

## Scott, Shawna

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**From:** Santa Lucia Chapter of the Sierra Club [REDACTED]  
**Sent:** Monday, December 23, 2019 4:30 PM  
**To:** Scott, Shawna  
**Subject:** Comments of the Sierra Club on the Draft Environmental Impact Report for the Froom Ranch Specific Plan



Dec. 23, 2019

Shawna Scott, Senior Planner  
Community Development Dept.  
City of San Luis Obispo  
919 Palm St.  
San Luis Obispo, CA 93401

Dear Ms. Scott,

We are herewith submitting the comments of the Santa Lucia Chapter of the Sierra Club on the Draft Environmental Impact Report for the Froom Ranch Specific Plan. As the time frame and length of time allotted for public review of this document was less than ideal in view of its size, this represents essentially a preliminary response based on an initial review.

In summary, we are aware that the Froom Ranch proposal is being marketed as a vitally needed senior housing/assisted living project, but San Luis Obispo is also in vital need of the ecological services provided by wetlands, native grassland, and mature trees, as well as prime agricultural soils and habitat that should be permanently set aside for sensitive species. It is unfortunate that the proposed site, scope and design of the development is such that these two needs have been pitted against each other.

We commend the applicant's decision to keep the project's footprint below the 150-foot elevation line, but note that this elevation is still exceeded at the quarry area. The City's General Plan is clear: all new development in the Irish Hills must stay below 150 feet, reaffirmed by the City Council's 2016 "actionable alternative" requirement for this proposal. Any development above this level would require an amendment to the General Plan.

Beyond this issue, the most serious issues presented by the project in terms of impact on biological resources are apparent on page 3.4-37 in Table 3.4-6, the Summary of Project Impacts. Even with all proposed mitigation measures in place and implemented, impacts to sensitive and special status species, state and federally protected wetlands, wildlife corridors, and riparian, wetland, and native grassland habitats protected by state and City policy would remain "Significant and unavoidable."

Virtually all the proposed impact mitigation measures can be summed up as "We will come up with a plan:"

- MM-BIO1: "The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures..."

- MM-BIO2: “The Applicant shall retain a qualified Environmental Coordinator/qualified biologist, subject to review and approval by the City to oversee compliance with the Biological Mitigation and Monitoring Plan.”
- MM-BIO3: “The Biological Mitigation and Monitoring Plan shall include a Habitat Mitigation and Monitoring Plan (HMMP) with details on timing and implementation of required habitat restoration, enhancement, or creation measures”
- MM-BIO6: “The Biological Mitigation and Monitoring Plan shall detail timing and implementation of required habitat restoration and shall be submitted to the City’s Natural Resources Manager for review and approval, including requirements for consultation with CDFW, NMFS, and USACE as needed. A copy of the final plan shall be submitted to the City for review and approval.”

...and so on. The public cannot see, comment on, or evaluate the efficacy of mitigation measures to be included in plans to be drafted and approved after the EIR has been certified. While this omission must be rectified, we are able to note and comment on the Draft EIR's confidence in and heavy reliance on environmental restoration as a mitigation measure, a confidence which is belied by the well-documented failure rates of restoration projects.

As noted by the draft EIR, the re-channeling and revegetation of Froom Creek is particularly fraught, stating "successful establishment of a riparian woodland and, more importantly, its long-term survival may be challenging," and "given the engineered nature of this realigned creek habitat, it is uncertain that native riparian habitat would naturally re-establish, potentially requiring repeated restoration efforts and maintenance over the long term. The Project would directly affect riparian habitat, and proposed restoration in the realigned Froom Creek channel is not certain to fully offset this loss” (3.4-41). The level of uncertainty expressed in the EIR for the success of this proposed mitigation measure is not permissible under CEQA. The lack of information on the nature and function of the creek ecosystem and proposed woodland and how each will be maintained, and the lack of data on the potential impact of the creek’s diversion on grassland vegetation, the Calle Joaquin wetland, flooding and groundwater diversion must be remedied in the Final EIR.

The requirement that “Temporary wetland, native grassland, and riparian habitat impacts shall be mitigated at a minimum 1:1 mitigation ratio” (MM BIO-5) will result in a net loss of onsite habitat if any of the offsite options offered by MM BIO-4 are selected, as onsite mitigation will occur only “if feasible onsite restoration opportunities exist and at ratios consistent with those identified in MM BIO-5.” An onsite net loss will also occur if the mitigation options of “financial contribution to an in-lieu fee program that results in restoration or creation of suitable habitat for the impacted natural communities and/or species; and/or) purchase of mitigation credits at a USFWS- and/or CDFW-approved mitigation bank” are selected in lieu of 1:1 mitigation of impacts to sensitive natural communities.

As we pointed out in our comments on the Notice of Preparation, when a Specific Plan/General Plan amendment is proposed, the Project objectives should be stated in terms of development options within the range of intensity of the residential and commercial development called out in the Land Use Element, not just the high end of that range. The California Environmental Quality Act does not require analysis of only the project design that will assure the maximum level of residential and commercial development allowed in the General Plan and dismissal of any alternative of reduced scale as infeasible solely because the scale is reduced. We urge the City not to take the position that Project objectives serve as a bar to the analysis of scaled-back alternatives, nor maintain that a Project alternative may not be considered unless it meets all of the Project objectives.

Thank you for your attention to these issues,

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