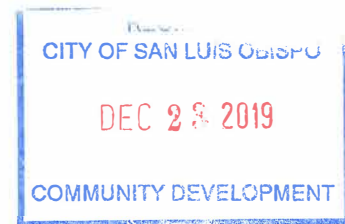




CALIFORNIA  
NATIVE PLANT SOCIETY



December 23, 2019

Ms. Shawna Scott, Senior Planner  
City of San Luis Obispo  
990 Palm Street  
San Luis Obispo, CA. 93401

RE: Response to Draft Environmental Impact Report (DEIR) on the Proposed Froom Ranch Specific Plan at Calle Joaquin and Los Osos Valley Road, San Luis Obispo.

Dear Ms. Scott:

The San Luis Obispo County Chapter of the California Native Plant Society wishes to respond to the above captioned Draft Environmental Impact Report (DEIR) for the proposed Froom Ranch Specific Plan at Calle Joaquin and Los Osos Valley Road in the City of San Luis Obispo.

On the whole we find the DEIR to be thorough and incisive, speaking very strongly to changes in the project to reduce its environmental impacts. In some areas, however, we are unclear about mitigation measures and their effects, and in one instance (the agricultural conservation easement) we believe the DEIR overlooked some very important information.

We note that the project sponsors have publicly announced that they are no longer seeking to develop that part of the Villaggio complex that would lie above the 150 foot elevation, at the so-called "terrace". We welcome this change; it will significantly reduce the environmental impact of the project and presumably reduce mitigation requirements and other costs. However, we continue to have significant concerns about other aspects of this project and offer the following comments on the DEIR.

***Remaining development above the 150 foot level.*** The City's General Plan requires that new development in the Irish Hills stay below the 150 foot elevation line. The original project proposal ignored that restriction and proposed extension well above that line in two areas of the property. Again we note that the project sponsors have eliminated development above that elevation at the plateau or "terrace". However, the project still proposes to go above that elevation at an area which has been referred to as the quarry or storage area.

The fact that the storage area is currently of limited natural resource value, or that it was once a quarry, is irrelevant to City planning. The site can be easily converted to park use, as a trailhead and neighborhood park, and as a superior location for an historic park preserving the historic buildings of the Froom Ranch. Public use such as this is a justification for development above the 150 foot elevation in that location, while a private apartment complex that can just as easily be developed below that elevation, is not. Such action is recommended in the DEIR. Even if it is determined that the historic district be located closer to LOVR, it is still desirable that the

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neighborhood park and trailhead be located next to the Irish Hills Natural Reserve, from which point numerous trails into the Reserve diverge. This site also provides an excellent opportunity to reestablish a natural creek bank and possibly actual water flow by judicious and limited excavation of the flood plain of Froom Creek as a part of the park.

It must be remembered that the City Council required an “actionable alternative” to the proposal that was before them in July 2016. This “actionable alternative” was to respect the environmental protection policies in the General Plan, particularly by restricting all development below the 150 foot elevation line. This alternative by definition would be the “environmentally superior” alternative.

***Agricultural Impact.*** Although current agricultural use of the Froom Ranch is limited, the DEIR appears to have overlooked the importance of a 7.1 acre agricultural easement on at the southeastern portion of the site. This easement was created in 2010 to meet requirements of the Local Agency Formation Commission (LAFCO) for the annexation of the property now occupied by the Target store. The easement, though voluntary, is subject to the requirements of Division 10.2, Chapter 6, Sections 10270 through 10277 of the Public Resources Code, which governs adjustment and termination of conservation easements. We note that certain lands are proposed to be added to the easement area to maintain the acreage at 7.1 acres; our concern is with the 1.6 acres which are proposed to be removed from the easement for a radically different purpose, at the request of the owner of the burdened property. Conservation easements are intended to be permanent; therefore, any such removal can be of tremendous value to the property owner, and as such proper compensation is due to the City of San Luis Obispo. This action could set a dangerous precedent; one that calls into question the City’s commitment to such conservation easements, and it may tempt other property owners to seek adjustments to their easements for similar purposes. That could result in a significant environmental impact.

***Loss of Wetland Habitat in the Existing Detention Basins.*** The existing drainage basins detaining storm flows from Irish Hills Plaza are proposed to be removed and replaced with a different, single basin further downstream. The existing basins were established some years ago and they have become an attractive habitat in their own right.

We have included two photos of the basins taken from the hill about ¼ mile away. One photo was taken in May 2016, the other in December 2019. The May 2016 photo shows that the existing basin can retain water for a long time, as well as allowing the development of wetland vegetation. This has created a simple but attractive and functional wildlife habitat.

It is not at all certain that the ecological functions that have developed in those basins will be recreated in the new downstream site. This is because the downstream basin is tied into Froom Creek, and must be able to empty fairly quickly after a storm in order to be ready to handle flows from the next storm. Therefore, it is questionable whether the habitat being lost in the existing basins can be mitigated for in the new single basin. This seems to be a shortcoming in the DEIR, and calls for further analysis.

***Protection of the Oak Woodlands and the “Cove” area.*** We have taken special note of mitigation measure MM BIO-13, which calls for a large (300 foot) setback from Froom Creek and streams 1, 2, and 3 where they come together and then flow into Froom Creek. This site has been highlighted because of its role as a reliable source of water for wildlife and as a movement corridor for that wildlife. We support this mitigation measure, and call for the elimination or relocation of this small, isolated piece of the project. This action would have the additional benefit of reducing the project’s perimeter in an area particularly valuable as wildlife habitat, and which as a potential wildfire hazard that would require ongoing trimming, mowing, possible shrub and tree removal, and other management to address that hazard. This change would eliminate both of those impacts, and consolidate the open space in that area.

***Protection of Chorro Creek bog thistle stands.*** Again we appreciate the project sponsors’ stated intent to not undertake the development at the terrace area shown in the DEIR; this should leave the Chorro Creek bog thistle populations intact and free from ground disturbance that could otherwise impact them.

***Southern Steelhead and the Realignment of Froom Creek.*** We believe that discussion of using the realignment of Froom Creek as a benefit to fish, particularly the threatened southern steelhead, is problematic. This is because, in order to have a truly “steelhead-friendly” habitat, the creek must contain water—presumably flowing and cool water—all or most of the year. We do not think this can be done without excavating down far enough to intercept the local groundwater. This may in turn lower the groundwater table and negatively affect the Call Joaquin wetland. Thus, the goals of “fish-friendly” habitat and a healthy wetland may be incompatible. They are certainly not supportive of one another.

It must be pointed out that none of the smaller streams in our area which are tributary to San Luis Obispo Creek flow all year throughout their length: They are too small, have too low a “reserve” of groundwater in their upper watersheds, and flow through too long a reach of permeable alluvium to last very long into the dry season as “live” streams. This is true of Prefumo Creek, the East Fork of San Luis Obispo Creek, Dry Creek on the Johnson Ranch, and Froom Creek itself. Furthermore, on Froom Creek water flow becomes subterranean in the springtime even before leaving the canyon proper, so making it a season-long or year-long steelhead stream is not possible without grading work extending at least some distance up Froom Creek Canyon.

While we support the concept of improving Froom Creek as a fishery, we believe that it is not feasible to create anything more than a seasonal stream on the rerouted section without risking damage to the Calle Joaquin wetland by the interception and diversion of groundwater there. We therefore request that this matter be further evaluated in the DEIR.

***Establishing a Healthy Riparian Woodland on the Rerouted Froom Creek.*** This is another major challenge facing the project. We are uncertain as to the actual appearance of the rerouted creek. It sounds, however, as if the creek will have a levee, and may be armored with rock rip-rap. This has been one of our fears, and was the primary reason that we objected to the

use of the term “restoration” in regard to this effort. The DEIR needs to discuss the extent and character of the creek banks in greater detail, so that the appearance, diversity, and ecological functioning of the planted riparian woodland can be evaluated. We support the concept of a gallery forest in the designed flood plain of the creek, but we would like to see more information on species makeup, distribution, and protection during the establishment period. This was something we asked for in the NOP and have not seen. (Note: a diverse planting of riparian species was accomplished in the flood plain of Acacia Creek near Broad Street some years ago, and we would be happy to share our observations of that successful effort.)

***Widening of LOVR as Mitigation.*** This situation creates an interesting conundrum. Mitigation measure MM-TRANS-9 calls for the widening of LOVR on the western side by 35 feet to accommodate an additional lane of vehicle traffic, separated sidewalk and two-way bike path, including medians. This “mitigation” will destroy the existing willow woodland along LOVR and require mitigation for that impact in its own right. We are unsure whether this strange situation has been properly addressed in the DEIR. We believe that MM TRANS-9 is overly ambitious, wasteful of space, and lacking any real indication of need. Therefore we request that the DEIR provide more detail about the fate of this small waterway and its vegetation, as well as recommending a less intrusive “mitigation” of traffic on LOVR.

***Relationship of Froom Creek Realignment to the City of San Luis Obispo Creek Setback Ordinance.*** While we recognize that the current condition of Froom Creek is degraded, we believe that the drastic realignment of Froom Creek as proposed is inconsistent with the City’s creek setback ordinance. The creek setback ordinance itself has provisions for “exceptions” to the ordinance, but one of those provisions is that the exception should not be a grant of special privilege. We are concerned that this realignment in fact may be detrimental to the creek environment, to flooding potential in the Calle Joaquin area, and to the Calle Joaquin wetland itself through changes in the groundwater and surface water regimes. It needs to be clearly demonstrated that this realignment will truly be beneficial, and that such a huge realignment is justified and not a grant of special privilege.

Finally we remain concerned that this realignment actually converts the creek into a flood control channel, bounded by levees, which by their nature will be upland sites not conducive to the establishment of riparian vegetation and will cover and destroy the healthy existing grassland vegetation and create abundant opportunity for non-native, invasive species to establish there.

***The Froom Creek Floodplain and Potential for Flooding.*** The potential for major flooding in the project site seems to be understated in the DEIR. Dramatic photographs of several storm events emphasizing this potential are available on various local websites; we have included one from flooding in 1973. Flood protection would appear to be a tremendously important consideration, and the steps needed to protect the development and neighboring properties along Los Osos Valley Road and Calle Joaquin need to be studied and addressed. We are not reassured by the cross-sections showing the flood elevations of the project site being within 1.1 feet of the level of Calle Joaquin roadway.

We are concerned that the Calle Joaquin wetland (including the so-called “Cutoff Wetland” on the south side of Calle Joaquin) may end up being damaged or even destroyed by the hydrologic regime that is being proposed. Specifically, the realigned Froom Creek will by design overflow into the Calle Joaquin wetland; in addition, the removal of the detention basins currently detaining storm flows off of the impervious surfaces at Irish Hills Plaza will contribute directly to this redirected flow without any detention, thus greatly increasing storm flow volumes. This can have the effect of “drowning” the wetland, possibly even converting it to open water. Then, by virtue of the realigned Froom Creek channel, it is possible that the water table will be lowered, thus making the wetland drier in the summertime.

The Calle Joaquin wetland is the lowest elevation in the immediate area and we are concerned that (1) the changes in amplitude described above will alter the botanical makeup of the site, turning it (in a worst case) into an area of open water in the wintertime and a mudflat in the summer. This would constitute a significant loss of biological quality. We are further concerned that (2) the proposed replacement basin on the Mountainbrook Church property will by necessity need to empty quickly, thus creating a different character to the basin which may not be high quality wildlife habitat.

Finally, we are concerned that the Calle Joaquin wetland may not even be able to hold all the water that would be discharged into it in a major storm, and therefore the potential for local flooding may be increased. This is because the current alignment and current levee along Froom Creek bypasses the Calle Joaquin wetland; therefore the realignment will add a significant new water flow to the area because the flows out of the Froom Creek watershed, which currently bypass the Calle Joaquin wetland, will no longer do so. Also, the discharge from the Calle Joaquin wetland is limited to a single culvert under Calle Joaquin, and this may not be adequate to properly handle the larger flows.

**Groundwater Flow.** The DEIR reports that groundwater from Froom Creek is a major supplier of the water for the Calle Joaquin wetland. We have been concerned that the realignment of Froom Creek, which would swing off to the east, then cross back to the southwest to exit the project site at the same point as it does today, will possibly cut into the existing topography and may intercept groundwater flow, which will be perpendicular to the direction of the realigned creek. The project sponsors have given assurances that this is not the case, but we are not convinced of this and feel that such a claim must be independently verified. Furthermore as noted above this statement seems incompatible with other goals or objectives of the project, namely improving the stream for southern steelhead trout.

**Historic Resources.** In our comments on the NOP, we stated the following:

“The Froom Ranch buildings have been found to be of community-wide historical value by the City’s Cultural Heritage Commission, which recommended that they be retained in their current location if possible. Our view is that the retention and restoration of these buildings should not be a stand-alone effort, but rather should be done in concert with other community goals associated with this project. We do not believe that maintaining

the buildings in their current location would result in the most attractive setting for such a facility, and to the degree that they can be moved and repositioned, they should be placed in an appropriate layout at the current storage area, with the dairy barn forming one side of the replica historic site (we understand that the dairy barn cannot be moved). An existing berm provides visual and noise separation from nearby activities, which would result in a more attractive and appropriate setting for this rural complex. This would be combined with a trailhead park and perhaps a creekside trail or walkway describing restoration efforts that would be undertaken on Froom Creek in that location. In this way the historic site would support and complement City General Plan policies, by having the only development above the 150 foot elevation be a public amenity.”

It can be seen from the above comments that, at the time of the NOP, we were of the understanding that the dairy barn could not be moved; we now understand that the project proposes to make a replica of the barn in a different location. This creates a totally different situation than was presented at the time of the NOP; namely, that the barn, in fact, CAN (and will) be moved. The only thing historic about this “historic area” conservation is the measured position between the three buildings which are to be retained or replicated. This seems like a very weak rationale for placement. The setting will be totally different, with the buildings surrounded by the Home Depot and other commercial and residential development and with a busy street right in front of them. This is hardly the best that could be done in this regard; we continue to strongly recommend that the buildings be moved to the storage area and repositioned there in an appropriate fashion as part of an historic park, environmental restoration area that highlights true restoration of Froom Creek in that area, and a trailhead for the six trails that lead into the Irish Hills Natural Reserve from this spot or branch off nearby. In this way the historic site would support and complement City General Plan policies, by having the only development above the 150 foot elevation be a public amenity. The fact that the dairy barn will be a replica only adds to the strength of this recommendation. This is basically what the DEIR recommends and we support that recommendation.

### *Alternatives*

We support the several alternatives offered in the DEIR as being superior to the proposed project on grounds of environmental conservation of the project site while still allowing reasonable development there. We recommend that any City Council approval of the Final EIR and of the project include the following:

1. Prohibit development above the 150 foot elevation at the plateau or terrace. By upholding the current General Plan, the project’s impacts would be significantly reduced. Looking at the “constraints map” prepared by the project sponsors, one can easily see how many constraints coalesce on the plateau. This situation cries out for avoidance, and a development staying below that elevation will avoid many otherwise significant impacts. We appreciate the fact that the project sponsors seem to have recognized this and have dropped that portion of the project from further consideration.

2. Prohibit development other than a possible historic park and trailhead above 150 foot elevation at the storage area. The current storage area appears from project maps to be at an elevation of approximately 160 feet. The project sponsors propose to fill this area with apartments of unknown floor or roof elevations. We believe that a more appropriate approach in this location would be to relocate the historic buildings of the Froom Ranch in order to create a replica of the original site.

3. Eliminate or relocate development in the “cove” area, identified in the DEIR as a sensitive habitat and important wildlife movement corridor, and preserve that area as an addition to Irish Hills Natural Reserve.

4. Provide reasonable proof that the realignment of Froom Creek will be truly beneficial and will not have the drawbacks or dangers alluded to in the DEIR and in our correspondence on the matter. This includes increased flood potential, continuing questions about the success of revegetation efforts, and possible incompatible aims regarding fish habitat and groundwater.

5. Provide reasonable proof that the relocation of the detention basins will not diminish the wildlife habitat values currently being provided by the existing basins, and will not exacerbate the flood risk to the developed properties along Calle Joaquin.

6. Provide compensatory dedication of open space area to justify the removal of acreage from the agricultural conservation easement for development. The change must be clearly and unequivocally an improvement over the current easement. We suggest that the dedication of lands above the 150 foot elevation, plus the “cove” area, to the City for addition to Irish Hills Natural Reserve, while adding those lands to the existing conservation easement at Irish Hills Natural Reserve held by the Land Conservancy of San Luis Obispo County, and expanding the agricultural conservation easement as proposed, might meet this test.

Thank you for this opportunity to comment on the DEIR.

Sincerely,



Neil Havlik, PhD.

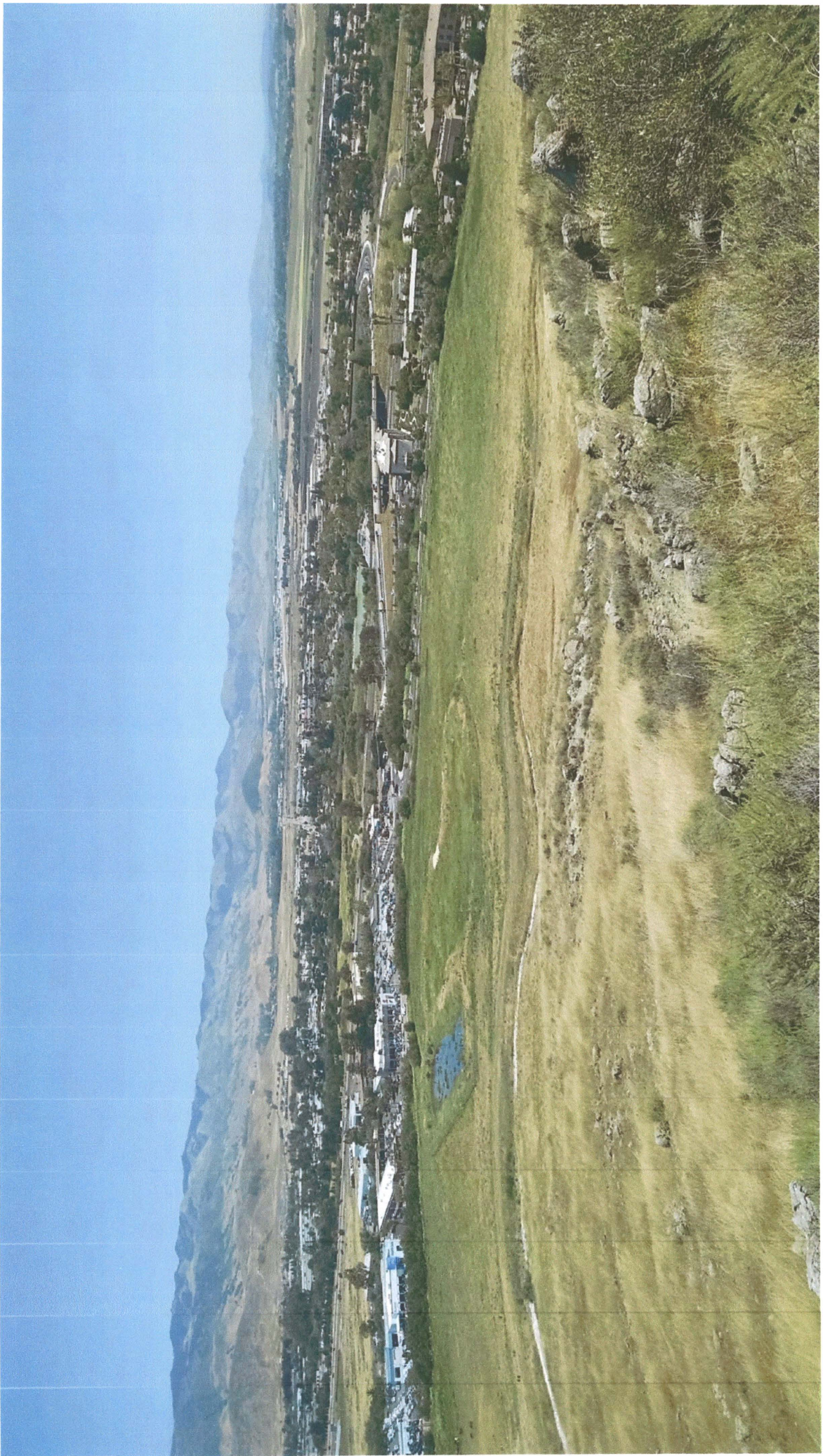
California Native Plant Society, San Luis Obispo County Chapter

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Flooding in 1973





May 2016



December 2019