement and Noticing Manual to better engage the community and enable procedural equity in local decision making (EJ-2.4). The City also continued to empower community organizations in implementing the case (EJ-2.3), as evidenced by the multitude of public partnerships with local non-profit organizations for programs including Traditional Ecological Knowledge, Community Resilience Hubs, and the Green and Healthy Buildings Program. Community organizations taking a leadership role on environmental justice include Diversity Coalition SLO, the yak yak tityu tityu yak tiłhini Northern Chumash Tribe, Creek Lands

Conservation, the Community Action Partnership of San Luis Obispo, and the Housing Authority of San Luis Obispo. For Homelessness Response, a protocol was established for providing direct community outreach in advance of climate hazards and was implemented prior to flooding events. Additionally, the Mobile Crisis Unit has been established and partners with community organizations and agencies to provide outreach and connection to services to improve living conditions of those in crisis. Finally, the Office of DEI provides support to for the inclusion of equity within various city operations, likewise oversees the DEI High Impact Grant and the Human Services Grant programs designed to address various areas including homelessness prevention, access to services, climate justice, and other programs impacting underserved and underrepresented communities.

Flooding: As climate change shifts precipitation patterns and increases short-duration high-intensity rainfall events, the City is expected to experienced increased flooding in the future. To adapt to these floods, the City is using a “Resilient Flood Management System” (FL-3.5). Under

Flood Damage Prevention (FL-3.8)

The winter storms from 2022-2023 were significant and many sections along the creek system were damaged. Several emergency projects were initiated by Public Works and supported by the Office of Sustainability and Natural Resources to repair the damage but also build in future resiliency and community protection. As the repair projects were in development, additional channel capacity features were added to the projects along with channel stabilization elements to prevent future channel incision and bank failures. These projects increased channel capacity to slow the water down and renew access to floodplain areas that have been lost through channel constriction and sediment accumulation. These projects will be a monitored to ensure the added capacity is maintained for additional community protection and creek resilience.

this program, Capital Improvement Projects and emergency projects are being designed to create additional channel capacity and are incorporating creek bed stabilizing structures to avoid further incision and bank failures that threaten adjacent neighborhoods and infrastructure. Another 2023 highlight in flood resilience is the \$200,000 funding request submitted through the Zone 9 Flood Control and Watershed Protection District to update the “Waterway Management Plan” (FL-3.7). As this document is now 20 years old, several of its recommended projects have been completed and staff have identified opportunities to integrate updated methodologies for flood prevention and creek channel resiliency. City staff are working also with the Fire Safe Council to develop a “Urban Creeks Vegetation

Management Plan” to reduce in-stream debris that can cause flooding and serve as fire fuel. The plan will employ several different management techniques based on the location in the creek system, to increase the biological resiliency of the riparian corridor (FL-3.10). City and County staff are also working on developing an updated “Flood Warning Monitoring System” for more accurate, real-time creek flow data that would enable an early alert system if intense rain systems should move across the watershed (FL-3.13). Lastly, to support “Community Driven Flood Education” the City hosted a Community Flood Readiness night at the farmers market on November 2nd (FL-3.7). Attendees increased their understanding of the watershed and recently completed flood control and resiliency projects completed in response to the

January 2023 storms. This event was the first step in launching the Flood Prepared Neighborhoods Program (FL-3.11).

Extreme Heat:

While historically extreme heat has not been a climate hazard in San Luis Obispo, in the future the City will experience many more dangerously hot days. To build resilience to the heat, the City is working to develop a “Green and Healthy Buildings Program” that provides low-income homeowners with better access to new space conditioning appliances known as heat pumps that provide efficient air conditioning (HE-4.7). In support of this program, the City was awarded \$400,000 dollars in prize funding from the U.S. Department of Energy to develop a concierge service for low-income community members to equitably electrify their homes. In addition to expanding access to air conditioning, the City is growing its “Climate Smart Urban Tree Canopy” to reduce heat naturally amid many other environmental and social benefits. The City’s Community Forest Plan, adopted in 2023, will guide future plantings (HE-4.5).

Fire:

Staff addressed wildfire safety through a number of programs including, “Resident Information and Training on Fire Hazards” (FI-5.16), “Implement community wildfire protection plan” (FI-5.12), and “Fire protection plans related to new development” (FI-5.19). Staff is also implementing the Vegetation Management Plan (FI-5.13). City staff from the Fire Department, Office of Sustainability and Natural Resources and the Ranger Service from Parks and Recreation have met to develop a Charter to work together and develop a grant application to seek funding for a watershed wide VMP including partners from the County, Cal Poly, Caltrans and others for a comprehensive look at protecting our community internally and externally. Staff is working with the Fire Safe Council on developing a project description with fuel reduction techniques to reduce the threat of fire in the creek systems and this will help advance permitting needed to implement the work. Once this description is complete, funding for the permitting effort will be sought to keep this project moving forward. These efforts are ongoing.

City Operations and Emergency Services:

Staff Training (OP-7.18) remained a top priority and impacted all emergency operational departments across the city. Additionally, all city employees completed essential National Incident Management System, Standardized Emergency Management System, and Incident Command System training. Two programs within the CASE helped support this priority through Coordinated Emergency Planning (OP-7.15), and Emergency Operations Center (OP-7.10) program. These were carried out through the use and improvement of the City’s Primary EOC at Fire Station 1, and the planning of the new EOC’s integration into the future Public Safety Center, updates to the Emergency Operations Plan and completion of the 2022-23 Storms After Action Report and Improvement Plan. The City also made progress in adding solar to City facilities through a Power Purchasing Agreement with Forefront Energy. The designs for solar at Fire Station 1 are aligned with a future microgrid, and will enable a “Clean Energy Microgrid for City Facilities” (OP-7.11). Additionally, the Administration Department completed a “Climate Informed Economic Development Strategic Plan” (OP-7.23). The Office of Sustainability and Natural Resources also secured grants to implement climate-smart restoration projects on two

City Open Spaces. The restoration project planned for Johnson Ranch Open Space features Traditional Ecological Knowledge and will be implemented in direct partnership with the yak tityu tityu yak tilhini Northern Chumash Tribe (OP-7.20).

Community Development Department

Customer Service and Process Improvements

In 2023, the Community Development Department continued to monitor procedures and improve levels of efficiency and customer service. In 2023, the Community Development Department continued to implement work efforts such as the Ask SLO program and developed new programs such as E-Reviews for building permit submittals. This reduces costs for building permit submittals and saves paper for applicants.

Ask SLO: Ask SLO is the City's centralized resident engagement platform designed to quickly connect community members with City services and information. Following the implementation of the Ask SLO platform in Fall 2022, process improvements and feedback received both internally and externally have been the focus of 2023 to ensure the interface is user friendly.

Economic Development Strategic Plan (EDSP) Implementation: In 2023, the Community Development Department was engaged in the update to the Economic Development Strategic Plan (EDSP) as well as developing the work program for the Major City Goal of Economic Resiliency, Community Vitality and Fiscal Sustainability identified in the Fiscal Year 2023-2025 Financial Plan. Progress in 2023 included continuing to improve processing timelines for reviews, focusing on the five-year comprehensive impact fee study to update fees, and tracking and reporting on department key performance indicators (KPIs), which are available on the City's website. Processing and review improvements included decreased thresholds for projects to require discretionary development review and implementation of the recently adopted Objective Design Standards for ministerial building permit reviews.

Coordination with Other Agencies

In addition to City-initiated efforts to implement the General Plan, City staff responded to development plans and applications from other agencies in 2023 and coordinated with other agencies on General Plan priorities. Some examples include:

Regional Housing Action Team: The City, along with the County, and the seven local cities within the county have each updated their Housing Elements for the new 6th Cycle RHNA. Continued collaboration among all the cities, SLOCOG, and County with monthly meetings has occurred to implement the region's first "regional chapter" that is a part of all eight local agencies' Housing Elements. This collaboration has assisted housing professionals in each jurisdiction navigate evolving housing issues and new State legislation. This last year, the Regional Housing Action Team worked together to develop the first [Housing & Infrastructure Regional Framework](#), to establish a planning toolkit in response to the region's growing housing and infrastructure

shortage, the plan was also accompanied by the [Housing & Infrastructure Mapping Tool](#), the [Funding Strategies Assessment](#), the [Affordable-by-Design Study](#), and [Housing Highlights](#).

California Department of Transportation (Caltrans): Progress continues with preliminary engineering and environmental review for the Prado Road/US 101 Interchange Project, which directly involves a Caltrans facility, and the Prado Road Bridge Replacement over San Luis Obispo Creek, which is funded by a Caltrans Highway Bridge Program grant. The Prado Bridge Replacement Project is anticipated to begin construction in 2025, and the Prado Interchange Project construction is anticipated to begin in 2027. The City has also continued collaboration with Caltrans on improving traffic signal coordination between City and Caltrans intersections near the Los Osos Valley Road / US 101 interchange.

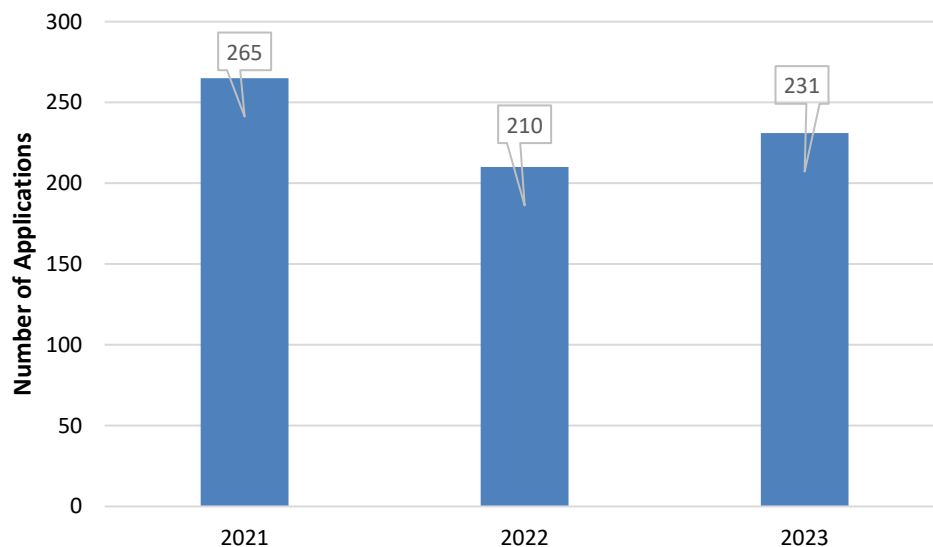
Planning and Building Activity

Application totals are tracked in real-time using live dashboards from our EnerGov permitting system. Tracking of applications and permits serve as an indicator of development trends and a tool for budget forecasting.

Yearly Planning Application Trends

Figure 1 indicates all planning applications received for each calendar year for 2021, 2022, and 2023. Some examples of the types of applications include use permits, development reviews, subdivisions, zoning amendments, environmental reviews, and administrative actions. In 2023, the total number of planning applications increased from the previous year by approximately 10%. This trend is in part due to a small increase in exception requests that require director review.

Figure 1 - Total Planning Applications Received per Calendar Year, 2021-2023



Source: Community Development Department, 2023

Building Permits and Plan Reviews

Building permits are issued for various projects ranging from the relatively simple (e.g., water heaters, window change outs, reroofing, etc.) to the more complex projects (e.g., additions and new buildings). Plan reviews are typically required for the more complex projects where it is necessary to review proposed design documents for code compliance.

Table 1 shows the number of plan check applications conducted by the Building Division over the last three years. Plan check applications has remained relatively consistent over the past three years with a slight uptick in 2023.

Table 1 - Plan Check Applications Submitted, 2021-2023

	2021	2022	2023
Plan Check Applications Submitted	1,426	1,386	1,479

Source: Community Development Department, 2023

Table 2 depicts the number of building permits issued over the past three years. In 2023, we saw a drop in number of total new units. This was due to the significant decrease in the number of New Multi-Family and Mixed Used Permits. The San Luis Ranch Development was the main factor in the larger number of New Multi-Family permits for 2021 and 2022 with only a few being issued in 2023.

Table 2 - Building Permits Issued, 2021-2023

BUILDING PERMITS ISSUED	2021		2022		2023	
	permits	units	permits	units	permits	units
New Single Family	198	198	163	163	136	136
New Accessory Dwelling Units (ADUs) ¹	62	93	100	100	73	86
New Multi Family & New Mixed Use	47	326	35	308	7	148
Demolitions ²	22	-3	11	-4	20	-3
New Commercial	3	0	10	0	6	0
Residential Additions / Alterations	199	0	138	0	236	0
Commercial Additions / Alterations	99	0	77	0	122	0
TOTAL	608	614	534	567	600	367

Source: Community Development Department, 2023

¹ADU unit totals come from ADU permits and single-family permits, ²includes units lost from demolitions.

Valuation of Construction

Construction valuation is a good indicator of the level of private investment in building construction. **Table 3** depicts the annual construction valuation over the past three years. Valuation data shows an increase across categories for 2023. Those categories showing a smaller valuation number for 2023 are due to fewer permits being issued in 2023 in the given category. Multi-Family valuation saw a significant decrease with this year's valuation with only about a third of the number of permits as 2022.

Table 3 - Valuation of Construction, 2021-2023

VALUATION OF CONSTRUCTION	2021	2022	2023
Single Family	\$34,211,415	\$32,464,875	\$31,956,590
Multi Family	\$46,933,301	\$43,655,086	\$26,914,510
Commercial	\$1,229,510	\$33,950,000	\$41,871,000
Residential Additions / Alterations	\$6,459,062	\$8,741,375	\$11,494,439

General Plan Annual Report 2023

Commercial Additions / Alterations	\$6,722,907	\$18,711,218	\$26,659,996
Total Valuation	\$95,556,195	\$137,522,554	\$138,896,535

Source: Community Development Department, 2023

Regional Housing Needs Allocation (RHNA) Progress

Quantified Objectives

Under State law, each city and county in California is required to develop programs designed to meet their share of the surrounding region's housing needs for all income groups, as determined by the region's council of governments. The California State Department of Housing and Community Development (HCD) identifies housing needs for all regions of the State. Councils of governments then apportion the regional housing need among their member jurisdictions. The Regional Housing Needs Allocation (RHNA) process seeks to ensure that each jurisdiction accepts responsibility, within its physical and financial capability to do so, for the housing needs of its residents and for those people who might reasonably be expected to move there. State housing law recognizes that housing need allocations are goals that jurisdictions seek to achieve; however, they are not intended as production quotas. The allocations are included in each jurisdiction's Housing Element so that plans, policies, and standards may be created to help meet housing needs within the planning period.

The City has a total RHNA allocation of 3,354 housing units to plan for in the 6th Cycle Housing Element. HCD has allowed the City 10 years to meet the 6th Cycle RHNA allocation. The City counts all issued building permits from January 1, 2019, through December 31, 2028, as credit towards achieving the 6th Cycle RHNA allocation. Additionally, HCD has allowed the City to count half of the total of newly issued accessory dwelling unit (ADU) permits in the "low income" affordability level count starting in 2020, due to the results of a market study conducted by the County of San Luis Obispo. **Table 4** shows the City's progress towards reaching its total RHNA.

Table 4 - Progress Towards 6th Cycle Quantified Objectives, 2020-2028

Income Level (% of County Median Income)		6th Cycle RHNA Allocation	Building Permitted Units Issued by Affordability					Total Units by Income Level	Total Units Remaining by Income Level
			Year 1 (2019)	Year 2 (2020)	Year 3 (2021)	Year 4 (2022)	Years 5 – 10 (2023 - 2028)		
Extremely Low	Deed Restricted	825	0	0	14	36	0	50	683
	Non-Deed Restricted		0	0	0	0	0	0	
Very Low	Deed Restricted		0	14	42	14	22	92	
	Non-Deed Restricted		0	0	0	0	0	0	
Low	Deed Restricted	520	6	0	36	21	5	68	326
	Non-Deed Restricted		0	30	46	50	0	126	
Moderate	Deed Restricted	603	8	5	9	2	4	28	532
	Non-Deed Restricted		0	0	0	0	43	43	
Above Moderate		1,406	523	416	472	439	293	2,143	0
Total Units		3,354	537	465	619	562	367	2,550	
							Total Remaining for RHNA Period:		1,541

Source: Community Development Department, Building Permits Issued, 2023

The City has met its total allocation for “Above Moderate” housing units. This leaves 1,541 affordable units needed to meet the 6th Cycle RHNA allocation by the end of the 2028 calendar year. Of the remaining allocation, 44% of the units must be reserved for Very Low and Extremely Low Incomes, 21% for Low Incomes, and 35% for Moderate Incomes.

Below Market Rate (BMR) Housing (commonly known as Affordable Housing)

In 2022, the City followed the State’s lead to rebrand the often-misunderstood term "affordable housing" and use the term Below Market Rate Housing instead. Below Market Rate (BMR) means that the affordability level of a dwelling unit is below the cost of what the current market rate unit would be, and includes a deed restriction, ensuring that the unit is affordable to extremely low-, very low-, low-, or moderate-income households.

The City continues to implement the Inclusionary Housing Ordinance and promote opportunities to collaborate with non-profit partners to develop BMR housing projects throughout the community. In 2023, two 100% BMR housing projects have been completed (Broad Street Place and Toscano Inclusionary Housing), which has resulted in 78 new units reserved for lower-income households. The City continues to assist in the efforts to complete the two BMR projects that are under construction (Tiburon Place and The Anderson Hotel), which will result in 136 units for lower-income households. Staff is also working on several new projects to ensure more BMR housing is provided in the City. Those projects are listed in **Table 5** below and shows that as of 2023, there are 586 new BMR units planned for lower-income households.

Table 5 – Active BMR Housing Projects in the Pipeline

Projects	Address	Dwellings	Status
Broad Street Place	3720 Broad	40	Planning Entitlements – Approved Public Improvements – Complete Building Permits – Issued Construction – Complete
Toscano Inclusionary Housing	3065 Lucca	38	Planning Entitlements – Approved Building Permits – Issued Construction – Complete
Tiburon Place	3750 Bullock	68	Planning Entitlements – Approved Building Permits – Issued Under Construction
The Anderson Hotel	955 Monterey	68	Planning Entitlements – Exempt Building Permits – Issued Under Construction
Bridge Street Mixed-Use	279 Bridge	94	Planning Entitlements – Approved Phase 1 Building Permits - Issued Phase 2 & 3 Building Permits – Under Review
736 Orcutt Mixed-Use	736 Orcutt	40	Planning Entitlements – Approved Building Permits – Issued
Jones Mixed-Use	3806 Ranchhouse	9	Planning Entitlements – Approved Building Permits – Issued
Palm Street Studios	1118 Palm	8	Planning Entitlements – Exempt Building Permits – Under Review
Monterey Mixed-Use	1422 Monterey	106	Planning Entitlements – Approved

Avila Ranch – Sendero Apartments	165 Cessna Ct.	60	<i>Planning Entitlements – Under Review</i>
Waterman Village	466 Dana	22	<i>Planning Entitlements – Under Review</i>
HASLO Victoria Mixed-Use	2690 Victoria	33	<i>Planning Entitlements – Under Review</i>
Total		586	

Source: Community Development Department, 2023

Third Party Below Market Rate Administrator

The City of San Luis Obispo’s BMR housing programs are growing and, at the same time, oversight and enforcement is ramping up to ensure that local affordable housing programs comply with State law. In 2021, the City contracted with HouseKeys to act as the City’s BMR Housing Administrator and to manage the city’s growing Affordable Homeownership and Rental Programs to ensure that the units are marketed to the community in a fair and equitable way, and to make sure those units are occupied by eligible households. They also provide community members with the knowledge and support to be successful in accessing homeownership or rental housing opportunities.

Through Housekeys, the city has conducted 19 Opportunity Drawings for inclusionary housing units across the City, including 8 drawings for homeownership opportunities and 11 drawing for rental opportunities.

Funding and Grant Programs for Housing

1. *Community Development Block Grant Program (CDBG):*
The CDBG program provides annual funding for eligible affordable housing projects and support for the homeless shelter. Over the past decade the CDBG Program has allocated over \$3,710,000 towards affordable housing and \$1,160,000 towards homeless services. Projects funded for the upcoming 2024 Program Year include homeless services and homeless prevention, and funds to further implement the 6th Cycle Housing Element.
2. *SB2 Grant:* The Planning Grants Program provisions of SB2 is intended for the preparation, adoption, and implementation of plans that streamline housing approval and accelerate housing production. The City received a grant of \$160,000 in January 2020 to develop and adopt a flexible density program that would allow for additional, smaller residential units (150-600 sq. ft.) within the Downtown Core. The project allows up to 500 residential units under 600 square feet implementing Housing Element Policy 6.6 and Program 2.15. The project was reviewed by Planning Commission in February 2023 and presented to Council on March 2023 and adopted by City Council on April 18, 2023.
3. *Prohousing Designation Program:* In 2023, the City applied for the Prohousing Designation Program which provides incentives to cities and counties in the form of additional points or other preferences in the scoring of competitive housing, community development, and infrastructure programs. The Prohousing Incentive Pilot Program is a state investment from the Building Homes and Jobs Trust Fund, to create and conserve affordable housing. HCD will award PIP funds to eligible jurisdictions with Prohousing Designation, with additional bonus dollars available based on a jurisdiction’s Prohousing Designation Program application score.



**CALIFORNIA
GRANTS
PORTAL**

The program requires a minimum score of 30 points, where the City of SLO has been awarded 50 points under the program. The City of SLO is eligible for up to \$750,000 from the program, an application has been submitted and is under review.

Housing Element Program Implementation

Since adopting the Housing Element in November 2020, City staff has implemented a number of Housing Element Programs in alignment with the Housing and Homelessness Major City Goal. **Table 6** displays a list and discussion on programs that were implemented or started in 2023.

Table 6 – Highlights of Housing Element Program Implementation Progress, 2023

Flexible Density Program: City staff developed and completed an ordinance to implement a Flexible Density program incentivizing small units in the Downtown Core. Ordinance development included significant public engagement inclusive of public survey and strategic feedback sessions. The Ordinance was unanimously approved by the City Council on April 18, 2023.	
Program 2.15	Evaluate a flexible density pilot program and initiate an update of the Zoning Regulations and Community Design Guidelines to incorporate flexible density development options in Downtown Core and portions of Upper Monterey and Mid-Higuera Special Focus Areas to support the production of 50 smaller residential units (150 to 600 square feet) per year during the planning period.
Policy 6.6	Consistent with the City's goal to stimulate higher density infill where appropriate in the Downtown, Upper Monterey, and Mid-Higuera Special Focus Areas, the City shall consider changes to the Zoning Regulations that would allow for flexible density standards that support the development of smaller apartments and efficiency units.
Support supportive programs and housing solutions. The City Council allocated \$2M in affordable housing funds from Coronavirus State and Local Fiscal Recovery Funds to assist the Housing Authority in San Luis Obispo with the acquisition and rehabilitation of 68 units restricted for extremely low, very low and low-income residents that were identified in the 6 th Cycle Housing Element as At-Risk (Anderson Hotel); and the acquisition and rehabilitation for 8 supportive housing apartments for Transitions Mental Health Association. The City also approved a 106-unit affordable housing project, referred to as Monterey Crossing, for Peoples Self Help Housing utilizing a 68% density bonus. Homekey Award announcement –the City and People's Self-Help Housing were awarded a \$19.4 million Homekey Round 3 grant to convert the Motel 6 North into 75 permanent supportive housing units.	
Program 1.7	Continue to support local and regional solutions to homelessness by funding supportive program services and housing solutions.

Program 2.5	Continue to manage the Affordable Housing Fund so that the fund serves as a sustainable resource for supporting, at a minimum, 4 new affordable housing developments during the planning period. The fund shall serve as a source of both grant funding and below-market financing for affordable housing projects; and funds shall be used to support a wide variety of housing types at the following income levels: extremely low, very low, low, and moderate, but with a focus on production efficiency to maximize housing benefits for the City's financial investment, and to support high-quality housing projects that would not be feasible without Affordable Housing Fund support
Program 2.9	Assist with the issuance of tax-exempt bonds, tax credit financing, loan underwriting or other financial tools to help develop or preserve at least 20 affordable units annually through various programs.
Program 2.14	Continue to support density bonuses for residential projects above the state density bonus allowance of 35% to promote the development of units for extremely low, very low, and low-income households.
Policy 3.3	Encourage the construction, preservation, rehabilitation or expansion of residential hotels, group homes, integrated community apartments, and single-room occupancy dwellings.
Technical Assistance and Education. The City worked with Housekeys to conduct two workshops to assist developers and the lending community, and prospective renters and homebuyers on the process and requirements for below market rate housing. City Staff updated Affordable Housing Standards and Guidelines and updated the City's website for housing programs including information on SB35 streamlining opportunities. The City continues to provide \$40,000 in operational support for the SLO County Housing Trust Fund's efforts to provide below-market financing and technical assistance.	
Program 2.11	In conjunction with the Housing Authority and other local housing agencies, continue to provide on-going technical assistance and education to tenants, property owners and the community at large on the need to preserve at-risk units as well as the available tools to help them do so.
Program 2.16	Create and make available to interested parties an informational packet that explains SB 35 streamlining provisions and eligibility within two years of Housing Element adoption.
Program 6.14	Continue to provide City resources, including \$40,000 annually for operational support, to support the SLO County Housing Trust Fund's efforts to provide below-market financing and technical assistance to affordable housing developers to construct or preserve five affordable housing units per year in the City of San Luis Obispo.

<p>Assisting the homeless and those at risk of becoming homeless. In March 2023, City Council adopted the first-ever Homelessness Response Strategic Plan, outlining objectives and key tasks to prevent and address homelessness, in alignment with the Countywide Plan to Address Homelessness.(More details are included in the following section.)</p>	
Policy 8.10	<p>Assist the homeless and those at risk of becoming homeless by supporting 40 Prado Homeless Services Center and other local service providers, as well as advocating for additional safe parking, interim housing, and permanent supportive housing opportunities Countywide.</p>
<p>Promote sustainability in residential developments. The City worked with 3CE to help affordable housing developments receive rebates for building zero emission (all-electric) buildings. The City paused enforcement on it's all-electric building requirements due to judicial findings that a similar ordinance pre-empted federal law; in it's place, the City Council adopted a new ordinance requiring new buildings to be more efficient. The new standards when into effect on January 1, 2024.</p>	
Policy 9.1	<p>Residential developments should promote sustainability consistent with the Climate Action Plan (CAP) and California Building Energy Efficiency Standards (Title 24) in their design, placement, and functionality.</p>

Source: Community Development Department, 2023

Homelessness Solutions

The City's 6th Cycle Housing Element includes policies and programs to reduce homelessness under Goal 1-Safety and Goal 8-Special Housing needs. Additionally, Homelessness Response remains a Major City Goal (Housing and Homelessness) as part of the 2023-2025 Financial Plan. With the continued rise in homelessness across the state of California, City Council prioritized funding programs and resources to prevent and address homelessness in collaboration with the County of San Luis Obispo and local service providers. In local government, counties are primarily responsible for leading efforts to address homelessness, yet the impacts often are borne directly by cities. In 2023, the City responded to 47 encampment fires (a decrease from 61 in 2022), and 987 medical incidents involving people experiencing homelessness (a decrease from 1,015 in 2022), removed 110 tons of trash, and posted, conducted outreach, and cleaned up 161 illegal encampments with \$88,160.50 in City funds spent on cleanup and maintenance activities related to homelessness. The City also provided \$238,826 to the 40 Prado Homeless Services Center for programs and operations, including the 40 Prado Safe Parking Program, a hotel voucher program, and the 40 Prado Warming Center.

Strategic Planning for Homelessness

In March 2023, City Council adopted the City's first Homelessness Response Strategic Plan to outline objectives and key tasks towards preventing and addressing homelessness in the City of San Luis Obispo. The Strategic Plan aligns with the San Luis Obispo Countywide Plan to Address Homelessness, which outlines key lines of effort to reduce homelessness by 50% between 2022-2027. Key Components in the City's Strategic Plan include Regional Collaboration & Engagement, Communications, Data, Pilot Programs, and Funding Opportunities. The Homelessness Response Strategic Plan was informed by a community-wide survey, interviews with unhoused community members, and stakeholder feedback sessions with Homeless Services Providers, Housing Services Providers, Healthcare Providers, Grassroots/Activists Groups, Business Community, and Faith-Based Groups. Homelessness response activities in 2023 included regional collaboration on state funding opportunities to develop interim and permanent supportive housing; partnering with community and faith-based organizations to develop a Rotating Overnight Safe Parking Program model; implementation of internal procedures and standards for encampment related activities operationalized through a data collection app for use in the field; and distribution of the City's Homeless Resources Pocket Guide, updated in English and Spanish, which contains critical information on how to access community resources for individuals experiencing homelessness.

Human Services Grant Program

The City's Human Services Grant (HSG) Program, overseen by the Human Relations Commission, provides financial support to non-profit organizations that promote the economic and social wellbeing of the community, whose primary funding criteria focuses on homelessness prevention, including affordable and alternative housing, supportive services, and transitional housing. Other funding priority areas include hunger and malnutrition prevention, supportive physical and mental health services, services for seniors, veterans and/or people with disabilities, supportive, developmental, and care services for children and youth, and services encouraging diversity, equity, and inclusion initiatives, including access to language services. The Human Services Grant Program is

very competitive and had a total funding request of \$379,245 which was \$229,245 more than funds available to the program.

The Human Relations Commission reviewed 29 applications and recommended full or partial funding for 19 different organizations. The City has issued \$150,000 in grants to those organizations since the approval of the funding recommendations.

Community Action Team

The Community Action Team (CAT) works out of the Police Department with two officers and a social worker contracted through a partnership with Transitions Mental Health Association (TMHA), a local non-profit organization, to provide outreach to unhoused individuals. In 2022, an additional social worker was added to expand CAT outreach efforts. In 2023, the CAT team engaged with 408 people, with 258 individuals electing to receive referrals to mental health and or substance abuse services. CAT also facilitates family reunifications and connects people with resources to find housing and other services such as veterans' benefits, social security, and educational opportunities. In 2023, CAT reunified 6 individuals with family members or agencies, and facilitated 3 permanent housing placements.

Partnerships with Downtown SLO and CAPSLO

The City provides funding for the Downtown Ambassador Program which is administered by Downtown SLO. The Downtown SLO Ambassadors work to ensure that downtown is clean, safe, and welcoming to visitors — whether they're living, working, shopping, or exploring downtown.



Ambassadors provide cleaning services for the sidewalks and alleys within the boundaries of the 24-block service area. This includes, but is not limited to, the removal of trash, graffiti, stickers, and human waste. Additionally, Ambassadors are out on the streets connecting our community — whether that's providing directions, recommending restaurants, answering questions, or providing resources to unhoused individuals. In 2023, Downtown SLO Ambassadors removed 4,809 pounds of trash, removed 533 graffiti tags, cleaned 640 incidents of human waste, performed 637 wellness checks on unhoused individuals, provided directional assistance to 539 downtown visitors and shared information about downtown businesses 540 times. The Ambassadors worked over 3,000 hours to keep Downtown SLO clean and safe.

Downtown SLO partners with CAPSLO to provide a part-time case manager to connect unhoused individuals with services and housing. CAPSLO provides 12-18 hours of dedicated outreach downtown on a weekly basis. The City's Community Service Officers provide additional enforcement support for the Downtown Ambassadors who report potential dangers or active emergency situations to the police, fire department, or emergency services.

The City also provides funding to CAPSLO for 40 Prado Homeless Services Center, which provides overnight shelter and day services for unhoused community members, including housing navigation and case management. The Homeless Services Center also provides access to meals, showers, laundry facilities, healthcare, internet, and other supportive services. The City also provides funding for the

40 Prado Safe Parking, Warming Center, and Hotel Voucher Programs, which provide needed overflow capacity, services, and shelter for unhoused community members.

Mobile Crisis Unit

Embedded within the City's Fire Department, the Mobile Crisis Unit (MCU) was implemented in the Summer of 2022 and pairs a mental health case worker with a fire department emergency medical technician (EMT) or paramedic that responds to calls for service within the City and provide crisis support services to individuals suffering from non-emergency mental challenges, drug and alcohol addition, and chronic homelessness. In 2023, the MCU established 3,285 contacts with individuals experiencing homelessness and reunified 91 homeless individuals with agencies or family, provided 56 transports to services or alternate facilities, and fielded a total of 265 mental health crisis intervention calls for service.

Residential Growth

The Land Use Element policy related to residential growth (LUE 1.11.2) states that the City's housing supply shall grow no faster than one percent per year, on average, based on established thresholds shown in **Table 7** (Table 3 in the Land Use Element). This policy was modified in 2010 under Ordinance No. 1550 to an annual average population growth rate of one percent per year. Affordable Dwellings restricted to residents with extremely low, very low, low, or moderate incomes, new dwellings in the Downtown Core (C-D zone), and legally established accessory dwelling units are exempt from these regulations (M.C. 17.144.020.D).

Table 7 – LUE Table 3, One Percent City Population Growth Projection

Year	Approximate Maximum Number of Dwelling*	Anticipated Number of People
2013	20,697	45,541
2015	21,113	46,456
2020	22,190	48,826
2025	23,322	51,317
2030	24,512	53,934
2035	25,762	56,686
Estimated urban reserve capacity:		57,200

Source: Land Use Element, City of San Luis Obispo General Plan, Table 3, page 1-37.

*2013 population based on CA Department of Finance data. Projected numbers are based on a 1 percent annual growth rate.

Based on the Community Development Department's residential building permit data, the City has maintained an average annual growth rate of **.98** percent per year since 2015, in compliance with the one percent maximum average annual growth rate, as shown in **Table 8**.

Table 8 – Residential Growth Rates, 2015-2023

Calendar Year Period	New Units	Average Annual Growth Rate	Total Units in the City in 2023	LUE Estimated Units in 2023 (1% Growth)
2023	301*	0.98%	22,814*	22,869
2015 - 2023	2,003*			

Source: 2023 Building Permits finalized, Community Development Department

*Total units subject to growth management limitations. This total excludes deed-restricted affordable units, accessory dwelling units (ADUs), and new dwellings in the Downtown Commercial (C-D) Zone.

The all-encompassing unit total in 2023 was 23,402 units.

From 2015 to 2023, the City granted occupancy to 2,608 newly constructed residential units (also accounting for the 41 units that were demolished between 2015 and 2022). Of the 2,608 units constructed between 2015-2023, 2,003 units were subject to growth management limitations. Of the units exempt from the growth management ordinance, 246 units were deed restricted for affordable housing, 341 units were Accessory Dwelling Units or Junior Accessory Dwelling Units, and 3 units were located within the Downtown Commercial (C-D) zone. As of 2023, there are a total of 22,814 residential units subject to the growth management ordinance within the City (as identified in **Table 8** above), where the 2015 LUE estimated 22,869 units for 2023.

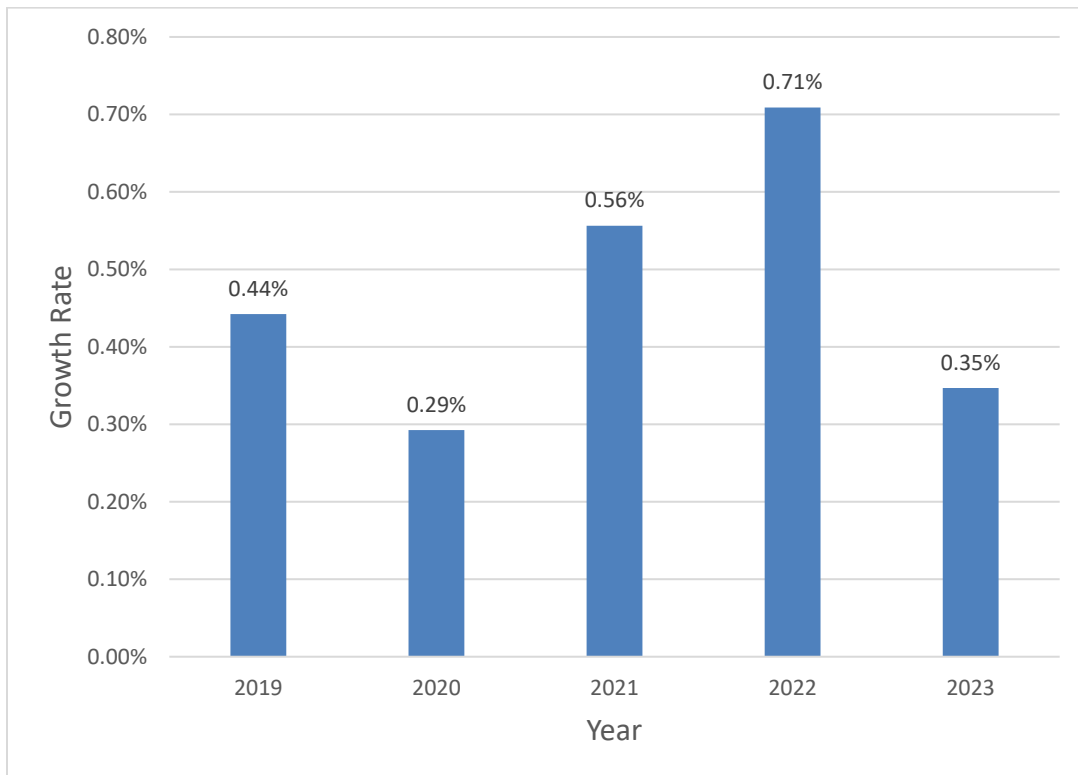
The City updated the General Plan Land Use and Circulation Elements in 2015, however, some of the housing construction occurring today within the Orcutt Area and the Margarita Area was planned for in the previous General Plan. Due to a variety of factors, some of the development originally planned in the 1994 General Plan is only now under construction. LUE Policy 1.11.2 (Residential Growth Rate) states that the approved specific plan areas may develop in accordance with the phasing schedule adopted by each specific plan, provided that thresholds established by LUE Table 3 are not exceeded. Of the 2,608 units granted occupancy from 2015 to 2023, 1,342 of the units were located within Specific Plan areas.

Housing production has been a Major City Goal for several financial plans and the City has prioritized programs that support new housing production. Lack of affordable and workforce housing continues to be an obstacle for many residents in San Luis Obispo. The good news is that the City is purposefully growing in alignment with the community's long-range plans and highest priorities. Current levels of residential growth are consistent with the City's Growth Management Ordinance and the City's obligations to accommodate its Regional Housing Needs Allocation. The City has planned its resources to support a "build out" population of 57,200 residents, while the current State population estimate for the City is 47,788 residents as of January 1, 2023.

Non-Residential Growth

Based on final building permits, 41,363 square feet of net new non-residential floor area was added to the City in 2023, resulting in an annual growth rate of 0.35 percent. **Figure 2** illustrates the net annual non-residential growth rate from 2019 to 2023. Non-residential growth includes office, services and manufacturing, retail, hotel, and institutional uses.

Figure 2 - Net Annual Growth Rates of Non-Residential Sectors, 2019-2023



Source: Building Permits Finaled, Community Development Department, 2023

Note: Demolition of nonresidential square footage included in calculations.

Land Use Element Policy 1.11.4 states that each year, the Council will evaluate the actual increase in non-residential floor area over the preceding five years. The Council shall consider establishing limits for the rate of non-residential development if the increase in non-residential floor area for any five-year period exceeds five percent. The five-year net non-residential growth rate for 2019 through 2023 was 2.35 percent.

Each year, City Council has considered implementing limits on new non-residential floor area and has decided against establishing limits. If limits are established, they would only apply to certain types of new commercial floor area, such as new offices or new retail establishments outside of the downtown core. Since the five-year growth rate is less than five percent (2.35 percent) establishing limits to new non-residential floor area is not necessary at this time.

Specific Plan Area Development

The General Plan requires approval of specific plans as a precursor to development of the City's major expansion areas. Specific plans typically contain more detailed land-use and design standards than the General Plan and address the timing and financing of public facilities. Specific plans can supersede the Zoning Regulations or lead to amendments of the Municipal Code. The process for adopting a specific plan is similar to the process for adopting or amending a section of the General Plan.

Margarita Area Specific Plan

The Margarita Area is located in southern San Luis Obispo and is bounded by South Higuera Street, Broad Street, Tank Farm Road, and the ridge of the South Hills. Primarily envisioned for residential development with another 68 acres slated for residential and business park uses. Proposals for the Margarita area thus far have included mainly single-family homes with portions of open space and pedestrian network advancing.

The Margarita Area is ideally suited to accommodate San Luis Obispo's planned residential growth for the near future as the area provides convenient access for residents to employment, shopping, and recreation. Community goals for this area include up to 868 homes in a wide range of housing types. **Table 9** below displays the status on development in the Margarita Area.

In 2021 the Airport Land Use Plan (ALUP) was amended. As such, several areas of the MASP are either available for residential development (where it was not allowed before) or available for higher density residential development. Staff is preparing a Request For Proposals (RFP) for a consultant to prepare amendments to the MASP that would increase density on existing residentially zoned land and specifically include opportunities and incentives to develop "Missing Middle" Housing types as well as allowing mixed-use development on commercially zoned land.

Table 9 - Margarita Area Development Status, 2023

Projects	Address	Commercial	Dwellings	Status
Toscano	3000 Calle Malva	-	168	<i>Construction Complete</i>
Toscano Affordable Housing	3065 Lucca		38	<i>Construction Complete</i>
Serra Meadows	408 Prado	-	169	<i>Construction Complete</i>
Serra Meadows Prado Frontage	3420 Serra Meadows	-	31	<i>Construction Complete</i>
Courtyard at Serra Meadows	3725 Orcutt	-	36	<i>Construction Complete</i>
Prado Business Park	301 Prado	159,663	-	<i>Planning Entitlements – Approved Public Improvements - Under Review Building Permits – Under Review</i>

Total	159,663	442	
--------------	----------------	------------	--

Source: Community Development Department, 2023

Orcutt Area Specific Plan

Nestled at the base of the Santa Lucia foothills, the Orcutt Area provides a variety of scenic resources for residents of the area and travelers along Orcutt Road and Tank Farm Road, including views of Righetti Hill, Islay Hill and the Santa Lucia foothills.

Located along the southwestern edge of the city limits of San Luis Obispo and bounded by Orcutt Road, railroad and Tank Farm Road, the area encompasses 230 acres of land at the base of Righetti Hill. The Orcutt Area Specific Plan calls for a residential neighborhood with up to 979 homes and a variety of housing types, parks, hiking trails, and recreational opportunities including bicycle and pedestrian paths, and natural habitat and visual resource protection in nearby open space areas. **Table 10** below displays the status on development in the Orcutt Area.

Table 10 - Orcutt Area Development Status, 2023

Projects	Address	Dwellings	Commercial Sq. Ft.	Status
Bullock Ranch	3580 Bullock	192	585	<i>Planning Entitlements – Approved Public Improvements - Under Review Building Permits – Under Review</i>
Pratt Property	3750 Bullock	35	3,400	<i>Planning Entitlements - Approved Building Permits Issued – Under Construction</i>
Imel Ranch	3777 Orcutt	18		<i>Construction Complete</i>
South Morros	3725 Orcutt	53		<i>Construction Complete</i>
Vinifera	3700 Ranch House	40		<i>Construction Complete</i>
Righetti Ranch Subdivision	3987 Orcutt	272		<i>Planning Entitlements - Approved Public Improvements – Substantially Complete Building Permits Issued – Under Construction</i>
Enclave at Righetti	3805 Orcutt	34		<i>Planning Entitlements - Approved Public Improvements – Substantially Complete Building Permits Issued – Under Construction</i>
Tiburon Place (Affordable)	3750 Bullock	68		<i>Planning Entitlements – Approved Building Permits Issued – Under Construction</i>
Jones Subdivision	3761 Orcutt	65		<i>Construction Complete</i>
Jones Mixed-Use	3806 Ranch House	15	7,600	<i>Planning Entitlements – Approved Building Permits – Under Review</i>
West Creek: Vintage	1355 Orcutt	105		<i>Construction Complete</i>
West Creek: Noveno	1355 Orcutt	67		<i>Construction Complete</i>
Total		961	11,585	

Source: Community Development Department, 2023

Airport Area Specific Plan

Located approximately 2.5 miles south of Downtown San Luis Obispo, within the City's Urban Reserve, the Airport Area consists of 1,500 acres of land adjacent to the San Luis Obispo County Regional Airport bordered by the Margarita Area, South Higuera Street, South Broad Street and Buckley Road.

The Airport Area Specific Plan (AASP) envisions a mixture of open space, agriculture, business parks and industrial development as well as limited residential development. Plans for the Airport Area include reuse and regeneration of the natural and built environment; public, private, and environmental value enhancement; and smart and sustainable growth that benefit the community economically, aesthetically, and environmentally. **Table 11** shows the status of development within the AASP.

In 2020 the City amended the Zoning Regulations to allow mixed-use development by right within the Service Commercial (C-S) and Manufacturing (M) zones but did not extend this change to any of the specific plan areas. With the update and amendment to the ALUP and the recent allowance for mixed use development in the rest of the City, the City is currently moving forward with an applicant-funded application to review options for allowing mixed-use development with a Conditional Use Permit where consistent with the ALUP.

Table 11 – Airport Area Development Status, 2023

Projects	Address	Dwellings	Commercial Sq. Ft.	Status
862 Aerovista	862 Aerovista		35,908	<i>Construction Complete</i>
Tank Farm Commerce Park	179 Cross		29,280	<i>Planning Entitlements - Approved Building Permits – Issued Under Construction</i>
650 Tank Farm Mixed-Use	650 Tank Farm	239	18,600	<i>Planning Entitlements – Approved Building Permits – Under Review Public Improvements - Under Review</i>
600 Tank Farm Mixed-Use	600 Tank Farm	280	12,500	<i>Planning Entitlements - Approved Public Improvements - Under Review</i>
Northwest Corner	660 Tank Farm		61,745	<i>Planning Entitlements – Approved Building Permits – Under Review</i>
SLO Airport Hotel	950 Aero		204 Rooms	<i>Planning Entitlements – Approved Building Permits – Under Review</i>
Farmhouse Commercial Campus	1130 Farmhouse		86,020	<i>Planning Entitlements – Under Review</i>
Conserv Fuel Station	4600 Broad		4,800	<i>Planning Entitlements - Approved Building Permits – Under Review</i>
Total		519	248,853	

Source: Community Development Department, 2023

Avila Ranch Development Plan

In 2017, the City Council approved the Avila Ranch project to enable the development of 720 residential units and 15,000 square feet of neighborhood commercial uses on a 150-acre site north of Buckley Road within the boundaries of the Airport Area Specific Plan ("AASP").



Avila Ranch Site Plan

Major Development review of the R-2 portion of Phases 1-3 and the R-1 portion of Phase 5 were approved by the Planning Commission in 2021. The R-2 area includes up to 297 detached for-sale dwelling units. Building permits for this part of the project have been issued and construction of the residential units and public improvements are underway. 66 residential units in Phase 1 have been completed. The R-1 portion includes 101 detached for-sale dwelling units, which have entitlements approved but have not yet been constructed.

An application for Major Development review for the multi-family R-4 portion of Phase 3 was approved by Planning Commission on February 14, 2024. The application included a density bonus request to add an additional 20 affordable units to the site, thereby bringing the total R-4 unit count to 85 market rate units and 60 affordable units. Mass grading for Phases 2-6 is currently underway. Public improvements for some onsite improvements, including internal roads, utilities, and some park and landscape areas, as well as some offsite improvements including the Buckley Road extension, have been substantially completed. **Table 12** shows the status on development in the Avila Ranch area.

Table 12 - Avila Area Development Status, 2023

Projects	Address	Dwellings	Commercial Sq. Ft.	Status
Avila Ranch SFR Phases 1, 2, & 3 (R-2)	175 Venture	297	-	Planning Entitlements - Approved Public Improvements – Under Construction Building Permits Issued – Under Construction
Avila Ranch Phases 3 (R-4)	175 Venture	125	-	Planning Entitlements – In process, would add additional 20 R-4 units Public Improvements – not submitted Building Permits – not submitted
Avila Ranch Phases 4 (R-3)	175 Venture	197	-	Future phase – not yet begun
Avila Ranch Phase 5 (R-1)	175 Venture	101	-	Planning Entitlements - Approved Public Improvements – Under Construction Building Permits – not submitted

General Plan Annual Report 2023

Avila Ranch Phase 6 (Neighborhood Commercial)	175 Venture	-	15,000	<i>Future phase – not yet begun</i>
---	-------------	---	--------	-------------------------------------

Source: Community Development Department, 2023

Froom Ranch Specific Plan

A major component of the Froom Ranch Specific Plan is a Life Plan Community (LPC) known as Villaggio, which would provide 366 independent senior units, 38 assisted living units, 51 care facility beds, and a wellness center and ancillary services. In addition to the LPC, the Specific Plan includes approximately 174 multi-family units; 100,000 square feet of commercial retail uses; a 3.6-acre trailhead park, which would incorporate onsite historic structures; and over 60 acres of land designated for conservation/ open space. Consideration of the project included preparation of an EIR.



Froom Ranch Site Plan

The City Council certified the Final EIR and approved the Specific Plan, General Plan Amendment, pre-zoning of the property, the Vesting Tentative Tract Map. City Council authorized submittal of an annexation application to LAFCO in September 2020. An annexation application was filed in February 2021 and was approved by LAFCO in October 2021. LAFCO conditions of the annexation were completed, and the site was annexed into the City of San Luis Obispo in November 2023. Public improvement Plans for on- and off-site roadway and utility improvements were submitted to the City for initial plan check in June 2023.

San Luis Ranch Specific Plan

The San Luis Ranch Specific Plan project includes a mix of 654 residential units, 145,500 square feet of commercial/retail/restaurant space, 100,000 square feet of office development, and a 200-room hotel. The majority of the public improvements have been completed including utilities, landscaping, and the extension of Dalidio Drive and Froom Ranch Way. Building Permits were issued in 2022 for the hotel. The Agricultural Heritage and Learning Center is nearing completion, including several new commercial buildings and the rehabilitation of historic structures. 384 residential units have been completed and occupied, and an additional 164 residential units are currently under construction with issued building permits. **Table 13** below displays the status on development in the San Luis Ranch Area.



San Luis Ranch Site Plan

Table 13 – San Luis Ranch Area Development Status, 2023

Projects	Address	Dwellings	Commercial Sq. Ft.	Hotel Rooms	Office Sq. Ft.	Status
Commercial Center	1035 Madonna	77	114,300			Planning Entitlements – Approved Public Improvements – Partially Complete
SpringHill Suites Hotel		-		200		Planning Entitlements – Approved Public Improvements – under Construction Building Permits – Under Construction
NG-10 Single-Unit Residences		198				Planning Entitlements – Approved Public Improvements – Substantially Complete Building Permits – Issued, Under Construction
NG-23 Single-Unit Residences		83				Planning Entitlements – Approved Public Improvements – Substantially Complete Building Permits – Issued, Under Construction

General Plan Annual Report 2023

NG-30, The Orchard Multifamily Residential	296				<i>Planning Entitlements – Approved Public Improvements – Substantially Complete Building Permits – Issued Under Construction</i>
Agricultural Heritage and Learning Center	-	31,200			<i>Planning Entitlements – Approved Public Improvements – Under Construction Building Permits – Issued, Under Construction</i>
Office				100,000	<i>Future phase, no building permits issued</i>
Total	654	145,500	200	100,000	

Source: Community Development Department, 2023

Municipal Code Updates

Downtown Flexible Density Ordinance

The concept of the flexible density program was specifically identified throughout the 2020 Housing Element Update as an opportunity to incentivize housing production within the City's urban core and support the production of smaller residential units. On April 18, 2023, the City Council adopted Ordinance No. 1726 (2023 Series) to implement Housing Element Program 2.15 and Policy 6.6, by adopting the Downtown Flexible Density Program (Chapter 17.141). The main goals of the program are to help address the local housing demand by facilitating increased higher density residential infill development in the downtown area near employment centers, incentivizing smaller units, and diversifying the City's housing stock. The Downtown Flexible Density Program is a pilot program with the intent of adding 500 residential units to the City's Downtown Core, the program is set to expire on January 1, 2029, or until 500 qualifying units are entitled or permitted under the program (whichever occurs first). At this time, no permits or entitlements have been granted for any qualifying units under the program, however, a few projects have been submitted for pre-application review with considerations of using this program.

Comprehensive Subdivision Regulations Update

A comprehensive update of the City's Subdivision Regulations was adopted on June 6, 2023. An update of the Subdivision Regulations was included as a strategic task of the Housing and Homelessness Major City Goal. The adopted updates benefit the community by more effectively implementing the policies and regulations of the General Plan, Zoning Regulations, and Specific Plans, while also reducing unnecessary and additional review steps through streamlined and concurrent review; and will allow for superior subdivision design by providing for more flexibility and innovation as summarized below:

- Implemented Housing Element Policy (HE 6.20): Added subdivision types and clarified standards to support more flexibility and innovative designs by providing clear standards and allowed map types for small lot subdivisions (Flexible Lot Design Subdivisions), and common interest and airspace subdivisions. These updates implement Housing Element Policy 6.20 which called for updating the regulations to support small lot subdivisions and other alternatives to conventional subdivision design.
- Aligned Subdivision Review process to be consistent with the Zoning Regulations for concurrent review and streamlining the review process for subdivisions submitted in association with development projects to eliminate extra steps and review of subdivisions separate from their related development proposals.
- Enhanced "user friendliness" with cross references to other codes and regulations, reorganization, clarifications to clearly explain subdivision types and review processes, removal of redundant content, and revision of map terminology consistent with the Subdivision Map Act and other jurisdictions.

- Established City review procedures and standards to implement state legislation (SB 9 Urban Lot Splits)
- Added standards to clarify and implement General Plan Hillside development policies.

Building Code & Reach Code Updates (Clean Energy Program for New Buildings)

All-electric new buildings are cost effective and contribute to public health and safety. In September 2019, City Council adopted Resolution R-11044 (2019 Series) stating its preference for all-electric buildings. On August 19, 2020, City Council approved the City's Climate Action Plan for Community Recovery, and adopted Resolution 11159 (2020 Series), which includes the goal of carbon neutrality by 2035 and a building sector goal of zero operational greenhouse gas (GHG) emissions from new buildings by 2020.

In support of achieving these goals, Council adopted the Clean Energy Choice Program for New Buildings (Program) in 2020, which encouraged all-electric new buildings. Program results between September 1, 2020, and September 1, 2021, show that when provided a choice, developers selected a mixed-fuel option about half of the time. This rate was not sufficient to accomplish City adopted goals for GHG emissions reductions. As the 2020 policy was set to expire at the end of 2022 along with the 2019 California Energy Code, in 2022 staff developed an update to extend and update the program.

On July 19, 2022, City Council adopted the updated Clean Energy Program for New Buildings, creating an all-electric requirement for new buildings codified in Title 8 (Health and Safety) of the Municipal Code. The update considered 2020 Program performance, statewide trends favoring all-electric new buildings, public health and safety risks from natural gas infrastructure, strategic City Council direction, and ongoing community engagement including input from local developers, builders, designers, peer cities, utility partners, and community members. The updated program went into effect on January 1, 2023.

On April 17, 2023, a three-judge panel of the Ninth Circuit Court of Appeals ruled in California Restaurant Association v. City of Berkeley, that a Berkeley ordinance requiring all-electric new buildings was pre-empted by the federal Energy Policy and Conservation Act of 1975 (EPCA) and was therefore invalid. On April 18, 2023, Council voted to direct the City Manager and Community Development Director to temporarily suspend enforcement of the all-electric building requirement for new buildings. On September 19, 2023, the City Council voted to introduce Ordinance No. 1730, which provides local amendments (also referred to as a reach code") to the California Energy Code for the purpose of reducing energy use and reducing greenhouse gas emissions in support of the City's climate action goals.

Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the Building Energy Efficiency Standards establish a process that allows local adoption of energy standards that are more stringent than the statewide standards. Under this process, the California Energy Commission requires any local amendments to the California Energy Code that affect energy use in regulated

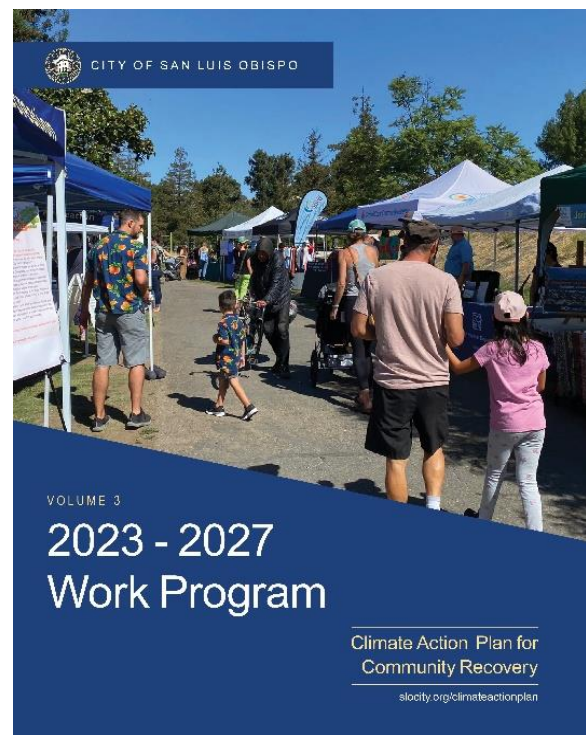
buildings to be cost effective and use less energy than the standard requirements. At the September 19, 2023, meeting, Council found the amendments proposed in the Ordinance to reduce energy and to be cost effective. These findings were based on cost effectiveness studies conducted by the California Energy Codes and Standards Statewide Utility Program.

On October 3, 2023, Council adopted an interim energy reach code that began enforcement on January 1, 2024, and will result in lower building emissions. The reach code will be in place through December 31, 2025, when a new state energy code will be adopted.

Climate Action Plan

The General Plan includes climate action initiatives in the Land Use, Circulation, Conservation and Open Space and Water and Wastewater Elements. Specifically, Land Use Policy 9.4 Climate Action Plan states the City shall maintain and implement its Climate Action Plan to reduce community and municipal GHG emissions consistent with State Laws and objectives. In 2020, City Council adopted the Climate Action Plan for Community Recovery (CAP) and set the goal of reaching community carbon neutrality by 2035 (resolution 11159, 2020 Series). City Council also adopted the Lead by Example plan for Carbon Neutral City Operations in the summer of 2021 (resolution 11263, 2021 Series), which set the goal for carbon neutral municipal operations by 2030. As part of the Fiscal Year 2021-2023 Financial Plan, Climate Action was also identified as a Major City Goal (Climate Action, Open Space, and Sustainable Transportation).

The 2020 CAP directed staff to update the Climate Action Plan ahead of the 2023-25 Financial Plan, while Administrative Action 3 directs staff to provide regular updates about implementation progress to City Council. In support of this update, staff conducted an implementation review, technical review, community engagement, and assessment of federal, state and other financial resources—all of which affirmed the 2020 CAP's carbon neutrality goal, sector specific goals, and foundational actions. Given this affirmation of current approach, staff developed the Climate Action Plan Update as a set of tasks to be completed in 2023-27 in support of the existing adopted goals and actions. The update also includes a 2020-2022 Progress Update, a summary of community outreach, work program tasks to be completed during the 2023-35 and 2025-27 Financial Plans, as well as updated administrative actions and an implementation table.



On December 13, 2022, the City Council adopted the Climate Action Plan 2023-27 Work Program (CAP Volume 3). This work program reflects a cross-departmental and multi-sector approach to climate action that is aligned with the federal government and State of California's unprecedented funding and policy support for climate solutions. Looking ahead to the next four years of local climate projects and programs, the City is prepared to support community-scale solutions that reduce greenhouse gas (GHG) emission through securing carbon-free electricity, decarbonizing and electrifying buildings, providing accessible low-carbon transportation options, creating a robust circular economy around composting organic waste, and continuing to protect and adapt City open space properties to sequester and store carbon. CAP Volume 3 also informs the 2023-25 Financial Plan's process for allocating staff and financial resources. In 2023, the

General Plan Annual Report 2023

Climate Action Plan and the 2023-2027 were nationally recognized for innovation in green planning by the American Planning Association.

Notable Climate Action Plan implementation efforts in 2024 include the various active transportation, mobility, and land use efforts described in this report, as well as:

- Progress on municipal operations decarbonization, including procurement of electric vehicles, installation of electric vehicle chargers, and the installation of seven heat pump hot water heaters.
- Introduction of electric buses to the City's transit fleet.
- Ongoing participation in Central Coast Community Energy, which has a goal of 100% carbon free and renewable energy by 2030.
- Review of major development projects for consistency with the Climate Action Plan
- Designation of San Luis Obispo as an "A List" City by the Carbon Disclosure Project
- Direct support for building decarbonization programs to help community members and affordable housing providers reduce fossil fuel use.
- Successful pursuit of Federal funds to develop a building decarbonization concierge service.

Economic Development

The City's Economic Development Strategic Plan (EDSP) was adopted by City Council 2012, revised in 2015, and completely updated in 2023. The overarching goal of the plan is to continue to advance the economic vitality of the City of San Luis Obispo and develop strategies that strengthen the City's economic development efforts while integrating the principles of sustainability, diversity, equity, and inclusion. In addition, the 2023 EDSP applies an emphasis on the retention of current businesses, the continued expansion of the arts and culture scene, and ongoing efforts to contribute to the vibrancy of Downtown. The city has also recognized the need to expand the traditional function of economic development to include practices that incorporate sustainability and social equity to maximize the community's economic vitality. The EDSP has created broad themes that encompass the three following key pillars and their subsequent action plans:

1. Business & Entrepreneurship Vitality
2. Placemaking & Promotion
3. Talent Development & Attraction

This update is meant to reflect the City's new priorities, where appropriate, along with its ever-evolving economic landscape. Careful consideration was made to ensure that the recommendations that follow fall within the scale and scope of the City's economic development function.

Tourism and Community Promotions

The importance of City's Tourism and Community Promotions activities as an economic development function for the City of San Luis Obispo continued to prove vital in Fiscal Year 2023 and as a result, the City of San Luis Obispo collected a record breaking \$11 million dollars in transient occupancy tax (TOT). This number represents a 3.6% increase in revenue compared to FY22, which was previously the best performing year in City history. Continuing the FY22 trend of reaching \$1 million in revenue collection for a single month, this fiscal year the City produced five \$1 million revenue months including July, August, September, April and June. This incredible contribution of TOT revenue into the City's General Fund is one of the direct benefits from tourism for the City, as the full collection of TOT revenue is retained by the City. The FY23 occupancy level in the city saw a slight increase of 1% compared to FY22, with an average annual occupancy rate of 68% for the year.



During this same period, the Promotional Coordinating Committee (PCC) continued their commitment to enhance the San Luis Obispo experience for residents as well as visitors. The PCC continued a focus on supporting the promotion of public art in the City and continued the implementation of the Public Art Promotional Plan. The PCC also continued to utilize the City's modified Cultural Grants-in-Aid (GIA) program which provided vital promotional grants to local

non-profit organizations for programs to enrich the social, cultural, and diverse community events and activities available during this time.

Also continued in FY23, the PCC directed the “Support Local” campaign through the Economic Development program that included a multi-channel paid advertising plan, local public relations, social media content strategy and business support. As well as the implementation of third year of the shopping incentive program called Buy Local Bonus and the new Eat Local Bonus program in January.

Homestay Rentals

In 2015, the City Council adopted Ordinance No. 1611 (2015 Series) which specifies rules and requirements for short-term rentals (commonly referred to as the Homestay program). This program was established to provide an expanded type of lodging available within the City and in order to protect the viability and availability of the City’s housing stock. Vacation Rentals are illegal in the City of San Luis Obispo to preserve housing stock for residential uses. To ensure that Homestays do not reduce the amount of housing available for residents, they may only be established at a property owner’s primary residence.

In the 2023 calendar year, the City approved 16 Homestay Permits, and since the ordinance’s adoption, the City has approved 196 total Homestay Permits. In an effort to ensure that Homestays are operating in compliance with the ordinance, the Community Development Department began proactive compliance enforcement. This work effort consists of maintaining a database of active permitted and unpermitted homestays within the City’s jurisdiction; ongoing monitoring for compliance with zoning and permit compliance, including systematic outreach to non-compliant homestay property owners; and tax remittance monitoring. Since August 2018, to further support the ongoing tax remittance, the City reached an agreement with Airbnb to collect Transient Occupancy Taxes (TOT) and any other required assessments, including Tourism Marketing District (TMD) and Tourism Business Improvement District (TBID) assessments, that are generated by the operation of a homestay.

Policy Initiatives

Cannabis Business Program

Tax Revenue

The revenue generated from the Cannabis Program helps support a variety of the City's core services that everyone in San Luis Obispo can enjoy. Revenue is generated through taxes, licensing fees, and other financial mechanisms associated with the legal cannabis market. The City has collected \$1.1 million in tax revenue for the fiscal year 2023 and is budgeting for more than \$1.4 million the following fiscal year.

Program Updates

Since the adoption of the Cannabis Program, staff has provided annual updates to City Council as well as recommendations for code and process improvements. In 2023, staff presented the Annual Program Update and Council adopted ordinances amending the City's Cannabis Regulations and Zoning Regulations to add requirements for owners that lease real property to commercial cannabis operators, modify specific rules for retail storefront operations, and expand the Cannabis Business Overlay Zones to include newly annexed areas of the City.

Additionally, Council adopted a resolution amending the Merit Criteria for all permit types to clarify submittal requirements and points awarded to ensure fair evaluation and ranking of commercial cannabis operator permit applications.

Application Period

The City opened an application period to receive applications for cannabis operator permits in July of 2023. Two retail storefront permit applications and one microbusiness application were received during the application period. Retail storefronts in the City are limited to three total, therefore, only one retail storefront application may be selected for a Contingent Operator Permit for the summer application period. Staff and the Cannabis Application Review Team (CART) have initiated the review of all commercial cannabis applications and anticipates final decisions in 2024.



Megan's Organic Market, a Cannabis retail storefront in the City

Water Supply

During the 2023 calendar year, the City obtained water from four sources: Salinas Reservoir (Santa Margarita Lake); Whale Rock Reservoir; Nacimiento Reservoir; and recycled water from the City's Water Resource Recovery Facility (WRRF).

Table 14 - City Water Resource Availability, 2023

Water Resource	2023 Annual Availability	
Salinas Reservoir (Santa Margarita Lake) and Whale Rock Reservoir	4,910 AF	Safe Annual Yield ¹
Nacimiento Reservoir	5,482 AF	Dependable Yield ²
Recycled Water	291 AF	2021 Annual Usage ³
Siltation to 2060	(500 AF)	WWME Policy ⁴ A4.2.2 ⁴
TOTAL	10,183 AF	

Source: Utilities Department, 2023

¹Safe Annual Yield is the quantity of water which can be withdrawn every year while operating both reservoirs in coordinated operations under critical drought conditions. The City's Safe Annual Yield Model was updated in 2018 to reflect drought conditions that ended in 2017.

²Dependable Yield is the contractual amount of water the City has right to from Nacimiento Reservoir.

³The quantity of recycled water included is the actual prior year's recycled water usage (2022) per WWE A7.2.2.

⁴Reservoir siltation is a natural occurrence that reduces storage capacity over long periods, resulting in the reduction of safe annual yield.

In 2023, availability from the City's water sources equaled 10,183 acre-feet, as shown in **Table 14**. This supply meets the projected primary water supply need at General Plan build out of 7,496 acre-feet, plus an additional 1,252 acre-feet for a reliability reserve and a secondary water supply of 1,435 acre-feet.



Whale Rock Reservoir

The primary water supply was calculated using the City's build-out population (57,200 people)¹ and the water use rate of 117 gallons per capita. The reliability reserve was calculated using the City's estimated 2023 population (47,788) and 20 percent of the aforementioned water use rate. The secondary water supply includes the remaining water resources. Additional information is available in the City's annual *Water Supply and Demand Assessment*.

¹The City's population projection of 57,200 persons, from the General Plan Land Use Element, is based one percent growth annually between 2014 and 2035. By policy, certain housing types and areas are excluded from this growth rate and projection (affordable housing, etc.). The City's estimated Primary Water Supply need is based on projected population but encompasses all water demand in the City (residential, non-residential, and irrigation).

Transportation & Circulation

Sustainable transportation was identified as a Major City Goal (Climate Action, Open Space, and Sustainable Transportation) as part of the Fiscal Year 2022-2023 Financial Plan, and again in the 2023-25 Financial Plan. The following transportation planning/engineering projects and programs were implemented in 2023 as part of the City's sustainable transportation Major City Goal, consistent with goals and policies in the Circulation Element of the General Plan.

Vehicular

- Numerous traffic safety improvements were implemented as part of the City's Traffic Safety Program to address collision trends and resident safety concerns, including striping modifications, sign replacements, and sight distance improvements at several intersections.
- Numerous traffic signal and intersection optimization improvements were completed as part of the City's ongoing traffic signal management responsibilities.
- Design for the roundabout at California and Taft Streets is 90% complete. Acquisition of remaining right-of-way is currently in progress.
- Signal modifications completed and in progress at several intersections to address collision trends and pedestrian accessibility, such as addition of lead pedestrian crossing intervals at several intersections, reconstruction of the Santa Rosa Street/Monterey Street traffic signal, and addition of ADA-compliant pedestrian push buttons at several intersections.
- Two mobile speed feedback trailers were deployed at over 50 locations consistent with the City's radar sign program.
- 13 new path lights and two new full-height streetlights are in construction in the 2023 calendar year, including new lighting at the US 101/Chorro Street undercrossing as part of the North Chorro Greenway project.



Vision Zero traffic safety program



Traffic signal modifications at Santa Rosa/Monterey

- Progress continues with preliminary engineering and environmental review for the Prado Rd / US 101 Interchange Project, which is anticipated to begin construction in 2027.



Rendering of the Prado Road / Highway 101 Overpass

- Final Design, permitting and Right-of-way work continues with the Prado Road Bridge Replacement over San Luis Obispo Creek. The Prado Bridge Project construction is anticipated to begin in 2025 and should be complete prior to the start of construction for the Prado Interchange.



Rendering of the Prado Road Bridge Replacement at San Luis Obispo Creek

- The Righetti Ranch development completed frontage improvements and landscaping along Orcutt Road in 2023, which added curb/gutter/sidewalk, landscaped parkway and widened 6 foot bike lanes, as well as a continuous two-way-left-turn-lane along Orcutt Road.

Bicycle / Pedestrian

- The 2022 Paving Project was finally completed in 2023 and included resealing 4.8 million square feet of roadway and implementing numerous traffic safety elements to improve mobility for all roadway users in the Laguna Lake, Foothill and downtown areas consistent with the Circulation Element, Active Transportation Plan, Downtown Concept Plan, and Vision Zero Policy. Improvements included completion of three new neighborhood greenway routes, prioritizing walking and biking with traffic calming elements, installation of 40 new accessible curb ramps, and completing protected bike lanes on Marsh Street through the downtown core as well as permanently installing a green buffered bike lane on Higuera Street through the downtown core.



New Bike Lanes in Downtown

- Enhanced bicycle and pedestrian crossings were installed as part of the 2023 Pedestrian Crossing Improvements Project. Work included installation of Rectangular Rapid Flashing Beacon (RRFB) systems, high-visibility crosswalk markings and warning signage at the intersections of Johnson/Sydney, King/South, Osos/Islay, and Broad/Islay. The project also included a pilot road diet project on Johnson Avenue between Bishop Street and Laurel Lane, which has been successful in decreasing illegal speeding and improving pedestrian and bicycle crossing safety.



New Pedestrian Crossing Improvements

- Annual transportation safety educational activities continued throughout 2023, including Walk & Bike to School Days, Bike Month, Rideshare Week, Reflective Halloween Bag distribution, the Bike Light Education Pop-up, and ongoing coordination with educational programs in cooperation with Bike SLO County.

- Construction began on the North Chorro Neighborhood Greenway, a 1.7 mile bicycle/pedestrian route connecting the north Foothill neighborhoods into Downtown, 43 new accessible curb ramps, 60 new street trees, hi-visibility crosswalks throughout the corridor, and path lighting and gateway elements at the Chorro Underpass. Project is scheduled for completion Spring 2024.



North Chorro Neighborhood Greenway Construction

- Public outreach and design work continues on the Higuera Complete Street Project. The project includes multimodal transportation and safety improvements along the Higuera Street corridor from Marsh Street south to the City Limits. The project is planned to include addition of protected bike lanes, bicycle and pedestrian crossing improvements, updated pavement surface and roadway markings. The project is funded by over \$8 million in grant funding. Project outreach, design and environmental review will proceed through 2024, with construction start planned for early 2025.
- The City's supply of short-term bicycle parking continued to expand as part of the City's "Racks with Plaques" bicycle rack donation program.



Rendering of the Planned Higuera Complete Street Project

- Bike valet parking service was offered at Farmer's Market and at Concerts in the Plaza.

SLO Transit

SLO Transit operations in 2023 included the following:

- SLO Transit received its first electric buses from New Flyer and Proterra which are currently in service on the 2A and 2B routes. Charging infrastructure needed to support the electric buses is nearing completion.
- In October 2023, SLO Transit partially restored services beyond the modified academic schedule that has been in use since the onset of the pandemic. The service restoration is due to a recent increase in drivers. SLO Transit currently has 22 full-time drivers with full Academic Service requiring 32 drivers.
- SLO Transit reinstated the Laguna Tripper in fall 2023 thus providing better access to Laguna Middle School for students. SLO Transit also reinstated the Famer's Market Trolley and the Holiday Trolley which runs for the month of December 2023.
- Ridership continues to recover post-pandemic. SLO Transit reported over 515,000 riders for fiscal year 2022-23 of which almost 328,000 were Cal Poly riders. Staff anticipates a continued increase in riders as more services are restored and as Cal Poly returns to 100% in-person instruction.
- In September 2023, Council approved funds to be as hiring incentives and retention bonuses to help attract and retain bus drivers. Staff is currently negotiating terms with their operations contractor.
- In August 2023, the City completed its Federal Transit Administration (FTA) Triennial Review of SLO Transit's operations for reporting years 2020-2022.
- A Transit Innovation Study was completed in 2023 and will go before Council for consideration in January 2024. Staff is developing an implementation plan for the recommendations listed in the report.
- Council approved amendments to the Mass Transportation Committee bylaws expanding the qualifications for certain positions to help attract new members.
- Pedestrian and Bicycle Safety Education was provided to SLO Transit operations and maintenance staff. The educational opportunity will be offered annually and updated as new pedestrian and bicycle infrastructure is implemented throughout the City.
- In July 2023, the City issued a purchase order for six (6) new battery electric buses that are scheduled for delivery in summer 2025. The order puts SLO Transit ahead of the state's mandates for zero-emission bus adoption. Staff secured financing for an additional order



SLO Transit Buses

of two (2) more battery electric buses and anticipate issuance of a purchase order in Spring 2024.

Parking Management

Parking Management major focus areas in 2023 included:

- Council adoption of the Access and Parking Management Plan
- Installation of gateless technology at one of the three City parking structures
- The City Council approved and implemented a parking rate change in the downtown area that went into effect July 1, 2023.
- Implementation of a Park Local Pilot Program to provide one hour free in the 842 Marsh gateless parking structure to San Luis Obispo County residents. Ultimately, this pilot program was concluded in November 2023.
- The City secured financing, awarded a construction contract, and began construction on the Cultural Arts District Parking Structure, which will be the City's fourth parking structure and will be located at the corner of Palm and Nipomo.
- Council took action to provide free parking during the following times to support downtown commerce, beginning Thanksgiving Day:
 - One free hour for all users in the parking structures until June 30, 2025
 - Free parking in structures on Sundays until June 30, 2025
 - Free on-street and structure parking on December 1, 2023, between 6 PM to midnight during the annual holiday parade.
- Ordinance was passed to allow for electric vehicle charging at City park parking lots at any time of day.
- The division continued to assist with the Safe Parking Program, located at Railroad Square until the program concluded in the fall of 2023.
- The division continued modernization efforts, upgrading several multi-space pay-stations.
- The division continues to expand its marketing campaign to increase communication with the community including distribution of informational flyers to downtown businesses about changes to parking.

Major City Goals for FY 2023-25:

Climate Action, Open Space & Sustainable Transportation - To proactively address the climate crisis, continue to update and implement the Climate Action Plan for carbon neutrality, including preservation and enhancement of open space and the urban forest, alternative and sustainable transportation, and planning and implementation for resilience.

Diversity, Equity, and Inclusion (DEI) - In response to our commitment to making San Luis Obispo a more welcoming and inclusive city for all, continue to develop programs and policies to support diversity, equity, and inclusion initiatives and advance the recommendations of the DEI Task Force

Economic Resiliency, Cultural Vitality and Fiscal Sustainability - In collaboration with local partners, implement initiatives that reinforce a thriving and sustainable local economy, support a diverse, inclusive, and vibrant community, preserve arts and culture, and ensure fiscally responsible and sustainable city operations.

Housing and Homelessness - To expand housing options for all, continue to facilitate the production of housing, including the necessary supporting infrastructure, with an emphasis on affordable and workforce housing. Collaborate with local non-profit partners and the county, the state, and federal governments to discover and implement comprehensive and effective strategies to reduce chronic homelessness.

Safety Services

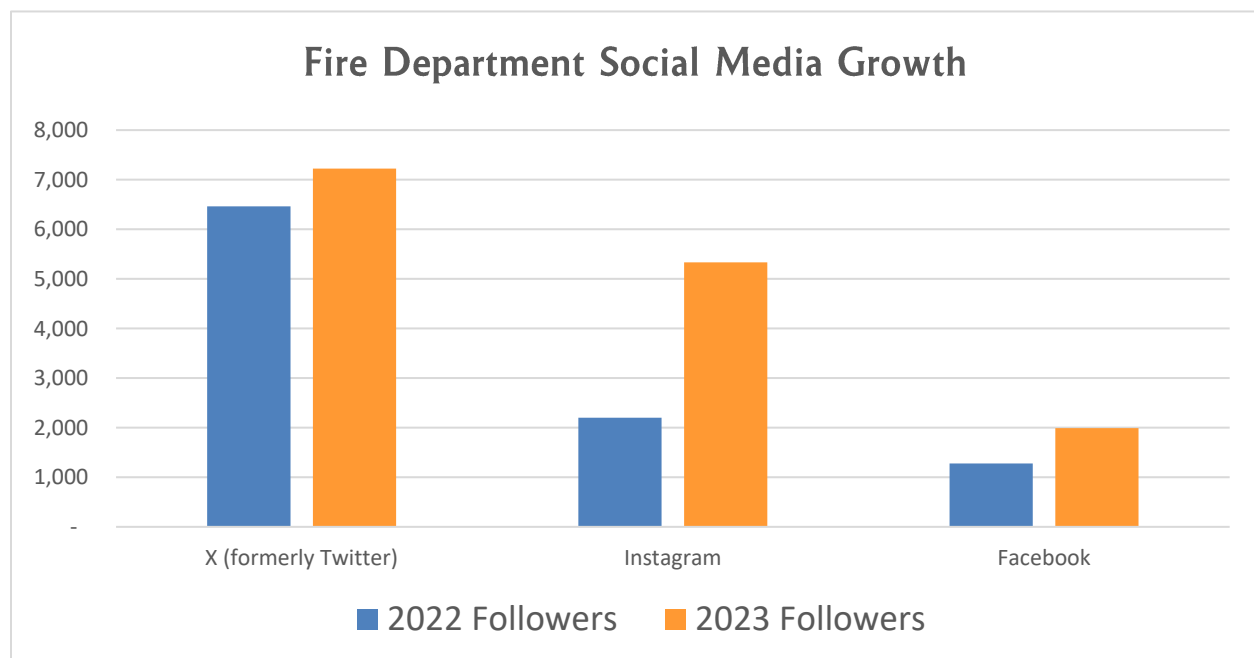
Fire Department

Climate Adaptation and Safety Element Policy OP-7.1 states that there should be adequate planning, organization, and resources for emergency preparedness and emergency response. Staff has made several accomplishments in 2023 to meet this policy and have highlighted some of them below.

Administration

Public Information: SLOFD continued to increase Public Information services in 2023 by expanding the Department's communication through increased social media presence and activity, utilizing an updated and comprehensive social media calendar which was integrated into the City's master communications calendar, and an ongoing bi-weekly standing segment with KVEC radio to discuss department programs, safety tips, and disaster preparedness information. With the PIO role being formalized at the end of 2019, the department has continually increased its ability to provide the media and public with accurate and timely incident information. Public Information plays a critical role in educating the public to reduce the severity of emergencies and allows the public to make the right decisions during an emergency. As shown in **Figure 3**, In 2023, the department's Instagram account saw a 142% percent increase in followers. Per Instagram analytics and insights, nearly 50% of the department's followers are local residents. Additionally, two extensive public outreach campaigns were conducted in 2023 to promote Wildfire Readiness Night in the summer and Community Flood Readiness night in the fall.

Figure 3 - Fire Department Social Media Platform Growth 2023



Source: SLO Fire Department, 2023

Operations

Emergency Response: In 2023, SLOFD responded to 7,428 incidents from four strategically placed fire stations throughout the city. This number is 3.73 percent higher than 2022. Emergency response was accomplished with daily minimum staffing of 14 sworn personnel. To help maintain the daily minimum of emergency response personnel, the city has continued its investment in two important programs including a functional movement program to reduce the occurrence and severity of physical injuries and a Peer Support Team Program to maintain the mental health and wellbeing of department personnel.

In 2017, after transitioning to ImageTrend, the Fire Department's data and report management system, SLOFD has an increased ability to analyze response data including response times. The city's 2023 safety element references the fire department's master plan objective to respond to all lights and sirens emergencies within 4 minutes or less 90% of the time. New ImageTrend Continuum software deployed in 2023 has allowed the fire department to further study its response times using key performance indicator dashboards and special study analysis on unique populations like students and the unhoused. The fire department plans to join the County of San Luis Obispo's patient care reporting system in 2024, unifying most emergency medical service providers in the county on a common platform. The fire department deployed field fire inspection data collection tools in 2023 using new software that combines fire reporting with fire inspections.

Open Space Rescue Operations: In 2023, the Fire Department's Urban Search and Rescue (USAR) Team continued to play a vital role in protecting the lives of both visitors and citizens alike. Members of the USAR Team receive specialized training in complex and technical rescue operations and also take part in the San Luis Obispo County Regional USAR Team. In January of 2024, the department will be expanding the USAR Team from six members to nine. This will increase the likelihood that



Open Space Rescue and Expanded Technical Rescue Team

multiple USAR specialists will be on duty on any given day, thereby increasing the department's level of operational readiness. The Fire Department, along with its USAR Team members, responded to 16 technical rescues and medical emergencies in open space areas in and around the city during 2023. Among the significant incidents were rescues on Madonna Mountain, Bishop Peak, Irish Hills, Cal Poly, and Reservoir Canyon.

The Fire Department's open space rescue programs continue to develop. Many of the open space rescues, especially in the area of Bishop Peak, require the use of a helicopter to locate, access, and transport victims. The department works closely and trains frequently with the California

Highway Patrol, which operates the rescue helicopter in this county. In addition to the cooperation with CHP for air resources, two key contributors to the continued success of the fire department's open space rescue program have been both the E-Bike Program, which was implemented in 2020, and the Utility Terrain Vehicle (UTV) program. Both pieces of equipment have been invaluable to locating, transporting, and caring for people in open space in a very timely manner. Our UTV program is also utilized through Mutual Aid to assist our neighboring fire departments.



Mobile Crisis Unit, Case Worker – Scott Giem

Mobile Crisis Unit: The Mobile Crisis Unit (MCU) continues to operate in the community and provides response to behavioral health incidents in both a proactive and reactive manner. The MCU has been funded for a two-year trial period. Law Enforcement (LE) and Fire Service (FS) resources are often summoned for persons in crisis within communities across the nation, as a one size fits all solution for a broad spectrum of problems ranging from homelessness to mental illness to addiction. As a result, these individuals in crisis often do not get connected to the most appropriate resources available to provide them

assistance. To help provide a more tailor-fit service to our community members in crisis, the MCU pairs a mental health professional with a fire department EMT or paramedic to respond to these types of incidents. The benefits of this new service increase the level of service to those in need and decrease the reliance on emergency law enforcement and fire service resources who have limited options and tools to address the individual in crisis. Having a fire department EMT or paramedic as part of the MCU team gives them the ability to recognize and identify individuals having acute medical emergencies, allowing them to summon the most appropriate resources.

A leading MCU goal is to provide an alternative resource program to handle non-emergency 911 calls for service to increase capacity of both police officers for more urgent criminal emergencies and fire personnel for higher acuity emergencies. The program seeks to respond to the root issues through shelter, medical care, or behavioral health support and services to decrease the number of arrests, county jail time, fines, hospitalization, and nuisance fires.

During the trial period, the MCU will be staffed during peak activity hours of 8am to 5pm Monday through Friday reflective of current SLOPD and SLOFD response data. An eventual implementation of a 24/7 service may be warranted based on the impact of the program's ability to meet the needs of the community, reduce LE/FS resource impacts, and decrease hospitalization and arrest/jail time. In addition, the program may integrate into a regional program overseen by SLO County Mental Health Services Department.

In 2022, substantial work was done researching the program goal, objectives, developing policy, job descriptions, RFP's and securing the logistical needs of the program. The program went live in July 2022. In 2023, the MCU responded to a total of 265 calls for service and 3285 field contacts. These field contacts resulted in the MCU being able to provide transport to alternate facilities (other than local hospital Emergency Departments) a total of 56 times. Working with fellow stakeholders, the MCU Team was able to facilitate the reunification of 91 individuals with their family, friends, or other out-of-area support networks.

Training

CASE Program OP-7.18 "Staff Training" states that they will train fire fighters, police officers, building inspectors, and public works and utilities staff to levels appropriate for their tasks and responsibilities. In 2022, the Fire Department employed 49 sworn positions and 12.5 non-sworn positions for a total of 57.5 full-time employees.

Fire Department employees logged nearly 24,000 hours of training in 2023. Employees who are eligible to participate in the Joint Apprenticeship Committee (JAC) registered a total of 16,298.25 hours in 2023. JAC provides reimbursable funds back to the department. The JAC training resulted in over \$36,000 in funds returned to the department in 2023, a \$8,000 increase from 2022. These funds are held by the JAC program and can be utilized to support the department's training program upon approval from the sub-JAC committee which is comprised of department and labor group leadership. Increased training results in a higher skilled and educated professional firefighter. The department has also reached an Instructional Service Agreement (ISA) with Allan Hancock College, which allows the department to receive compensation for the training of personnel that do not qualify for the JAC program.

Non-sworn employees attended several key trainings to maintain levels appropriate for their tasks and responsibilities in 2023. Some of these trainings included attendance at the bi-annual California Conference of Arson Investigators, and State Fire investigation training. The recently hired Fire Inspector completed State Fire Marshal Fire Inspector I certification training. Our Fire Mechanic staff attending training to maintain their certifications and also to learn about new technologies in fire apparatus, including electric fire apparatus, which are becoming more common across the nation. In 2022, the Training Division completed the multi-year project of implementing the SLO Ops Command and Control program, which meets industry standards and the requirements of ICS 500 regarding the use of Incident Command at structure fires. This program is designed to eliminate the occurrence of ICS-related mistakes that are considered the top five causal factors of firefighter line-of-duty deaths. The Training Division continues to adapt this program to additional types of emergencies, applying it to multi-family residential fires, commercial fires, and wildland fires.

During 2023, the training division successfully hosted multiple courses through State Fire Training, including Haz Mat IC, S-215, Company Officer 2A, Company Officer 2B, Company Officer 2C courses in 2023. By hosting classes, the department was able provide employees with 27 Ca State Fire Marshall certificates. Hosting classes for succession planning in the Captain rank help

the training division provide \$90,269 worth of training for only \$4,510. The Training Division was able to offset that cost by generating \$6,790 in registration fees from students from outside agencies.

New Training Officer: As part of the 2021-23 Financial plan, the Fire Department added a full time 40-hour Staff Fire Training and Safety Officer. The position, which was filled in August 2021, assumed a wide range of training duties including planning, scheduling, supervising, and administering a comprehensive fire training program and coordinating the in-service training and safety programs for the Fire Department. The Training Officer also assists in the operation and coordination of in-service training and safety programs with shift Battalion Chiefs.

The Training Captain oversees the Injury Prevention Program, which has continued to show success in reducing hours lost to work-related injuries. Prior to the start of the program in 2019, the Fire Department totaled 11,550 hours of work comp time lost. In 2022, comp time hours lost decreased to 8,606 hours, a 26 percent reduction. To date in 2023 total comp time hours lost is 7,277. The new positions help provide consistent and reliable administration and coordination of all mandatory, recertification, and recommended in-service training and safety programs for emergency response, which is necessary as the complexity and changing service demands call for specialized instruction. In addition, the Fire Training and Safety Officer responds to emergency incidents in the primary role of operational support and as the incident safety officer to identify and cease preventable accidents or potentially unsafe situations.

The Training Captain also manages the fire intern program. In 2023, the Fire Department employed three interns, sponsoring one intern through a Firefighter 1 academy at Allan Hancock College. The Fire Intern Program has assisted staff with the firefighter recruit academy, special projects, administrative duties, public education, facility maintenance, and station logistical support.

Interagency Training: The Training Division coordinated joint training with inter and intra-departmental entities, preparing our employees for all types of emergencies. Those included:

- Active Shooter Training with SLOPD - Laguna Middle School
- County WUI Drill - Camp Roberts (prepares members on how to respond to wildland emergencies in urban areas)
- County Impact Burn - Prepares members to utilize fire to assist with control and containment of large wildland fires.
- Confined Space - Joint training with wastewater on response to emergencies at lift stations throughout the city
- Open Space Rescue - Joint training with the county USAR team on responses to the poly canyon open space area. Conducted specialized training with CHP helicopter H70 on extracting victims from remote open space locations.

- Cal Poly - Conducted training at Cal Poly on fire suppression and rescue at dormitory style residences. Simulated training smoke was used to help train crews on understanding how to search dormitory or student type residences.

Recruit Academy: The SLOFD Recruit Fire Academy is ten weeks long and is delivered through a distributed learning model. The curriculum covers 15 areas of core firefighter competencies within five blocks of instruction, with each block consisting of two weeks. Each block of instruction is delivered through classroom lecture and daily manipulative skills on the drill ground. At the end of each block, recruits are tested utilizing a block written examination and multiple manipulative skills examinations. Each block of instruction builds upon the previous block and becomes increasingly more difficult. Throughout the ten-week academy, recruits are evaluated within the three domains of learning: cognitive, psychomotor, and affective. This is to ensure proper retention, recognition, and application through real time scenarios and live burn operations throughout the academy and gives them opportunity to apply and perform their newly attained skills in high stress situations. Upon successful completion, the recruit firefighter has met the NFPA 1001 standard for professional qualifications for firefighting. SLOFD completed one academy in 2023, training seven firefighters and firefighter/ paramedics to deliver exceptional service to the community.

Wellness and Fitness Initiative (WFI): The WFI program was created in 2018 to help improve the fitness, health, and wellness of fire department emergency response staff, improving the department's ability to provide service to the community. In 2023 the WFI team once again brought in a nutrition coach to help teach members not only nutrition principles for healthier living but also sleep deprivation training and stress management. The WFI team is working to renovate the Fire Station 1 gym so that it can accommodate a growing workforce. This enables staff to host more injury prevention trainings with a larger facility, including training recruit firefighters during the 10-week academy. The department continues to have a productive relationship with CJPIA, where members can see Dr. Ormonde for training sessions related to non-work-related ailments at no cost to the fire department.

The success of this program has been shared with neighboring fire agencies in the county, where CJPIA is providing similar funding to Five Cities Fire Authority, Paso Fire, Atascadero Fire, and Morro Bay Fire, are following our program to reduce injuries in their agencies as well. SLOPD has also begun working with CJPIA and Dr. Ormonde based on the Fire Department WFI program and lessons learned since the inception of the program. The Fire Department continues to champion the effort to provide more resilient, healthy, and fit employees. The WFI program will continue to bring more training aimed at strengthening and improving individual fitness, additional muscle recovery equipment, improving cardiac health through nutritional consulting and training, and last, identifying and possibly implementing the use of infrared saunas to reduce the likelihood of job-related cancer.

California Incident Command Certification System (CICCS): The California Incident Command Certification System (CICCS) is a cooperative effort between the State Fire Marshal's Office and the California Governor's Office of Emergency Services, Fire and Rescue Branch. CICCS is an all-

hazard qualification and certification system that enhances the ability of the State of California to deploy firefighting resources to complex and catastrophic incidents with trained and qualified personnel. The system includes development of personnel in key field positions of the ICS system, minimum training standards, qualification, and experience requirements when assigned to wildland/urban interface incidents. To achieve these standards and qualifications, personnel must meet the minimum requirements for each ICS position they choose to work in. The minimum qualifications require prospective candidates for each ICS position to take multiple week-long classes. They then fill out an application that includes certifications from the required classes, experience level, and a letter of support from their perspective fire department. This application is then sent to the CICCIS committee for review and approval to become a trainee in the position. Then they are required to open a task book. The task book involves going out on all hazard incidents as a trainee assigned to a trainer. They are then taught and evaluated on specific aspects of the position by the trainee. This requirement often takes two or more years and multiple assignments on incidents. Once the task book is complete, all the documentation is submitted to the CICCIS committee for review and final approval to work in the position. These expanded roles allow for a greater depth of knowledge and qualification that further improves personnel capabilities. This process provides a benefit for the individual and each department the individual works for. By being qualified to work in different ICS positions, the individual can then work in these positions both out of the area and in their department in the event an incident occurs within the city they work for.

Emergency Management

Climate Adaptation & Safety Element (CASE) Policy OP-7.1, Emergency Preparedness and Response ensures that that City and all relevant City departments have adequate planning, organization, and resources for emergency preparedness and emergency response. Staff has made several accomplishments in 2023 to meet this policy and have highlighted some of them below.

Coordinated Emergency Planning & Training: Safety Element Program OP-7.15 states that the City will work within the Standardized Emergency Management System (SEMS), an emergency response and coordination system used throughout California, the National Incident Management System (NIMS), and the National Response Framework (NRF). Additionally, the City will participate in periodic disaster-response drills, on a regional basis with all involved jurisdictions and involving the news media. CASE Program OP-7.18 states that the City will conduct disaster-City Operations and Emergency Services response exercises for the types of non-nuclear disasters discussed in the CASE, coordinated with participation in required, periodic nuclear-disaster response training exercises. All public employees in the State of California are considered Disaster Service Workers (DSW) and as such the city will train all employees to ensure basic understanding of DSW responsibilities, the Standardized Emergency Management System, National Incident Management System, and the Incident Command System.

In 2023, the City's Emergency Manager ensured the Fire Department maintained the ability to effectively manage the City's emergency management program which includes emergency

planning, training, staff preparedness, community preparedness, and hazard mitigation project support.

The Fire Department continued coordination with every City department to ensure all employees, including City Council members, have completed the proper SEMS and National Incident Management System (NIMS) training courses. This training is a requirement to receive Federal Emergency Management Agency (FEMA) assistance during a disaster. In 2023, the City rolled out a new required SEMS course for all employees, "G-606, an introduction to SEMS" which was identified as a training need after consultation with state and federal training partners. All City employees are required to take a combination of IS-100, IS-700, and G-606, to prepare to be a disaster service worker during an emergency or disaster. Additionally, other employees are required to take IS-200, IS-800, and IS-908 based in their likely role during emergencies. Additionally, staff has worked with Human Resources to ensure that new employees complete the necessary training in relation to their job in the city. This program will continue to grow in 2024 with general disaster service worker training.

City Staff activated the Emergency Operations Center three times in 2023, thus implementing the Emergency Operations Plan (EOP). Pursuant to state regulations for proclaimed emergencies, staff conducted thorough after-action reviews of the activations and developed corresponding action plans for remediation of identified gaps. The EOP was revised where necessary and policy and procedures across the city were amended to fill observed gaps in EOC performance and response.

The EOP is in place to describe the City of San Luis Obispo policies and concept of operations for responding to major emergencies or disasters that could affect the health, safety, and property of the public within the City of San Luis Obispo and exceeds the capabilities of day-to-day city operations. The EOP includes hazard specific annexes including Earthquake, Hazardous Materials, Multiple Casualty, Transportation, Fire, Civil Disturbance-Terrorism-Active Shooter, Diablo Canyon Nuclear Power Plant, Adverse Weather, Extended Utility Disruption, and Pandemic. This plan will be reviewed and exercised periodically and revised as necessary to satisfy changing conditions and needs.

Preparedness Education: CASE Program MH-1.10 states that the city will work with community organizations to educate individuals and households about strategies to increase preparedness for emergency events and climate-related impacts. In 2023, the Fire Department offered several public events to improve disaster and emergency readiness including wildfire readiness night, community flood readiness night, the fire department's annual Fire Prevention Week Open House, and a Parks & Recreation Monday Meet Up event.



SLO Fire Dept. Preparedness Education

Staff continued to disseminate the many preparedness fliers and videos that were created as part of the “Prepare SLO” campaign to ensure the public continued to have the most up to date tools and information at their disposal. Preparedness resources are available to the public on the department website and social media accounts. Additionally, during the bi-weekly department appearance on the local KVEC First Take radio show, staff provide important safety and disaster preparedness tips to the community.

Risk Reduction & Fire Prevention

Hazard Mitigation: The most recent update of the City’s Hazard Mitigation Plan was completed in 2020 as the 2019 Multi-Jurisdictional Hazard Mitigation Plan (HMP), which was formally adopted by the City Council in 2020 after the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) reviewed and approved the plan. This HMP serves as the mandatory update to the City’s 2014 Local HMP (LHMP). The HMP is incorporated by reference into the CASE and should be consulted when addressing known hazards to ensure the general health and safety of people within the City of San Luis Obispo. It provides guidance on how to reduce the community’s vulnerability to natural hazards. This plan calls for annual stakeholder meetings to update progress and identify collaborative opportunities. The city is required to maintain a current HMP, which must be updated every five years and in 2023 signed a letter of commitment to participate in the 2025 MHP Update with the County of San Luis Obispo. Maintaining a current HMP allows the city to apply for State and Federal reimbursement in the event that the City is impacted by a disaster.

Program FI-5.12 of the CASE states that the City should Continue to implement the City’s Community Wildfire Protection Plan (CWPP) to reduce wildfire risk in the City’s wildland-urban interface including implementation of the CWPP Tactical Policy Measures which focus on the four key policy areas of community education, fuels management, planning, and emergency response preparedness on an ongoing basis. As part of hazard mitigation, SLOFD finalized the City’s first Community Wildfire Protection Plan (CWPP) in July of 2019 . The CWPP is a collaborative plan to guide the city in addressing fire protection planning efforts occurring in the city to minimize wildfire risk to watershed lands, assets, firefighters, and the public. The CWPP presents the City’s physical and social characteristics, wildfire history, identifies and evaluates landscape-scale fire hazard variables, utilizes priority landscape datasets for evaluating wildfire risk, identifies strategic measures for reducing structural ignitability, public education, and outreach, and identifies strategic fuel reduction goals and techniques for minimizing wildfire risk. The CWPP is intended to be a living document managed and updated by the City Fire Department with stakeholder input and involvement.

Staff utilized the plan to act in 2023, including public education and fuel reduction efforts. City staff continued to provide wildfire preparedness tools to the community through news releases, webinars, social media, and a Wildfire Readiness Night held in June. The Fire Department also coordinated with the Office of Sustainability and Natural Resources and Parks & Recreation Ranger Service to conduct fuel reduction efforts along San Luis Obispo Creek, the Irish Hills Open Space, San Luis Drive, and Cerro San Luis Open Space.

Per Program FI-5.12, the CWPP is scheduled to be updated in 2024. Staff will be working with partners at the San Luis Obispo Fire Safe Council to accomplish this effort in the new year.

Multi-Dwelling Property Inspection Program: Under the direction of the Fire Marshal, the Fire Prevention Bureau inspects all multi-dwelling properties (three or more units) in the City to ensure that they meet a reasonable degree of fire and life safety. This state-mandated program helps safeguard residents and visitors who patronize local hotels and generates approximately \$350,000 in annual revenue that offsets implementation costs. The Fire Prevention Bureau completed 545 inspections of apartments, hotels, and fraternity/sorority houses in 2023.

Fire and Life Safety Inspections: SLOFD completed 1,328 fire and life safety inspections for businesses in 2023. Of this inspection total, Fire Prevention Bureau staff completed xxx inspections of schools (3), hospitals (2) day care centers (12) and assisted living centers (4), and large public assembly occupancies (43). A portion of these inspections resulted in Fire Code operating permits, which generates about \$100,000 in annual revenue.

Fire and Life Safety Self-Inspection Program: In January of 2021 the Fire Department implemented the Fire and Life Safety Self-Inspection Program which allows certain business in San Luis Obispo complete these inspections in lieu of a fire department staff member or engine company. Businesses that qualify for this program have been chosen due to the low hazard associated with their business practices. These include small professional offices and some low hazard retail establishments. Of the 1,200-1,300 qualifying businesses, only about 30 chose to participate in 2023. Additional resources may be necessary to effectively follow up on these inspections to increase participation.



Fire and Life Safety Self Inspection Program

Hazardous Materials Inspections: Hazardous Materials Inspections: The Fire Prevention Bureau serves as a “Participating Agency” in the County’s Certified Unified Program Agency (CUPA). Businesses that use or store hazardous materials in an appreciable quantity, generate hazardous wastes, or operate underground or aboveground petroleum storage tanks are subject to inspection. The Hazardous Materials Coordinator conducted 233 facility inspections in 2023. This program generated approximately \$217,000 in revenue in fiscal year 2022-2023.

Vegetation Management: With the addition of a half-time fire inspector the Fire Prevention Bureau was able to take a proactive role in Weed Abatement. The Bureau mailed out 75 courtesy letters to property owners with a history of enforcement. Due to the early notification only two dozen required follow up enforcement, leading to compliance within 30 days. The Fire Department continued to support Natural Resources and Parks and Recreation Ranger Service in the fuel reduction projects in City-owned Open Space and creek corridors. In 2023, City staff continued along the Bob Jones Bike Trail and San Luis Obispo Creek between Prado Road and Los Osos Valley Road, San Luis Drive, removing dead and down material from the creek as well as

removing smaller vegetation creating a shaded fuel break along the creek corridor behind the Water Resource Recovery Facility and nearby critical facilities. Additionally, fuel reductions efforts were continued in the Bowden Ranch Open Space, Cerro San Luis Natural Reserve with staff support from Ranger Service's Open Space Technicians (supplemental staff positions) and help from the California Conservation Corps crews. One particularly impactful project in 2023 was the removal of invasive Arundo plants, similar to bamboo, in San Luis Obispo Creek west of Los Osos Valley Road. Arundo is a highly invasive species that presents both a hazardous fire and flood threat, and negatively impacts the natural ecosystem.

In 2023, the Fire Department also worked closely with the County Fire Safe Council to support future vegetation management projects into 2024 including both planning and fuel reduction projects to help reduce the wildfire threat surrounding the city with a large focus on the Irish Hills, Miossi Ranch, and Reservoir Canyon areas. Grants through the fire safe council were secured to fund hazardous tree removal throughout the city and grazing along San Luis Obispo and Prefumo creeks.

Critical Facilities Locations and Reducing Structural Hazards:

CASE Program OP-7.12 identifies City facilities necessary for community function and emergency response. Additionally, the program tasks the City with preventing the construction of new critical facilities from being located in specified flood zones, wildfire zones, earthquake faults, or other special designated zones. Where critical facilities are already located in these zones, the program tasks to identify, and when feasible, implement, mitigation strategies to limit the impacts of associated hazards. In 2022, staff attempted to implement a project with the California Joint Powers Insurance Authority to install seismic sensors in critical facilities to help staff quickly assess potential structural impacts after earthquakes. The project was paused due to staff time capacity within the Public Works department due to winter storm impacts and anticipated to be completed in early 2024. The majority of the sensors were installed in December 2023.



SafeHub Seismic Sensor

Police Department

Safety Element Program 9.4 states that the City will train police officers and other City employees to levels appropriate for their tasks & responsibilities. In 2023, the Police Department employed 61 sworn positions and 34 non-sworn positions, for a total of 95 full-time employees. As noted in the 2018 Capital Facilities Fee Program Nexus Study (i.e. AB 1600 Nexus Study), the service population totals to a combination of 72,800 workers and residents. With the current 60 sworn officers, the current service level is a ratio of 0.82 sworn officers per 1,000 service population. At General Plan buildout, the service population is forecasted to grow by approximately 15,500 persons, and if the



same service level ratio is applied, the City would need 13 more sworn officers by 2035. The Police Department had 59 sworn officers back in 2002 and has not experienced significant sustained growth in personnel in the past 20 years, while conversely the City has continued to grow in area and population.

Staff Training: The California Commission on Peace Officer Standards and Training (POST), which mandates minimum content and hours for basic and in-service training, also regulates the training of police officers and communication technicians. The Police Department maintained compliance with POST requirements for in-service training hours for required employees. This was accomplished in 2023 by sending employees to POST-certified training courses in various topics, with the associated costs reimbursed by POST, and by providing in-house training for employees. Police Department employees have utilized a combination of on-line, in-person and SLOPD hosted training to ensure all employees maintain their training hours.

In 2023 the Department continued their commitment to having 100 percent of staff trained in Crisis Intervention Training (CIT). As new employees are hired, they are sent to CIT training as soon as possible to maintain the City's commitment to having a fully trained CIT staff. The primary goal of CIT is to reduce injuries to officers and mental health consumers during contacts, and to appropriately redirect mental health consumers from the judicial system to the services and support needed to stabilize consumers and reduce contact with police. CIT training can be between 8 and 40 hours depending on the course. The San Luis Obispo Police Department is committed to ensure that all staff receive the 40-hour training course as soon as possible.

The San Luis Obispo Police Department (SLOPD) also conducts in-house training using employees who are certified instructors in a variety of police-related job functions, including defensive tactics, mobile field force, active shooter, and use of firearms. In addition to the standard police training, the department successfully completed its second year with a robust Peer Support Team to help officers after tragic or traumatic events. The Peer Support Team has been trained to deal with a wide variety of potential problems and can give direct counseling or direct those in need to the proper resources. They have implemented a monthly employee wellness newsletter providing outreach and information on a regular basis to staff. Peer Support has provided its expertise to surrounding Law Enforcement agencies over the past year in response to critical incidents in those jurisdictions. In 2023, the Police Department is completed its draft of a new 5-year strategic plan to guide department-wide efforts for the future, with an expected adoption in January 2024.

Mutual and Automatic Aid – Police: Section 9.10 of the Safety Element indicates that the City will work with other jurisdictions to obtain and follow adequate mutual-aid and automatic-aid agreements. In 2023 there were no requests for mutual-aid to the San Luis Obispo Police Department for natural disasters. The Police Department provides Officers to assist surrounding Law Enforcement agencies with various special events including parades, protests, special events and large-scale investigations. Typically, our Officers assist many local Police Departments including Santa Maria, Pismo Beach, Paso Robles, Morro Bay, Atascadero, California Highway Patrol, and the Sheriff's Department. In return, many of these agencies assist the San Luis Obispo Police Department in several of our large-scale events including the Women's March and the Holiday Parade. With COVID-19 restrictions lifted, special events throughout the City have returned to normal levels.

The City has participated in a regional Special Weapons and Tactics Team (Regional SWAT) since 2008. The Regional SWAT team allows participating cities to leverage limited resources and maximize coordination and special expertise during critical incidents. The SWAT team responds to incidents throughout the County and conducts twice monthly training exercises along with scenario-based training days in conjunction with the City's Crisis Negotiation Team.

Community Action Team (CAT): CAT Officers continue to identify problems and crime trends that negatively impact the quality of life of residents, business owners, and visitors. CAT officers work collaboratively with a variety of individuals and groups, including patrol officers, investigators, the Neighborhood Outreach Manager, other city departments (Fire, Ranger Service, Public Works, Community Development), social service providers, business groups, and other governmental agencies as appropriate. CAT Officers have focused on several individuals in our community who are involved in adverse and repetitive criminal activities that negatively impact our community. In 2023, the CAT team engaged with 408 individuals and made 258 treatment referrals to mental health and substance abuse services. They have been successful in working with others to find alternatives to incarceration that include service placement and transitional housing. In 2023, CAT facilitated 3 permanent housing placements and 6 family or agency reunifications for individuals experiencing homelessness and/or mental health crises.

The program has continued to grow and the relationships in the court system have proven very valuable. In 2023, the CAT team provided 4 Behavioral Health Trainings with approximately 100 people attending. This past year, Transitions Mental Health Association (TMHA) has had difficulty finding qualified candidates to work on the CAT team. This is the department's fourth year working with TMHA to fill this specialist position on the CAT team. This partnership has brought the mental health services with the community to a higher level and is extremely successful when filled. The department plans to add another CAT officer when Transitions Mental Health Association is successful in hiring an additional social worker. It is the department's goal to have the new personnel in place as soon as possible.

Community Service Officers: The growth and rebranding of the Community Services Officer (CSO) program formerly known as Field Service Technician (FST), was a strategic expansion aimed to triple the program's capacity and enhance our commitment to the downtown core's well-being along with the rest of the city. With this, the CSO program has played a pivotal role in delivering personalized services to our business community, residents, and visitors.

The primary objective of CSOs is to address quality-of-life issues efficiently. These non-sworn officers promptly respond to non-criminal and criminal infractions, including but not limited to drinking, smoking, noise disturbances, blocking the right of way, and minor disturbances of the peace.

This year, the CSO program has demonstrated a significant impact and success in addressing crime and quality-of-life issues. CSOs have effectively responded to infractions, and misdemeanors contributing to a safer and more harmonious downtown environment. Their presence has been felt through their rapid resolution of incidents.

Community Service Officers have actively engaged in building effective partnerships with various community stakeholders. This collaborative approach not only fostered a sense of community but also enabled sworn Police Officers to concentrate on more serious calls for service. The CSO team is a visible presence in the community, utilizing a range of patrol tactics, including bikes, vehicles, and predominantly, foot patrols. The CSOs have proven to be a force multiplier for the Police Department and the strategic allocation of these resources has improved overall service delivery to the community, offering assistance in a shorter timeframe.

The success witnessed over the past year in the expanded CSO program represents a significant step towards creating a safer, more vibrant downtown community. This initiative has strengthened the bond between law enforcement and the community, fostering a collaborative and secure environment for everyone.

Neighborhood Wellness

Land Use Element Program 2.14 states the City will help identify neighborhood problems, and undertake a wide range of focused development review, capital improvement, and code enforcement efforts to help residents preserve and enhance their neighborhoods.

Neighborhood Officer Program – Police Department

In 2013, the Police Department launched a Neighborhood Officer Program that divides the City into 13 distinct “neighborhoods,” each with dedicated patrol officers assigned to address City neighborhood issues. The Neighborhood Officers act as liaisons between the Police Department, the community, and a variety of city agencies. Neighborhood officers have continued to be a consistent “go to” for residents needing assistance with a variety of quality-of-life concerns. Residents can contact their neighborhood officer directly from the City website.

Code Enforcement – Community Development Department

The City’s Code Enforcement Office reports directly to the Community Development Department’s Chief Building Official and is responsible for prioritizing, responding to, investigating, and enforcing the validity of all reported violations relating to several regulations. It is the goal of code enforcement to gain compliance utilizing the lowest level of enforcement mechanisms and techniques possible. Staff is responsible for ensuring compliance with state and local laws relating to:

- Building and Zoning Requirements
- Property Maintenance
- Graffiti
- Abandoned Shopping Carts
- Conditional Approvals and Permits
- Setbacks, Fence Height
- Polystyrene/ Straws/Water bottle
- Signs
- Land Use
- Health & Safety Concerns
- Unpermitted Construction
- Improper Occupancy
- Substandard Buildings
- Dangerous or Unsecured Buildings
- Animal & Waste
- Noise & Odor

In 2023, Code Enforcement staff responded to 978 requests for investigation, a 55% increase over the previous calendar year. In total, 73 Neighborhood Preservation cases and 155 additional Code Enforcement cases were opened, resulting in a total of 228 Code Enforcement Cases as shown below in **Table 15**.

Table 15 - Code Enforcement Statistics, 2017-2023

	2017	2018	2019	2020	2021	2022	2023
Requests for Investigation	566	612	528	450	460	628	978
COVID-19 Related Calls	-	-	-	723	109	-	-
Code Enforcement & Safe Housing Cases Opened	221	240	273	143	153	223	155
Neighborhood Preservation Cases opened	732	574	658	556	518	365	73

Source: Community Development Department, 2023

In 2023, the development of the Safe Housing Outreach and Education program was placed on hold due to staffing shortages. With the successful recruitment of a Code Enforcement Technician II in December of 2023, focus can be redirected on program development and implementation related to education and outreach. The goal of the Safe Housing Outreach and Education Program is to provide proactive education and outreach to stakeholders such as tenants, property owners and property managers to empower tenants to recognize, and work with property owners and/or code enforcement staff, to abate substandard conditions. This involves using communication methods other than violation notices and/or citations, such as extended timelines, providing educational material, offering more accessible paths to obtain corrective building permits and other methods to promote a cooperative approach with property owners to gain compliance.

Neighborhood Outreach – Police Department

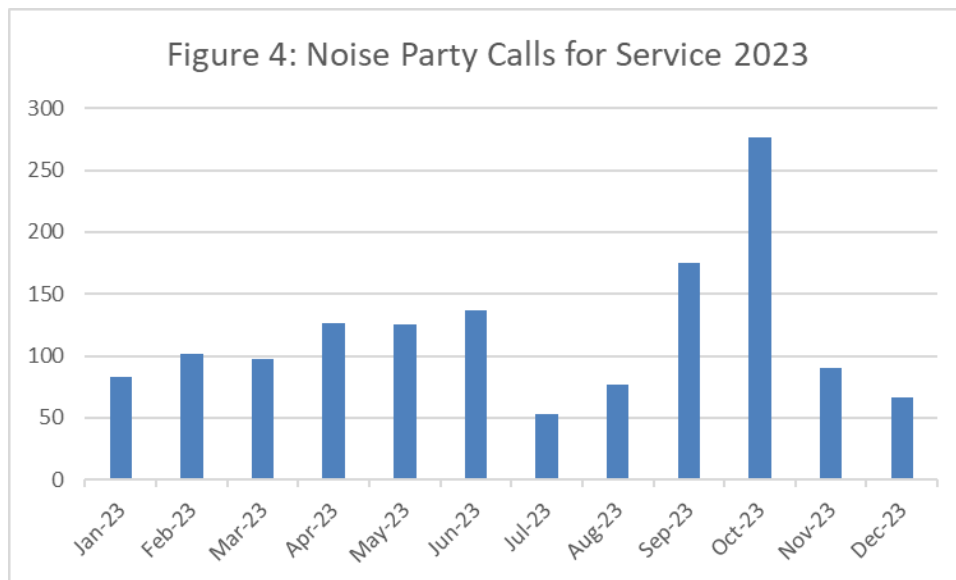
Police Department SNAP employees (Student Neighborhood Assistance Program) continue to conduct parking enforcement and respond to noise complaints in neighborhoods during evening hours. In 2023, SNAP responded to 648 noise complaints in the neighborhoods and issued 376 Disturbance Advisement Cards (DACs). DACs are a formal warning that does not have financial penalty, but it does place the property on the noise “no warning” list. SNAP continues to conduct parking enforcement in the residential districts and in 2023 issued 2299 citations (no permit, fire lanes, blocking hydrants, parking in disabled spaces without placard, etc.).

In response to the need for non-adversarial processes that address community conflicts, the City of San Luis Obispo, Cal Poly, Cuesta College, and Creative Mediation, a local non-profit, developed the SLO Solutions Program in 2004 to offer free conflict resolution and mediation to City residents. SLO Solutions served 958 residents in 2023, an 18% increase from 2022. In addition to the number of residents served, Creative Mediation increased marketing and outreach to residents and students by distributing and posting 475 flyers in locations across SLO City, Cal Poly, and Cuesta, including campus spaces, businesses, and off-campus housing complexes. SLO Solutions information was also distributed in move-in packets for new residents of The SLO and Mustang Village, a practice that will continue with each new resident moving forward. To support these outreach and marketing efforts, Creative Mediation hosted two Cal Poly interns as SLO Solutions Ambassadors who continued to explore new ways for students and residents to engage in services.

812 residents in 2022 which is an 18% increase from the previous year. In 2021, Creative Mediation’s staff was reduced from two staff members. Two new staff were hired in December 2021. Significant time and resources were directed toward training and developing new staff members who lacked experience with community mediation. While fewer community-wide SLO Solutions trainings and workshops were offered, Creative Mediation made gains in the number of conflict resolution services provided following the introduction of formal Conflict Coaching sessions as an option for residents for whom mediation is not an option. Additionally, they hosted three Cal Poly interns as SLO Solutions Ambassadors on campus to explore new inroads for services to students.

Noise abatement in the neighborhoods continues to be a priority in the maintenance of civility and wellness in the community. **Figure 4** below provides a monthly overview of noise complaints, throughout the year. Voluntary party registration continues to be an excellent tool for residents who choose to have social gatherings at their homes. Party registration provides residents the opportunity to register their event with SLOPD and if a noise complaint is received, police dispatch will call the host and give a 20 minute20-minute warning for the party to quiet down. In 2023, 480 party registration applications were received, 339 applications approved, 49 warning calls were made, and 5 citations issued to party hosts that did not heed their warning call.

Figure 4 - Monthly Noise Party Calls for Service, 2023



Conservation & Open Space

Conservation and Open Space Protection was identified as a Major City Goal (Climate Action, Open Space, and Sustainable Transportation) as part of the Fiscal Year 2023-2025 Financial Plan. The General Plan contains many goals, policies and programs focused on open space protection. The policies apply to sensitive lands within the City's urban reserve as well as land in the San Luis Obispo Greenbelt area that is protected for its biological, agricultural, aesthetic and/or watershed protection value. These policies are further detailed in the Land Use and Circulation Element and the Conservation and Open Space Element. Department highlights for 2023 include:

1. The City continues to implement measures identified in the Miossi Open Space Conservation for this 266-acre property that was purchased in 2018. The acquisition protected six different special status wildlife species and six different special status botanical species, while also serving as critical area of the upper San Luis Obispo Creek watershed and as a key wildlife migration corridor along Cuesta Ridge. City Council approved the conservation plan for the property in 2019, and Natural Resources and Ranger Service staff have been implementing the necessary steps to steward the property for natural resources protection and for compatible passive recreational uses. The core network of the Miossi Open Space trail system was completed in Spring 2022, including a trail agreement with Cal Poly in November 2021 that allowed the City to create a trail connection from Miossi Open Space to Poly Canyon Road, thereby greatly improving overall trail connectivity in the area, as well as providing opportunities for student research. Invasive species control efforts were implemented in 2023, as well as erosion and storm damage repairs. Additional trails identified in the conservation plan are anticipated in 2024 as part of the Major City Goal work program.



2. The City received a dedication of Righetti Hill within the Orcutt Area Specific Plan and Natural Resources, along with the Ranger Service staff to establish a new open space and trail system. The Righetti Hill Open Space Conservation Plan was adopted by Council in 2023 and phase one of the trail system and trailhead work was also anticipated to be completed in early 2023.
3. The City continued to support and partner with City Farm SLO to deliver sustainable agriculture education for students and the community, while producing healthy local food. In early 2022, a 40-year lease extension was granted to City Farm SLO reflecting the successful long-term partnership and City Farm SLO's plans for significant capital improvements at the property. City Farm SLO was awarded a \$200,000 grant from the California Farmland Conservancy Program for site access improvements and enhancements along Prefumo Creek; the City will further augment this effort with in-kind services and additional funding as part of the Major City Goal work program.

4. The City continued invasive species vegetation control along Froom, Prefumo, and San Luis Obispo Creeks, along with planting native plants and trees to restore habitat. Restoration plantings included the installation of butterfly gardens in City and neighborhood parks in support of the Mayor's Monarch Pledge; a partnership with the National Wildlife Federation.

5. The Office of Sustainability and Natural Resources program staff worked with the Coastal San Luis Resource Conservation District (CSL-RCD) to conduct a Carbon Farm Plan for Johnson Ranch and City Farm SLO. The plan recommended a series of management practices to increase carbon sequestration in the vegetation and soils of these two City-owned open space properties. At Johnson Ranch, the pilot project included spreading a thin layer of compost on 1.2 acres of grassland.



Johnson Ranch Open Space

The City and CSL-RCD worked with Cal Poly professors and students on the compost application pilot. Through this institutional partnership the City established the experimental design, conducted baseline testing, analyzed various compost sources, and defined a protocol for ongoing monitoring. Expected benefits include carbon sequestration, increased water retention, and improved forage quality. At City Farm SLO, the City planted a pollinator habitat hedgerow alongside the riparian corridor of Prefumo Creek. Expected benefits include carbon sequestration, wind protection, and improved pollinator habitat. Staff continue to monitor and measure these efforts, and also anticipate additional funding through the California Wildlife Conservation Board and Point Blue Conservation Science to implement additional measures in 2024.

6. Staff continue to engage with different professors and classes from Cal Poly to further educate with the “Learn by Doing” mantra in open space monitoring and restoration projects. This is a wonderful opportunity for collaboration and capacity building.
7. Staff continued to support the Utilities Department to implement the *Stormwater Management Program* as required by the Regional Water Quality Control Board (RWQCB). The Plan focuses on improving stormwater quality through Best Management Practices (BMPs), including construction site monitoring, municipal operations, development review, litter control, and public participation to reduce pollution run-off.
8. Staff continued steelhead trout (*Oncorhynchus mykiss*) and Pacific lamprey (*Entosphenus tridentatus*) surveys along San Luis Obispo and Stenner Creeks with biologists from California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Staff also began cataloging where new oak trees can be planted to expand the current oak forest in several City open space properties. These surveys were completed in collaboration with the California Conservation Corps and will support the City's “10 Tall” goal of planting 10,000 trees by 2035.
9. City staff partnered with the California Conservation Corps (CCC) through the Greenhouse Gas Reduction Fund (GGRF) program to help implement the Wildland-Urban Interface and Integrated Vegetation Management Plan for Open Space Lands of San Luis Obispo. Through this partnership, CCC members worked in the Irish Hills, Cerro San Luis, Prefumo Creek, Bowden

General Plan Annual Report 2023

Ranch and Islay Creek to reduce and remove dead and down material and ladder fuels to prevent the start and spread of wildfire. Staff are continuing to work with the FireSafe Council to further identify projects to increase the community's protection along the WUI.

Parks & Recreation

The Parks and Recreation Department continued to revise and expand programming to support of objectives associated to the Parks and Recreation Blueprint for the Future (Element and General Plan), Major City Goals and Local Revenue Measure G. Throughout 2023, the Parks and Recreation Department offered new and expanded programs and activities in areas of senior programming, youth activities, and family-friendly community events in order to best serve the community. Along with the growth of program offerings, it is important to note that Parks and Recreation continued to face an ongoing shortage of supplemental and frontline staff, at times impacting program hours, specifically with Youth Services and Aquatics. The following sections highlight the different divisions and programs supporting the Major City Goals and the Parks & Recreation Blueprint for the Future (Element and General Plan).

Community Programming

Youth Sports: The City provides recreational youth sports opportunities for children of all abilities and experience levels. The City’s recreational programming focuses on building confidence, teamwork, integrity, and leadership skills. The City continues to work collaboratively with local youth sports groups and San Luis Coastal Unified School District (SLCUSD) to meet the needs of the community. The Youth Sports and Activity Clinics have continued to expand to provide a wider variety of sports and fitness activities in 2023. Clinics included: pickleball, soccer, basketball, and volleyball, serving over 180 youth athletes. Staff also provided two and a half weeks of full day sports camps during the summer, with over 100 youth participants.

The Sports Division continued the long-standing San Francisco Junior Giants summer program (baseball and softball) with over 230 children and over 30 volunteer coaches participated in this free, non-competitive, 8-week program focused on skills and drills, training, and game play. The program incorporated sport skills as well as focused lessons to build resiliency, including: education, teamwork, confidence, leadership, and integrity. Parks and Recreation Department continued their partnership with the San Luis Obispo County YMCA for the winter youth basketball league with over 650 children enrolled to form the 65-team program. The spring Futsal program was the second of these partnership leagues with over 250 children participating.



Parks and Rec Youth Sports Clinic

Adult Sports: Adult recreational sports continue to provide the community with a variety of activities for both adult and senior populations. These sports include drop-in Boomer Softball, ultimate “Frisbee”, table tennis, volleyball, dodgeball, and basketball. Programmed activities include adult soccer through partnerships with Central Coast Soccer and the SLO Pickleball Club for affordable pickleball lessons.

Parks and Recreation staff manage the popular year-round softball leagues which annually encompass three seasons averaging 160 teams in 2023 with over 2400 rostered players. Senior sports activities (55+) include Pickleball programs and Boomer Softball. Pickleball continues to exhibit high popularity with the total number of participants playing on a regular 7-days a week basis steadily increasing.



Softball league Champions

Community Building Programs: The Department continued to revise and expand activities for the community to connect and enjoy all that San Luis Obispo has to offer. The chart below shows the commitment from Parks and Recreation staff to provide enhanced programming year-round to local community members.

Winter	Spring	Summer	Fall
Senior Center Programming (NEW)	Senior Center Programming (NEW)	Senior Center Programming (NEW)	Senior Center Programming (NEW)
Adult Sports Leagues (NEW)	Adult Sports Leagues (NEW)	Youth Sports Clinics - 2 sessions (NEW)	Youth Sports Clinics - 3-5 sessions (NEW)
Adult Sports Programming: Softball and Drop in Sports	Adult Sports Programming: Softball and Drop in Sports	Adult Sports Leagues (NEW)	Adult Sports Leagues (NEW)
Youth Sports Clinics - 3-5 sessions (NEW)	Youth Sports Clinics - 3-5 sessions (NEW)	Junior Giants Program	Adult Sports Programming: Softball and Drop in Sports
SLO Youth Basketball	SLO Youth Futsal	Adult Sports Programming: Softball and Drop in Sports	Community Special Sports Event: September Scramble
Community Special Event: Leprechaun Lost	Community Special Event: Egg Hunt	Community Building Event: Monday Night Meet-Ups - 4 events (NEW)	Community Special Sports Event: Gobble Wobble
Community Special Sports Event: TBD (NEW)	Youth Sports Spring Break Camp - 1 week (NEW)	Community Building Event: Recreation Comes to the Parks -2 (NEW)	Community Special Event: Boo Bash/Haunted Walk
	Community Special Event: Spring Concert at the Jack House - 2 part series (NEW)	Community Special Event: Dive into Summer at the Pool (NEW)	Community Building Event: Recreation Comes to the Parks -2 dates (NEW)
		End of Summer Event (NEW)	Community Special Event: Back to School Pool Party (NEW)
		Youth Sports Camp - 5 weeks (NEW)	

*Blue = current event;

*Gold = new event with reallocated resources

Throughout 2023, Staff coordinated popular community events such as the Leprechaun Lost event at Farmer's Market in March, the Spring Fling and Egg Hunt at Meadow Park, the Jack House Spring Concert series, and summer "Monday Meet-Up" days (including music, food trucks, games). The extremely popular fall events were the September Scramble with over 600 participants, as well as the October Boo Bash with a movie and haunted house that experienced record attendance over nearly 800 community members.



Leprechaun Lost at Farmer's Market

Contract Classes: The City's external instructor partners provide a range of classes for youth and adults. Parks and Recreation staff coordinated 285 classes with 960 registered participants for courses related to art, dance, fitness, financial planning, and even surfing.

Community Gardens: The five Community Gardens in the City continued to thrive with the support of staff's hard work and maintenance. Staff coordinated three volunteer workdays, as well as free composting days available to gardeners through the City's Hitachi Zosen Inova (HZI) program. During this time, the Broad Street gardens (which had been provided for the past year at no cost to the users) was decommissioned in order for the North Broad Street Park project to begin in fall 2022. Past gardeners will have first priority in plot placements when the park opens.

SLO Skate Park: The Skate Park remained an extremely popular location for the community to actively utilize from beginners to experts at both the skate park and roller rink. As roller sports have become increasingly more popular, City staff played a role in supporting all user groups to enjoy the park with education and assistance for user groups with facility reservation times. Throughout Spring 2023, the City participated in the popular SLO County Monster Skate Program which rotates throughout the County and finalizes with the end of season event at the SLO Skate Park in May.



SLO Skate Park

SLO Senior Center:

This was the first full-year of Department support to the Senior Executive Board with a 20-hour per week full-time Coordinator. With the commitment of additional staff support, the City contributed towards trips coordinated by the Senior Center Board, including a trip to the Solvang. In 2023, staff coordinated new programs for Seniors including a walking group, hiking group, "Around the Town" staff led tours, a summer 'Olympic activity' and BBQ, a "Pet Week" with community partners, weekly family trivia nights in the summer, and finally a Winter 1950's

themed sock hop dance... The Senior Center Board continues to organize book clubs, bridge, brain aerobics, and other programs geared at engaging the Senior community in San Luis Obispo.

Jack House and Gardens: At the end of 2022, the Jack House Committee was incorporated into the responsibility and oversight to the Parks and Recreation Commission (PRC). With both PRC and City Council support, this decision has provided more support for the Jack House docent program (comprised of volunteers). In addition, the City's newly hired Volunteer Coordinator, in coordination with the Community Services division, contributed to growth and development of Jack House Docent programming, events, and recruitment strategies enabling more activities to take place in 2023 and greater volunteer support. Jack House Docents conducted public tours one to two Sundays per month from May to December and held frequent special events like musical concerts and crafts for kids in the garden. Docent volunteers decorated the Jack House for the holidays and welcomed involvement from the SLO History Museum and a life-size model train on display for guests to operate from the Railroad Museum in the freshly cleared out Carriage House. Over 150 community members of all ages visited the Jack House over the holidays – a record and best year yet, according to a Docent volunteer who's been involved with the Jack House for over 45 years.

Youth Services

School Year Childcare: Childcare was offered before and after school to children enrolled in grades TK through 6th grade at their home school sites (except for Teach Elementary which is bussed to the nearby Pacheco Elementary school site). Families were able to register for drop-in care (paying only for the time that their child attends) which benefits more families as they only pay the cost of the care used (as opposed to a flat program rate that is a “use it or lose it”) which allows more children to be enrolled in the program due to fluctuating schedules. Programs continue to be offered in the traditional time frames: before school, middle of the day for TK and Kindergarteners, and after school. Due to continued nationwide staffing shortages and limited facility space, programs continue to manage waitlists throughout the schoolyear.

For the 2022-23 school year, San Luis Coastal Unified School District (SLCUSD) requested a new partnership from the City. Instead of the City providing childcare during the traditional TK/Kinder program hours (8:30 am to the start of their school day or release of their school day until 2:50 pm), the District used funds to pay for childcare coverage for all TK/Kinder students during this time. The District also extended the school day for Kindergarteners. This request has resulted in a Memorandum of Understanding (MOU) with the District to pay directly for the costs of children attending during these program times.



Day Camp Field Trip

Summer and School Break Care: In 2023, Summer camp programming shifted again due to the school district's change in summer programming. The City provided two camp options: its traditional summer camp program, (Ultimate Day Camp, UDC) and a summer school option in partnership with SLCUSD (Summer Fun Day Camp, SFDC). UDC included seven weeks of full-day camp for about 75 children including field trips, swim trips, and special events on-site. Staff coordinated field trips to locations throughout the City and County, including Mustang Waterslides, Mustang Lanes, Avila Beach, Morro Bay, Meadow Park, SLO Swim Center and Sinsheimer Park. Since the pandemic began, City transit and local buses have not been available for summer camp. The program was required to pay more for an outside charter bus to allow children to participate in the traditional field trip offering, including twice a week trips to the SLO Swim Center. Numbers for this package-price program decreased in 2023 and numbers in the District's free summer school program increased. For SFDC, numbers increased as the City partnered with SLCUSD to provide before and after summer school care at two school sites. While this program was free for the children, the District paid the City directly for the services using ELOP funds, with closed to 250 children participating at two sites.

Other programs during the school year included: two Teacher Workday Camps, a week-long Spring Break Camp for school-aged youth, increased care hours during the district's early release days, as well as numerous onsite special events. The Division also held its second annual "Family Fest" in the winter where families made gingerbread houses and could participate in a silent auction for items donated by local businesses, with all proceeds going to Youth Scholarships.

Subsidized Childcare: The City continues to work with Community Action Partnership (CAPSLO) and Childcare Resource Connection to provide subsidized care for children. This means that children who are qualified through CAPSLO are allowed to attend childcare without paying and the City applies to CAPSLO for reimbursement (unlike all other attendees who are required to pay prior to attendance). In 2023, 62 children were subsidized through CAPSLO. The Youth Services division also manages a registration scholarship program. Finances are provided from the Director's annual \$7,500 allotment, along with grant money that City staff has applied for and received. In 2023, 15 children received a total of \$4,050 in scholarship funding. Due to the administrative time that these subsidy programs require, the City employs staff who oversees this process along with other job requirements.

Childcare Staff: All Youth Services programs are made possible with the work of up to 70 supplemental staff, ranging from entry level Childcare Aidesides to Childcare Head Teachers and full time Site Directors. Staff turnover since Fall 2022 has resulted in 43 part-time staff hired during the year and 40 staff separations. Each time a supplemental staff is onboarded, the Youth Services Administrative team and Parks and Recreation administrative staff spend a total of 60 hours per employee in onboarding and training.

Staff are provided ongoing instruction to ensure programs are consistent with Department and State Licensing standards. Topics include Positive Guidance, Safety and Accountability, Mandated Child Abuse Reporting, and Pediatric CPR/First Aid. In addition to supplemental staff, each school site is supervised by a Site Director who is responsible for up to 150 children throughout the day,

ensuring state licensing compliance and staff oversight. Due to current staff shortages, all Site Directors, along with full-time positions such as Program Assistant, Recreation Coordinator, and Recreation Supervisor are providing direct care to the children.

Volunteers & Training

With a new City-wide Volunteer Coordinator hired in January of 2023, the Department worked on building back a community volunteer base that was lost during the pandemic, setting eyes on building a strong programmatic foundation and system infrastructure. Volunteers support the advancement of City projects and Major City Goals, working alongside staff on a regular basis or for single-day events. Community members and



Volunteers at the Emerson Park Garden Work Day

affiliate partners volunteered for Ranger Service workdays, community garden service days, creek and park cleanups, and at Parks and Recreation annual family-fun events like September Scramble, Leprechaun Lost and Boo Bash. Partnerships between the City and Cal Poly, Cuesta, local non-profits, and faith-based organizations continued to strengthen with broader volunteer engagement. To support volunteer activity, the Department launched the first-ever volunteer portal *Engage SLO* attached to the City's main website that enables the public to view and respond to volunteer opportunities and log hours – as an individual or a group. On the backend, staff are provided the opportunity to learn a new content management system, run easy and accurate volunteer reports, and market and manage volunteer opportunities with the City. The system has increased staff's ability to recruit, retain, and sustain a skilled and known volunteer base to deploy for future needs. In 2023, 107 new volunteers enrolled into the system, for a total of 130 volunteers. Hours began to be tracked in July of 2023 with the new system and in the six-month period, almost 2,000 hours of service were tracked.

Parks and Recreation staff continue to promote a culture that values staff development and progress. Staff are encouraged to participate in training opportunities both in the area and out-of-area.

Open Space Maintenance

Ranger Service had an exciting 2023 with creating new trails and continued to provide educational and recreational opportunities to the community of San Luis Obispo. The City's 4,050 acres of designated open space and 66+ miles of trails is designed to provide access for a variety of abilities and experiences including rugged hiking trails, challenging mountain biking, and scenic pathways within minutes of community residences and businesses.



Parks & Recreation Department Ranger Service

The City's Ranger Service staffing model continued to evolve with the approval for a pilot skill-based pay format for the FTE positions. Ranger Service led monthly educational hikes through different City open spaces, held 55 workdays, and promoted Wilderness Wednesdays via social media to engage and educate our community, as well as conducted three Junior Ranger Camps this year. In 2023, a total of 1,250 hours were devoted to public education focusing on conservation and local history of the flora and fauna specific to each open space properties. Dedicated community volunteers worked hand in hand with Ranger staff in trail maintenance projects at Bishop Peak, Irish Hills within the City's open space trail network.

The popular Winter Evening Access (WEA) Program at Cerro San Luis Natural Reserve which allows for extended evening hours of use for passive recreational purposes along approximately 4.9 miles of City managed trails during the winter months (November – March) when daylight savings time is not in effect. During these time periods, public use is extended to one hour before sunrise and until 8:30 PM. During daylight savings time, the hours of use for the public return to one hour before sunrise through one hour after sunset. Nighttime use is by permit only and limited to 65 people per evening based on prior conservation review. The free permits for biking and hiking are allowed up to 1-week before and available through the City website. Ranger staff are present at the trailhead, checking permits and educating the public during the Winter Evening Access program.

North Broad Street Neighborhood Park

The long-awaited park project was approved for construction financing in the fall of 2023 and broke ground in December 2023. As the original location served as a community garden, the new park project incorporates a portion of the park to remain to be used as a community garden. The project will include 18 garden plots (6 that are ADA accessible), playground that includes a rope net climber, seating tables, walking paths with lighting, shade structure, and grass areas. The project is anticipated to be completed in late spring 2024.



Orcutt Area Parks (Righetti Park System)

In July 2021, City Council approved the development of a multi-park system as part of the Orcutt Area Specific Plan, specifically within the Righetti Ranch Neighborhood. The design process continued throughout 2023 for the comprehensive three-park system with an in-person community workshop held in April accompanied with a community wide on-line survey. The Parks and Recreation Commission approved the final concept plans in summer, along with Staff working directly with RRM Design on the construction documents. It is anticipated that the final construction documents will be completed in late spring 2024. The proposed parks in this area include a comprehensive community park, a linear park, a pocket park, as well as a formal trail junction. The recreation amenities of the parks are in support of the Parks and Recreation Blueprint for the Future (General Plan and Element), including pickleball and tennis courts, basketball courts, multi-age playground, restrooms, athletic turf fields, a dog park, bike park, and community gardens.



SLO Swim Center

In 2023, the popular SLO Swim Center continued to provide a range of community focused aquatic opportunities including lap swimming, recreational swimming, group and private swim lessons for all ages, aquatic fitness classes, SCUBA, and a variety of programs specifically for the warm water pool. In Summer 2023, the Swim Center offered extended recreational swim times, as well as the popular Super Rec Saturdays in July and August. The Super Rec Saturdays featured the inflatable obstacle course, family focused themed activities with attendance for each Super Rec Saturday averaging between 500 and 800 persons. Additionally, this summer staff partnered with the SLO Seahawks to operate a snack bar during each event. . While the Swim Center continues to experience a lifeguard staffing shortage based on a nation-wide lifeguard shortage, management were able to hire and train just enough staff to minimize program and facility reductions with only a couple weeks in October being impacted by reduced program hours. Recruitment and retention efforts were expanded to traditional hours of operation for Spring and Summer. The SLO Swim Center currently serves as the lifeguard training hub for the county of San Luis Obispo as the Aquatic Coordinator is the regional Instructor Trainer for the Red Cross courses. This is a prestigious luxury for a City staff member to have this level of certification and allows the SLO Swim Center to be a focal point for water safety within our region. .



Super Rec Saturdays

Laguna Lake Golf Course

The Laguna Lake Golf Course (LLGC) provides affordable annual programs and services on a seven days per week schedule. The general maintenance and operations of the golf course continued to be severely impacted from aging irrigation requiring additional maintenance resources and facility impacts, as well as increased water costs. The Pro Shop facility remained closed due to major flooding from a significant winter storm in December 2021. Golf Operations continues to take place in a temporary on-site trailer to support golf reservations, rentals, and merchandise sales. During 2023, the Pro Shop facility was mitigated for mold and staff are in the process of creating an RFP for an architectural contracting service for internal design with a forecast for the project to be complete in 2025.



Laguna Lake Golf Course Concessionaire

The winter 2023 storms impacted the golf course with a total of 53 closure dates during January and March. The storms created a significant safety hazard for the pedestrian wooden bridge due to the creek embankments being compromised. The bridge connects holes 1 and 2. Staff were able to modify the course to provide alternate access to resume play for golfers. Staff continue to implement community programming at the golf course, including driving range and pitching area upgrades, golf lessons, middle school classes, Cal Poly kinesiology classes, free youth golf clinics, as well as hosting special events such as September Scramble and a cross country youth competition.

Public Art Program

The City Public Art Program plays a key role within our community and supports the Major City Goals of Diversity, Equity, and Inclusion (DEI) and Economic Development. In 2023, the Public Art program continued to thrive through collaborations with local community groups such as the San Luis Obispo Museum of Art, SLO Arts Council, and local artists. An updated community partnership agreement was established for an additional two-year contract with San Luis Obispo Museum of Art (SLOMA) for art installations throughout Downtown and for major CIP projects such as the new roadway roundabouts.



General Plan Annual Report 2023

In April of 2023, SLOMA staff worked with City staff for the year-long installation of Adam Parker Smith's "David" in the Mission Plaza lawn area. This sculpture features a rendition of Gian Lorenzo Bernini's 17th century sculpture of David.

With continued commercial and residential development, City staff supported developers with public art installations as required by the Public Art Master Plan, managing art juries and giving feedback to the Community Development Director. City Staff also worked with local contractors



and artists to repair the "Ironroad Pioneers" sculpture located in the Railroad district. In addition to maintenance and installation, staff updated the online inventory and created a web application to map and story-tell about City-owned artwork resulting in an "art walk" program.

Conclusion

The City's General Plan guides the use and protection of the City's various resources to meet community purposes. The General Plan reflects consensus and compromise among a wide diversity of citizens' preferences within a framework set by state law. The General Plan is published in separately adopted elements, each containing its own policies and programs. The 2023 General Plan Annual Report summarizes progress made in 2023 for major programs specified in the elements of the General Plan.

One outcome of an annual report is the evaluation of whether actions that have occurred indicate a change in the general vision of the community that requires a more comprehensive update of the General Plan. Substantial progress was made by the City in 2023 related to implementation efforts of key General Plan elements. These efforts were taken in pursuit of the City Council's Major City Goals for FY 2023-2025 as described on page 3. City staff will continue to implement goals and objectives related to; Economic Recovery, Resiliency and Fiscal Sustainability; Diversity, Equity, and Inclusion; Housing and Homelessness; and Climate Action, Open Space, and Sustainable Transportation. Progress on implementation of these goals and objectives will be further reported on in the 2024 General Plan Annual Report.