



Air Pollution Control District
San Luis Obispo County

Via Email

December 23, 2019

Shawna Scott
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SUBJECT: APCD Comments Regarding the DEIR Froom Ranch Specific Plan Project
(SPEC 0143-2017)

Dear Ms. Scott:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 12165 and 12193 Los Osos Valley Road in San Luis Obispo.

The proposed Froom Ranch Specific Plan (FRSP) consists of two main components - the Villaggio Life Plan Community and Madonna Froom Ranch, which are anticipated to be constructed in phases. The Villaggio Life Plan Community (Villaggio) consists of a 70.4-acre gated senior residential community (residents must be 60+ years of age), which would be located in the central and southern portions of the FRSP. The Madonna Froom Ranch would consist of multi-family residential, retail commercial uses, and a public park within 39.3 acres of the northern and eastern portions of the FRSP area. The specifics of the project include:

- 404 senior housing units that would include 51 beds for memory care and skilled nursing;
- 174 units of multi-family residential;
- 100,000 square feet (2.3 acres) of commercial that would include approximately 70,000 sf of hotel use with up to 120 rooms and 30,000 sf of retail and office uses;
- 59 acres of open space/conservation; and
- 2.9 acres public park.

Additionally, the proposed Project includes a request for a General Plan Amendment to allow development above the 150-foot elevation, which is currently prohibited by Land Use Element Policy 6.4.7(H), Hillside Planning Areas. Improvements associated with the FRSP would include, but not be limited to, the realignment and restoration of Froom Creek, construction of a stormwater basin within a 7.1-acre easement adjacent to the FRSP area,

widening of Los Osos Valley Road, a new transit stop, signalization of the Los Osos Valley Road and Auto Park Way intersection. It is estimated that the Project would require approximately 160,000 cubic yards of cut, 378,000 cubic yards of fill, and 2,300 cubic yards of rock/aggregate import.

The following comments are formatted into 2 sections – **(1) General Comments** and **(2) Air Quality and Greenhouse Gas Emission Impacts**. Comments pertain to information stated in Section 3.3 Air Quality and Greenhouse Gas Emissions of the Draft Environmental Impact Report (DEIR). The **lead agency** may contact the APCD Planning Division for questions and comments related to the sections outlined below at 805-781-5912.

(1) General Comments

APCD Discretionary Authority

Throughout the “Plan Requirements and Timing” and “Monitoring” sections in the DEIR, it is stated that the APCD will review and approve specific elements of the project. The APCD would like to clarify our discretionary authority and state that the APCD has the authority to approve:

- APCD Authority to Construct & Permit to Operate (slocleanair.org/library/download-forms.php)
 - Permit categories that may require an APCD permit include dry cleaning, stationary engines, standby or backup generators, winery, cannabis etc.
 - Permits for hazardous material clean-up associated with site preparation, such as hydrocarbon contaminated soil.
- Asbestos Regulatory Requirements (slocleanair.org/rules-regulations/asbestos.php)
 - Demolition/renovation activities need to comply with the National Emission Standards for Hazardous Air Pollutants (NESHAP) requirement (40 CFR 61 Subpart M).
 - Grading or other groundbreaking activities need to comply with naturally occurring asbestos (NOA) requirements (CCR Title 17 93105 and 93106).

The APCD plans to consult with the lead agency to discuss the Construction Activity Management Plan (CAMP; MM AQ-1) and off-site mitigation (MM AQ-3) to determine if APCD standards are met. The lead agency is the final approval body for all elements that the APCD does not have discretionary authority over.

Development Outside Urban Reserve Lines

To be consistent with the APCD’s Clean Air Plan Land Use Management Strategy 1 – *Planning Compact Communities*, urban growth should occur within the Urban Reserve Lines of cities. The APCD recommends that areas outside the urban reserve lines (URL) be retained as open space, agriculture, and very low-density residential development. The proposed project is adjacent to the URL for the city of San Luis Obispo (City). If approved, the project would annex the land into the City’s URL. The APCD does not support annexations and development outside URLs as development outside urban core centers leads to an increase in air quality impacts due to potential longer commuting distances and increase of motor vehicle use.

However, if approved, this project has the potential to free up residential homes in the City as aging seniors move to the development's senior units. By increasing the available housing stock, those working in the City may have a greater opportunity to live in the City. This may decrease commute distances thus reducing emissions. However, the potential for emission reductions would only be achieved if existing residents of the City are granted access to the senior units first. Similar to the strategy developed for the San Luis Ranch development, the APCD would support a strategy to ensure residents who are already living in the City are given the first opportunity to live in the senior units.

(2) Section 3.3 Air Quality and Greenhouse Gas Emission Impacts

Impact AQ-1 The Project would result in potentially significant construction-related emissions, including dust and air pollutant emissions (Less than Significant with Mitigation) (pg. 3.3-27).

Construction Phase Impacts - Exceeds Threshold(s)

On page 3.3-28 & 29 of the DEIR, it states construction phase emission estimates were calculated using the most recent CalEEMod computer model and that they would exceed the following APCD construction emission threshold(s) identified in Table 2-1 of the [CEQA Air Quality Handbook](#) (April 2012):

- Daily ROG + NOx
- Annual Tier 1 ROG + NOx
- Annual Tier 2 ROG + NOx

To mitigate these significant impacts, the DEIR states three mitigation measures on pages 3.3 - 29 through 34. These measures include the APCD's language for a Construction Activity Management Plan (MM AQ-1) that includes but is not limited to (1) Fugitive Dust: Long List, (2) Best Available Control Technology, (3) Standard Construction Mitigation Measures for Construction Equipment. Additionally, (MM AQ-2) includes language to reduce ROG + NOx levels during the architectural coating phase and (MM AQ-3) states an offsite mitigation strategy shall be developed. These measures are consistent with the APCD's analysis of the proposed project and the APCD supports the inclusion of these measures in the conditions of approval for the construction phase.

Impact AQ-2 The Project would result in potentially significant long-term operational emissions (Significant and Unavoidable) (pg. 3.3-35).

Operational Phase Impacts - Exceeds Threshold

On page 3.3-35 & 36 of the DEIR, it states construction phase emission estimates were calculated using the most recent CalEEMod computer model and that they would exceed the following APCD construction emission threshold(s) identified in Table 2-1 of the [CEQA Air Quality Handbook](#) (April 2012):

- Daily ROG + NOx

To mitigate these significant impacts, the DEIR states one mitigation (MM AQ-4) on page 3.3 - 36 through 45. This mitigation states all feasible measures from Table 3-5 in the APCD's CEQA Air Quality Handbook. Table 3.3-9 in the DEIR states many of measures from Table 3-5 would be

implemented into the project by amending the Draft FRSP. The measures broadly discuss how the FRSP would be amended. Many of the stated measures from Table 3-5 are derived from the APCD's Clean Air Plan Land Use Strategies and Transportation Control Measures discussed in Impact AQ-5. When amending the Draft FRSP, the applicant should pay particular attention to the "Changes Needed" column in the APCD's recommendations table found below in "Impact AQ-5".

Impact AQ-3 Release of toxic diesel emissions or naturally occurring asbestos during construction of the Project could expose sensitive receptors to emissions-related health risks (3.3-46).

Impact AQ-3 in the DEIR describes the effects of toxic diesel emissions and naturally occurring asbestos. The APCD would also like to remind the project proponents of the following which could also expose sensitive receptors to emissions-related to health risks.

Proper Abatement of Asbestos-Containing Material (ACM)

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of ACM. ACM could be encountered during the demolition or remodeling of existing structures. If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). Visit slocleanair.org/rules-regulations/asbestos.php for further information.

NESHAP requirements include but are not limited to:

- 1) Written notification to the APCD, within at least 10 business days of activities commencing.
- 2) Asbestos survey report conducted by a Certified Asbestos Consultant.
- 3) Written work plan addressing asbestos handling procedures in order to prevent visible emissions.

Proper Abatement of Lead-Based Coated Structures

Demolition, remodeling, sandblasting, or removal with a heat gun can result in the release of lead-containing particles from the site. Proper abatement of lead-based paint must be performed to prevent the release of lead particles from the site. An APCD permit is required for sandblasting operations. For additional information regarding lead abatement, contact the San Luis Obispo County Environmental Health Department at 805-781-5544 or Cal-OSHA at 818-901-5403. Additional information can also be found online at epa.gov/lead.

Impact AQ-4 The Project would be consistent with the City's Climate Action Plan but would result in potentially significant GHG emissions during construction and operation (Less than Significant with Mitigation) (pg. 3.3-49).

The APCD acknowledges the stated strategy on page 3.3-52 of the DEIR for addressing SB 32 consistency. The APCD is working to develop GHG impact and mitigation guidance for local projects and plans to demonstrate consistency with state emission reduction targets. Until this guidance is complete, please note that in the Newhall Ranch case, the Supreme Court identified that compliance with a local qualified Climate Action Plan (CAP) is a potentially acceptable method for meeting CEQA requirements. Guidance from the Sacramento Metropolitan Air Quality Management District states:

If a jurisdiction does not have a qualified CAP, development projects may have to mitigate GHG emissions from their projects to no-net increase level, which has already been done for larger development projects¹ and is the most defensible alternative to compliance with a qualified CAP².

As stated, the APCD supports MM AQ-5 which states the FRSP will be revised to include measures necessary to reduce Project operational stationary-source GHG emissions to achieve net zero emissions, consistent with the City's 2035 net-zero GHG emissions target.

Impact AQ-5 The Project is potentially inconsistent with the SLO County APCD's 2001 Clean Air Plan (Significant and Unavoidable) (pg. 3.3-55).

Page 3.3-58 of the DEIR did not clearly state which Clean Air Plan (CAP) Transportation Control Measures (TCMs) and Land Use Strategies are or are not consistent with the project. The APCD analyzed the project and found that the following measures and strategies are not properly implemented into the project and that MM TRANS 5, 8, 9 & 10 are not enough to mitigate the inconsistency. The following table outlines what the project would need to do so all applicable land use strategies and TCMs are included in the plan.

CAP TCM or Land Use Strategy	APCD Analysis of TCMs or Land Use Strategies	Changes Needed
T-2A <i>Local Transit System Improvements</i>	The focus of this measure is on improving local transit service and infrastructure to increase ridership by enhancing the convenience and overall viability of the system. While Policy 5.6.1 of the FRSP requires provision and/or enhancement of existing City bus Routes, the APCD would support an amendment to include an actional objective to ensure construction of the bus stop.	In collaboration with the City and SLOCOG, the APCD recommends that the project include a new bus stop along LOVR directly in front of Madonna Froom Ranch. The bus stop should be designed as a pull-out bus stop. Pedestrian access should be included from the Madonna Froom Ranch residential areas to the bus stop. This bus stop should be implemented during the first phase development.
T-3 <i>Bicycling and Bikeway enhancements</i>	Although MM TRANS 5, 8, 9 & 10 will improve the surrounding bikeways, the project's site design is not conducive to bicycle riding and the project does not have adequate external connectivity.	To be consistent with this TCM and support SLOCOG's Sustainable Communities Strategy, the emergency access roadways and points should be amended as secondary access roadways and there should be public access to Calle Joaquin.

¹ Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan: Final Additional Environmental Analysis. California Department of Fish and Wildlife SCH No. 2000011025, 12 June 2017.

² "Final White Paper Beyond 2020 And Newhall: A Field Guide To New CEQA Greenhouse Gas Thresholds And Climate Action Plan Targets For California." Association of Environmental Professionals, 18 October 2016, https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.

<p>T-6 <i>Traffic Flow Improvements</i></p>	<p>The goal of this measure is to improve the road system and infrastructure in a way that increases its efficiency and reduces emissions. MM Trans-1 states some strategies to alleviate traffic impacts but this may not be sufficient to avoid traffic congestion. Additionally, in collaboration with Caltrans, the APCD has concerns regarding the analysis and mitigations put forth in the Traffic Study prepared for the FRSP. Specific areas of concern include the Trip Generation rates depicted in Table 3.1-43, the analysis of the AB 1600 Impact Fee Program, and the use of outdated baseline traffic volumes.</p>	<p>To ensure traffic impacts are properly analyzed, the APCD recommends the applicant work with Caltrans and revise the Traffic Study to properly analyze impacts and identify appropriate mitigation. In addition to MM Trans-1, the APCD recommends working with SLO Regional Rideshare to develop a TDM Plan for the project. This plan would:</p> <ul style="list-style-type: none"> • Recommend strategies to reduce traffic impacts generated by construction activities. • Recommend strategies to reduce single-occupancy vehicle trips made by new residents and employees. • Establish a measured baseline of vehicle trips from which reductions shall be determined at the time of the future trip generation analyses. • Identify a point of contact to coordinate plan implementation.
<p>L-1 <i>Planning Compact Communities</i></p>	<p>Policies stated in L-1 indicate the project should:</p> <ol style="list-style-type: none"> 1. Be developed at higher densities, 2. Urban growth should occur within urban reserve lines, and 3. Neighborhoods should be planned to allow for convenient access for local and regional transit systems. <p>While the project proposes higher density land uses, the "Upper Terrace" development is disconnected from the core of the development along with the upper portion of Madonna Froom Ranch. Also, the APCD does not support annexations but rather supports</p>	<p>The APCD supports the Alternative 1 - Clustered Development Below the 150-Foot Elevation, which is an <i>actionable alternative</i>. This alternative would cluster the "Upper Terrace" and upper portion of the Madonna Froom Ranch into the core of the development. Additionally, the planned emergency access roads and points should be amended as secondary access roadways to allow greater convenience and access to local and regional transit systems.</p>

	densifying inside existing urban reserve lines.	
L-2 <i>Providing for Mixed Land Use</i>	<p>Policies stated in L-2 indicate the project should:</p> <ol style="list-style-type: none"> 1. Mix compatible commercial and residential land uses to reduce dependence on the automobile <p>The project includes a small commercial/retail area in which 70,000 square feet would be designated as a hotel with restaurant and 30,000 square feet for retail and office space. The majority of the commercial use would be a hotel, which would not reduce automobile trips of residents living in the development.</p>	<p>The proponents of the project should consider essential services needed for the future residents. By doing this, automobile trips from the development would be reduced because residents would be able to walk to essential services. Essential services may include an affordable childcare facility which would support mitigation measure 23 in Table 3.3-9 in the DEIR.</p>
L-4 <i>Circulation Management</i>	<p>Policies stated in L-4 indicate the project should:</p> <ol style="list-style-type: none"> 1. Encourage walking by including safe and interconnected street system 2. Develop pedestrian- and bicycle-friendly design standards <p>The project does not have an interconnected street system. The design includes multiple dead-end streets. Because of this, and that the "Upper Terrace" is unnecessarily far from the only entrance/exit, the design is not friendly to pedestrians or bicycle riders. Additionally, the project is adjacent to the Irish Hill Shopping Center but there is no proposed connection to the Center.</p>	<p>The street system within the project should be interconnected and there should not be dead-end streets. Additionally, the project should be connected with the surrounding street system, which includes amending the planned emergency access roads and points as secondary access roadways. Additionally, there should be public access to Calle Joaquin. Finally, the removable bollards should be replaced with connectivity to the Irish Hills Shopping Center.</p>

Again, thank you for the opportunity to comment on this proposal.

Sincerely,



JACQUELINE MANSOOR
Air Quality Specialist

JNM/jjh

cc: John Madonna, Owner
Dan Gira, Agent
Tim Fuhs, APCD
Carrisa Reynolds, APCD