4.0 Environmental Analysis

This chapter examines the potential environmental impacts of the Project. Each issue area analyzed in this chapter provides background information and describes the environmental setting (baseline conditions) to help the reader understand the underlying conditions against which an impact is evaluated. In addition, each section describes how an impact on those underlying conditions is determined "significant" or "less than significant." Finally, the individual sections recommend mitigation measures to reduce significant impacts. Throughout this chapter, impacts are identified with a letter-number designation (e.g., impact BIO.1, impact AE.3). Corresponding mitigation measures are connected numerically to their impacts (e.g., BIO-1a and AE-3a).

This environmental impact report (EIR) includes many references that have been abbreviated to acronyms. A list of acronyms is included following the Table of Contents, as well as in Appendix L.

Assessment Methodology

The analysis of each issue area begins with an examination of the existing physical setting (baseline conditions as determined pursuant to Section 15125(a) of the California Environmental Quality Act [CEQA] Guidelines) that may be affected by the Project. The effects of the Project are defined as changes to the environmental setting attributable to Project components or operation.

Significance criteria are identified for each environmental issue area. The significance criteria serve as benchmarks for determining if a component action will result in a significant adverse environmental impact when evaluated against the baseline. According to Section 15382 of the CEQA Guidelines, a significant effect on the environment means "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project."

Proposed Project Impact Analysis

Based upon the Notice of Preparation (NOP) and scoping comments, 15 issue/resource areas were identified where potentially significant impacts could occur from the Project. The impact analysis for each of these issue areas is provided in the following subsections of Chapter 4. The analysis of each issue area has defined the study area for purposes of the impact analysis. In most cases, the study area is the region that is in the vicinity of the Project.

For each identified impact, the following framework was used:

- Impact Discussion;
- Mitigation Measures; and
- Residual Impacts

The residual impact is the impact classification after any mitigation has been applied. If an impact is found to be *less than significant* then the residual impact would remain *less than*

significant with or without mitigation. All residual impacts identified in this document have been classified according to the following criteria:

Class I - Significant and Unmitigable: Significant adverse impacts that cannot be effectively mitigated. No measures can be taken to avoid or reduce these adverse effects to insignificant or negligible levels.

Class II – Less Than Significant with Mitigation: These impacts are potentially similar in significance to those of Class I impacts, but can be eliminated or reduced below an issue area's significance criteria threshold by the implementation of mitigation measures.

Class III – Less Than Significant: An adverse impact that does not meet or exceed an issue's significance criteria threshold. Generally, no mitigation measures are required for such impacts, although they may still be recommended should the lead or responsible agency deem it appropriate to reduce the impact to the maximum extent feasible.

Class IV - Beneficial: Effects are beneficial to the environment.

If the impact remains at or above the pertinent significance criteria after mitigation is applied, it is deemed to be *significant and unavoidable, Class I*. If a "significant impact" is reduced, based on compliance with mitigation, to a level below the pertinent significance criteria, it is determined to no longer have a significant effect on the environment (i.e., to be *less than significant with mitigation, Class II*). If an action creates an adverse impact above the baseline condition, but such impact does not meet or exceed the pertinent significance criteria, it is determined to be *less than significant, Class III*. An action that provides an improvement to an environmental issue area in comparison to the baseline information is recognized as a *beneficial* impact, *Class IV*.

Formulation of Mitigation Measures and Mitigation Monitoring Program

When significant impacts are identified, feasible mitigation measures are formulated to eliminate or reduce the severity of the impacts and focus on the protection of sensitive resources. The effectiveness of a mitigation measure is subsequently determined by evaluating the impact remaining after its application. The impacts remaining after mitigation are considered residual impacts. The residual impacts can be either *significant* or *less than significant*. Implementation of more than one mitigation measure may be needed to reduce an impact below a level of significance. The mitigation measures recommended in this document are identified in the impact sections and presented in a Mitigation Monitoring Plan, provided as Appendix K to the EIR.

Measures that have been incorporated as part of an Applicant's Project design are considered design features and are not considered as mitigation measures under CEQA. If they eliminate or reduce a potentially significant impact to a level below the significance criteria, they eliminate the potential for that significant impact since the "measure" is a component of the action. However, if the Project is approved, the Applicant-proposed measures would be part of the conditions of approval.

Public Resources Code Section 21081.6 establishes two distinct requirements for agencies involved in the CEQA process. Subdivisions (a) and (b) of the section relate to mitigation monitoring and reporting, and the obligation to mitigate significant effects where possible.

Pursuant to subdivision (a), whenever a public agency completes an EIR and makes a finding pursuant to Section 21081(a) of the Public Resources Code taking responsibility for mitigation identified in the EIR, the agency must adopt a program of monitoring or reporting which will ensure that mitigation measures are complied with during implementation of an approved project.

The City of San Luis Obispo (City) and San Luis Obispo County (County) will be responsible for monitoring of the mitigation measures adopted pursuant to this EIR. One important step in monitoring is defining the responsibility of the Applicant to support this process. Mitigation Measure EM-1 defines this process, and is required to support all other mitigation measures and Applicant-proposed measures defined in this EIR.

EM-1 Prior to issuance of construction permits, the Applicant shall enter into agreements with the City and County to provide funding for an environmental monitor to ensure compliance with each Agency's environmental Conditions of Approval and EIR mitigation measures. The monitor shall assist the Agencies in condition compliance and mitigation monitoring for all applicable construction and operational stages of the Project, as specified in a scope of work, as approved by the Agencies.

The monitoring plan shall include a post-construction program to monitor measures that extend beyond the construction period (e.g., success of revegetation and landscaping, etc.), as well as monitor certain mitigation measures required during the operational phase.

The monitor will prepare a working monitoring plan that reflects the Agencies -approved environmental mitigation measures/conditions of approval. This plan will include:

1. *goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations;*
2. *lines of communication and reporting methods;*
3. *daily and weekly reporting of compliance;*
4. *construction crew training regarding environmental sensitivities;*
5. *authority to stop work; and*
6. *action to be taken in the event of non-compliance.*

The environmental monitor shall be under contract to the Agencies. Costs of the monitor, and any Agency administrative fees, shall be paid by the Applicant.

The Applicant shall also be responsible for funding work required by mitigation measures requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The Agencies' environmental monitor will coordinate the monitoring efforts of the specialist, including communication with the Agencies, reporting and availability (at appropriate times: prior to issuance of construction permits, or during construction, as required by individual mitigation measures presented in Sections 4.1 through 4.15).

Cumulative Projects Impact Analysis

Each issue area in this chapter includes a cumulative impact analysis, which identifies the potential impacts of the Project that might not be significant when considered alone, but that might contribute to a significant impact in conjunction with the other cumulative projects. The list and description of cumulative projects is included in Chapter 3.0, Cumulative Projects.

CEQA Issues Associated with Remediation Projects

Analyses included in an EIR typically focus on impacts associated with the construction and operation of new development projects, or on regional development plans that evaluate future growth impacts in a municipality. Since a remedial project is very different from a typical development project, the need to prepare an EIR raises some difficult questions about how the analysis should be conducted with regard to the evaluation of impacts (e.g., treatment of existing site contamination).

EIR preparation for remedial projects is complicated by the fact that impacts to the environment have already occurred. However, under the strictest interpretation of CEQA, the potential impacts to be evaluated in the EIR should only include impacts associated with the construction and operation of the remediation and development project itself. Thus, two types of impacts do not fall under the strictly interpreted scope of CEQA, (1) any impacts that have already occurred from the contamination; and (2) impacts associated with the remaining contamination after remediation that would not affect the proposed development. Therefore, impacts that have already occurred at the Project Site as a result of previous site contamination have not been evaluated in this EIR.

The CEQA Guidelines, Section 15125 states:

> *"An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project from both a local and regional perspective."*

Since the contamination at the Project Site is pre-existing, it has been included in the environmental baseline. The evaluation of impacts and damages which have occurred as a result of the contamination are handled by other regulatory processes rather than an EIR.

The EIR has addressed the potential impacts of the remaining contamination after remediation on the proposed development for both the City and County Development Plans, since the proposed development is an addition to the existing baseline. However, the EIR does not address the potential effect of the remaining contamination on areas of the Project Site where no development is proposed since this would remain the same or less than the baseline conditions.

Finally, it is not the role of this EIR to establish cleanup levels for the Project Site. Ultimately, it will be the responsibility of the Regional Water Quality Control Board (RWQCB) and other resource agencies such as California Department of Fish and Wildlife (CDFW) to establish cleanup levels for the Project Site, based upon the type of approved development, and the protection of ecological resources. Cleanup levels will be established as part of their approval process for the Remedial Action Plan (RAP). A copy of the RAP is provided in Appendix A.1.