

APPENDIX B

Notice of Preparation and Comment Letters

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Notice of Preparation

To: EIR & Notice of Preparation Mailing List

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:

Consulting Firm: (if applicable)

Agency Name: City of San Luis Obispo

EIR to be prepared by:

Department Name: Community Development

Firm Name: To be determined

Street Address: 919 Palm Street

Street Address: _____

City/State/Zip: San Luis Obispo, CA 93401

City/State/Zip: _____

Contact: Shawna Scott (781-7176; sscott@slocity.org)

Contact: _____

The City of San Luis Obispo will be the Lead Agency and will prepare an environmental impact report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for this project. The project description, location, and the potential environmental effects are summarized in the attached materials. A copy of the Initial Study and additional background information is available here:

www.slocity.org/government/department-directory/community-development/documents-online/environmental-review-documents/-folder-1911.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but **not later than 30 days** after receipt of this notice. Please send your response to the attention of Shawna Scott, Associate Planner for the City of San Luis Obispo Community Development Department, at the address shown above. We will need the name of a contact person in your agency.

Project Title: Froom Ranch Specific Plan Project

Project Location: The Froom Ranch Specific Plan Area consists of two parcels located at 12165 and 12393 Froom Ranch Way, totaling approximately 110 acres (ANP 067-241-030 and 067-241-031) within unincorporated San Luis Obispo County, and adjacent to City of San Luis Obispo city limits. The site is located immediately west of Los Osos Valley Road between U.S. 101 and the Irish Hills Plaza.

Project Description: The project includes a Specific Plan, General Plan Amendment, and related actions that would allow for the development of the Froom Ranch Specific Plan Area, which is identified as Specific Plan 3 (SP-3), Madonna on LOVR, in the City's General Plan. The Land Use Element requires that a Specific Plan be adopted prior to annexation. The project will be primarily residential with some commercial development in the northeast portion of the site closest to Los Osos Valley Road and the adjacent Irish Hills Plaza. A major component of the planned residential uses is a Life Plan Community (LPC) known as Villaggio. Villaggio would provide a variety of different unit types for independent senior housing as well as access to higher levels of care such as Assisted Living, Memory Care, and Skilled Nursing, when needed. Additional residential uses in the northern portion of the site will be multiple-family. As required by the Land Use Element, a minimum of 50% of the project site must be designated Open Space; the current Plan designates approximately 51% of the site as Open Space. The Specific Plan also includes a Neighborhood Trailhead Park to connect to the Irish Hills Natural Reserve, which may incorporate onsite historic structures. The treatment and potential use of the historic structures is currently under evaluation by the applicant.

Date: July 10, 2017

Signature: 

Title: Associate Planner, City of San Luis Obispo Community Development Department

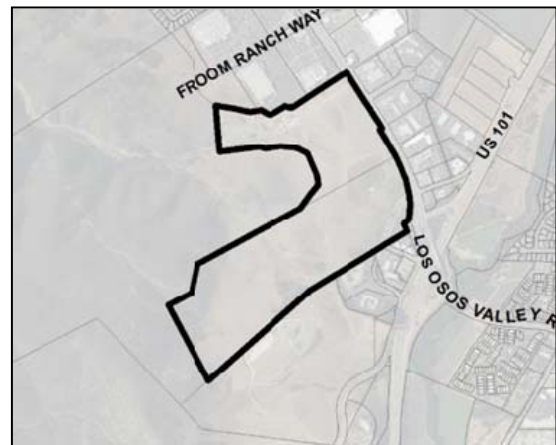
Reference: California Administrative Code, Title 14 (CEQA Guidelines) Sections 15082(a), 15103, 15375 (Revised October 1989)

NOTICE OF PREPARATION ATTACHMENT FROOM RANCH SPECIFIC PLAN PROJECT

The City of San Luis Obispo, as Lead Agency under the California Environmental Quality Act (CEQA), is requesting comments on the scope and content of an environmental impact report (EIR) being prepared for the Froom Ranch Specific Plan Project, as described in this Notice of Preparation. Anticipated project entitlements are described below and issues anticipated being analyzed in the EIR are listed below and described in the Initial Study. The Initial Study and additional background information is available here: www.slocity.org/government/department-directory/community-development/documents-online/environmental-review-documents/-folder-1911. The City requests your written comments on the NOP by August 14, 2017 and also invites you to attend a public scoping meeting to be held on July 26, 2017, as detailed below. Please contact Shawna Scott, Associate Planner at (805) 781-7176 or sscott@slocity.org or Contract Planner and Project Manager Emily Creel at (805) 543-7095 x6814 or ecreel@swca.com if you have any questions.

Project Location

The Froom Ranch Specific Plan Area consists of two parcels located at 12165 and 12393 Froom Ranch Way, totaling approximately 110 acres (APN 067-241-030 and 067-241-031) within unincorporated San Luis Obispo County, and adjacent to City of San Luis Obispo city limits. The site is located immediately west of Los Osos Valley Road between U.S. 101 and the Irish Hills Plaza. Based on a preliminary review, the project site is not on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and there are no records of previous or existing sources of hazardous materials onsite.



Discretionary Permits

In order to implement development on the site consistent with the proposed project, the following entitlements will need to be processed:

1. General Plan Amendment/Pre-Zoning
 2. Specific Plan
 3. Development Plan/Tentative Tract Map(s)
 4. Architectural Review
 5. Annexation
1. **General Plan Amendment and Pre-Zoning.** The applicant envisions a Specific Plan that differs somewhat from the performance standards identified in the Land Use Element; therefore, the project would require a General Plan Amendment to accommodate some aspects of future development under the Specific Plan. Because the site is currently unincorporated, it will need to be pre-zoned before annexation to the City could be approved.
 2. **Specific Plan.** The City of San Luis Obispo Land Use and Circulation Elements (LUCE) identifies Froom Ranch as a Specific Plan Area (SP-3, Madonna on LOVR) that requires the adoption of a Specific Plan prior to any development. The applicant is preparing a Specific Plan to accommodate the proposed development consistent with guidance for development contained in Section 8.1.5 of the Land Use Element.

3. **Development Plan/Tentative Tract Map(s).** The applicant will submit tract maps to implement the provisions of the Specific Plan. The Tract Map establishes the proposed lot lines to allow individual ownership of properties and to layout the required infrastructure and utilities.
4. **Architectural Review** – Ultimately final architectural review of housing, commercial buildings, and some site facilities will be needed. The ARC will take an early look at design guidance in the development plan and provide comments.
5. **Annexation.** If the project is approved, the City would initiate the annexation process with the San Luis Obispo Local Agency Formation Commission (LAFCo). Annexation will depend on the City's ability to address key issues to LAFCo, including the ability to provide public services to the site (including water) and the nature of a tax-sharing arrangement with San Luis Obispo County.

In addition, the project will need to be formally reviewed by the Airport Land Use Commission (ALUC) for consistency with the Airport Land Use Plan. Other advisory bodies that will weigh in on aspects of the project development include the Parks & Recreation Commission reviewing park proposals, Cultural Heritage Committee regarding the proposed use/treatment of historic structures, and the Bicycle Advisory Committee advising on the proposed bicycle trail network.

Probable Environmental Effects/Issues Scoped for EIR

The EIR will be a full-scope document, which covers all environmental issue areas as summarized in the preliminary Initial Study and as required by State CEQA Guidelines Article 9, Contents of Environmental Impact Reports. Issue areas identified in the Initial Study as requiring evaluation in the EIR and that may be determined to be potentially significant include:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use/Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems

In addition, the following anticipated key issues are highlighted and summarized below.

Potential Impacts to Environmental Resources Due to Development Above the 150-foot Elevation

The applicant's request includes a General Plan Amendment to modify the current language presented in City of San Luis Obispo Land Use Element (LUE) Policy 6.4.7.H to allow for hillside development above the 150-foot elevation. The EIR will evaluate the potential impacts to visual, biological, and hydrological resources, potential geologic and soils hazards, and consistency with plans and policies specifically identified to protect these sensitive resources. Additional analysis including photo simulations of the proposed development within the hillside context will be necessary to determine if the project could be designed to protect hillside views, consistent with LUE hillside development policies and LUE resource protection policies, Open Space Policies protecting scenic vistas, and Circulation Element policies which call for the protection of views from roadways designated as having scenic value.

Potential Impacts as a Result of Froom Creek Realignment

The proposed project includes the realignment and restoration of Froom Creek within the property boundaries, and construction of pathways. City creeks and wetlands management objectives applicable to Froom Creek include:

- A. Maintaining and restoring natural conditions and fish and wildlife habitat;
- B. Preventing loss of life and minimizing property damage from flooding;
- C. Providing recreational opportunities which are compatible with fish and wildlife habitat, flood protection, and use of adjacent private properties.
- D. Recognizing and distinguishing between those sections of creeks and Laguna Lake which are in urbanized areas, such as the Downtown core, and sections which are in largely natural areas. Those sections already heavily impacted by urban development and activity may be appropriate for multiple use whereas creeks and lakeshore in a more natural state shall be managed for maximized ecological value (LUE Section 6.6.1 Creek and Wetlands Management Objectives).

City staff and the applicant have met with resource agencies including the U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration (NOAA) Fisheries, Regional Water Quality Control Board, and California Department of Fish and Wildlife to review conceptual plans and determine preliminary information that will be required for the agencies to formally respond to the project. Key considerations include review of hydrological modeling to determine the gradient and width necessary to provide suitable conditions for steelhead migration from the upper pools of Froom Creek, through the project site, and connecting with San Luis Creek. Additional project details and technical information will be provided by the applicant. Additional analysis will be required to ensure consistency with regulations specific to floodway and floodplain management.

Potential Impacts to Historic Resources

The Froom Ranch Historic Complex is located within the project site, approximately at and below the 150-foot elevation line. This complex is not currently accessible to the public, and is generally blocked from public view. The applicant submitted an evaluation of prehistoric and historic resources present on the project site (First Carbon Solutions 2015), which determined that the Froom Ranch complex (seven structures) is historically significant under National Register of Historic Places, California Register of Historical Resources, and City of San Luis Obispo Historic Resources criteria. The LUE states that the proposed project design should be sensitive to environmental constraints, including historic structures, and adjust accordingly through design. The City Conservation and Open Space Element (COSE) provides additional specific policy direction including the following:

- Significant historic and architectural resources should be identified, preserved, and rehabilitated.
- Historically or architecturally significant buildings shall not be demolished or substantially changed in outward appearance, unless doing so is necessary to remove a threat to health and safety and other means to eliminate or reduce the threat to acceptable levels are infeasible.
- Buildings and other cultural features that are not historically significant but which have historical or architectural value should be preserved or relocated where feasible. Where preservation or relocation is not feasible, the resource shall be documented and the information retained in a secure but publicly accessible location. An acknowledgement of the resource should be incorporated within the site through historic signage and the reuse or display of historic materials and artifacts.
- Changes or additions to historically or architecturally significant buildings should be consistent with the original structure and follow the Secretary of Interior's Standards for the Treatment of Historic Buildings. New buildings in historical districts, or on historically significant sites, should reflect the form, spacing and materials of nearby historic structures. The street appearance of buildings which contribute to a neighborhood's architectural character should be maintained" (COSE Section 3.2 and 3.3, Historical and Architectural Resources and Policies).

Full analysis of historic resources in the EIR will be necessary. The EIR will include an evaluation of the proposed project, in addition to feasible alternatives to mitigate potential impacts to historic resources. The EIR will also provide a preliminary assessment of the project's consistency with the General Plan and Historic Preservation Ordinance and Guidelines.

Development of a Reasonable Range of Alternatives

Factors that will influence the formulation of alternative project configurations include considerations of project objectives, site suitability, economic viability, availability of infrastructure, General Plan consistency, and the proponent's control over alternative sites. The EIR will discuss the rationale for selection of alternatives that are feasible and therefore, merit in-depth consideration, and which are infeasible (e.g., failed to meet Project objectives or would not avoid significant environmental effects) and therefore rejected. As directed by the City Council, the EIR will include a project alternative that locates all development below the 150-foot elevation line. The City has requested this design alternative from the applicant for incorporation and analysis in the EIR. The Alternatives Analysis will also include an Alternative that retains and restores Froom Creek in its current location. In order to present actionable alternatives in the EIR, the alternatives chapter will be comprehensive, provide clear descriptions and graphics, and clearly identify potential impacts, associated levels of significance, and identification of the mitigation measures that would be required to reduce potential impacts. Additional alternatives are likely, but are not identified at this time.

Public Scoping Meeting

A public scoping meeting has been scheduled to allow for any interested persons to provide input on issues to be discussed in the EIR:

Date and Time: July 26, 2017 at 6:00 p.m.

Place: 990 Palm Street (City Council Chamber upstairs)

The meeting is an opportunity for City staff to gather information from the public regarding the potential environmental impacts of the project that need to be evaluated in the EIR. It is not intended to be a hearing on the merits of the project. Therefore, members of the public should keep their comments focused on potential significant changes to the environment that may occur as a direct result of project development.

INDEX TO NOP COMMENTS

Appendix B includes a copy of the Notice of Preparation (NOP) for the proposed Project, transcripts from the Public Scoping Hearings conducted on the NOP, copies of all comment letters received on the NOP during the public comment period, and an indication (Section or Sub-Section) where each individual comment is addressed in the Draft EIR. Table B-1 lists all comments and shows the comment set identification number for each letter or commenter. Table B-2, identifies the location where each individual comment is addressed in the Draft EIR. Comment letters are present chronologically followed by the transcripts from the Public Hearing.

Table B-1. NOP Commenters and Comment Set Numbers

Agency /Affiliation	Name of Commenter	Date of Comment Received	NOP Comment Set
Interested Party	Kathleen Choal	7/19/2017	1
Sierra Club	Andrew Christie	7/25/2017	2
Interested Party	Mila Vujovich-La Barre	7/26/2017	3
Native American Heritage Commission	Gayle Totton	7/27/2017	4
Salinan Tribe	Patti Dutton	7/31/2017	5
Bicycle Advisory Committee	Lea Brooks (1)	8/1/2017	6
San Luis Obispo Local Agency Formation Commission	David Church	8/1/2017	7
CAL FIRE San Luis Obispo County Fire Department	Travis Craig	8/2/2017	8
County of San Luis Obispo Department of Agriculture	Lynda L. Auchinachie	8/4/2017	9
Interested Party	Lea Brooks (2)	8/4/2017	10
California Department of Transportation – District 5	Melissa Streder	8/10/2017	11
California Native Plant Society	Neil Havlik	8/11/2017	12
San Luis Obispo Council of Governments	Jeff Brubaker	8/14/2017	13
United States Fish and Wildlife Service	Stephen P. Henry	8/14/2017	14

Table B-2. Response to NOP Commenters

Comment #	Responses
Kathleen Choal	
1-1	Thank you for your comments. Please refer to Section 3.13, <i>Transportation and Traffic</i> for impacts concerning traffic. With regard to what sidewalk improvements are proposed, please refer to Section 2.0, <i>Project Description</i> .
1-2	Section 3.14, <i>Utilities and Energy Conservation</i> , provides discussion and analysis of impacts associated with water use and water supply.
1-3	Please refer to Section 3.8, <i>Hydrology and Water Quality</i> , which provides the analysis of flood potential upon Project implementation.
Sierra Club – Andrew Christie	
2-1	Thank you for your comments. Please refer to Section 5.0, <i>Alternatives</i> , for descriptions and analysis of multiple Project alternatives, including consideration for an alternative with all development below the 150-foot elevation line.

APPENDIX B – NOP COMMENTS AND RESPONSES

Comment #	Responses
2-2	Please refer to Section 2.0, <i>Project Description</i> , for the list of Project objectives, and to Section 5.0, <i>Alternatives</i> , for the assessment of alternatives against Project objectives.
2-3	Section 3.0.4, <i>Cumulative Impact Analysis</i> , describes the methodology and cumulative projects list utilized for analysis within the EIR. Each resource section (Sections 3.1 through 3.15) also contains cumulative analysis associated with each resource area.
Mila Vujovich-La Barre	
3-1	Thank you for your comments. Please refer to Section 3.14, <i>Utilities and Energy Conservation</i> , which provides discussion and analysis of impacts associated with water use and water supply.
3-2	Section 3.9, <i>Land Use and Planning</i> , provides consideration for design restrictions and site constraints established by the LUCE, including the 150-foot height line, and Section 3.11, <i>Population and Housing</i> , considers the proposed residential component associated effects.
3-3	Please refer to Section 3.13, <i>Transportation and Traffic</i> , for impacts concerning traffic, including cumulative considerations.
3-4	Section 3.0.4, <i>Cumulative Impact Analysis</i> , describes the methodology and cumulative projects list utilized for analysis within the EIR, including the Prado Road project.
3-5	Section 3.11, <i>Population and Housing</i> , considers the proposed residential component associated effects, including the City’s affordable housing requirement.
3-6	Please refer to Section 3.8, <i>Noise</i> , which provides analysis for potential noise from vehicular traffic and potential mitigation.
3-7	Section 3.4, <i>Biological Resources</i> , discusses animal and vegetation protection within the site, and Section 3.1, <i>Aesthetics</i> , addresses viewshed impacts in the vicinity.
3-8	Refer to Section 3.13, <i>Transportation and Traffic</i> for impacts concerning access, sidewalks, and bike paths, and Section 3.12, <i>Public Services and Recreation</i> , for proximity and access to recreational facilities and open spaces in the area.
3-9	With regard to the EIR process, please refer to Section 1.0, <i>Introduction</i> , for a summary of the public outreach undertaken during EIR preparation.
3-10	Please refer to Section 3.2, <i>Agricultural Resources</i> , which addresses agricultural resources on-site and potential impacts from the Project on agricultural activities.
Native American Heritage Commission – Gayle Totton	
4-1	Thank you for your comments and guidance. Please refer to Section 1.0, <i>Introduction</i> , for a summary of outreach undertaken during EIR preparation, and Section 3.5, <i>Cultural and Tribal Cultural Resources</i> , for the implementation of CEQA updates associated with tribal cultural resources, including adherence to AB 52, SB 18, and the NAHC’s recommendations for conducting cultural resources assessments.
Salinan Tribe – Patti Dutton	
5-1	Thank you for your comment.
Bicycle Advisory Committee – Lea Brooks (1)	
6-1	Thank you for your comments. Regarding what street improvements are proposed, please refer to Section 2.0, <i>Project Description</i> . Please refer to Section 3.13, <i>Transportation and Traffic</i> for impacts concerning traffic, and potential mitigations that would affect proposed improvements and existing connections.
6-2	Refer to Section 3.13, <i>Transportation and Traffic</i> for impacts concerning pedestrian and bicycle access, and Section 3.12, <i>Public Services and Recreation</i> , for proximity and access to recreational facilities and open spaces in the area, including the existing trail network.
San Luis Obispo Local Agency Formation Commission – David Church	
7-1	Thank you for your comments. Please refer to Sections 3.12, <i>Public Services and Recreation</i> , and 3.14, <i>Utilities and Energy Conservation</i> , which address the majority of potential increases in services that may be required to the Project site, though associated information is located throughout the EIR.
7-2	Please refer to the prepared EIR, which contains all associated information, especially within Sections 3.12, <i>Public Services and Recreation</i> , and 3.14, <i>Utilities and Energy Conservation</i> .
7-3	Section 2.0, <i>Project Description</i> , contains a list of required approvals, including annexation and rezoning.

APPENDIX B – NOP COMMENTS AND RESPONSES

Comment #	Responses
7-4	Please refer to the regulatory setting descriptions within the EIR, which contain relevant LAFCo policies for agricultural resources, public safety, water/wastewater, land use, and growth inducing impacts.
7-5	Refer to Sections 3.2, <i>Agricultural Resources</i> , and 3.9, <i>Land Use and Planning</i> , for discussion of agricultural conservation easement holdings and associated impacts of the Project, including consideration for LAFCo’s Madonna-Gap annexation.
7-6	Please refer to the analysis within the EIR, which contain relevant LAFCo policies and mitigation measures, notably within Sections 3.2, <i>Agricultural Resources</i> , 3.3, <i>Air Quality and Greenhouse Gas Emissions</i> , 3.12, <i>Public Services and Recreation</i> , and 3.13, <i>Transportation and Traffic</i> .
7-7	Please refer to Section 5.0, <i>Alternatives</i> , for the descriptions and associated analyses for each Project alternative.
CAL FIRE San Luis Obispo County Fire Department – Travis Craig	
8-1	Thank you for your comments. With regard to discussion and impacts on emergency services and CALFIRE/San Luis Obispo County Fire Department facilities pursuant to CEQA, please refer to Section 3.12, <i>Public Services and Recreation</i> .
County of San Luis Obispo Department of Agriculture – Lynda L. Auchinachie	
9-1	Thank you for your comments. Please refer to Section 3.2, <i>Agricultural Resources</i> , which addresses agricultural resources on-site such as prime agricultural land, the agricultural easement, and potential impacts from the Project on agricultural activities.
Lea Brooks (2)	
10-1	Thank you for your comments. Please refer to Section 3.13, <i>Transportation and Traffic</i> for impacts concerning pedestrian and bicycle access and safety.
California Department of Transportation: District 5 – Melissa Streder	
11-1	Thank you for your comments. Section 3.11, <i>Population and Housing</i> , provides discussion and analysis of work force housing and consideration for the City’s jobs-housing balance. Associated Vehicle Miles Traveled and vehicle dependency is discussed within Section 3.13, <i>Transportation and Traffic</i> .
11-2	Section 3.13, <i>Transportation and Traffic</i> , provides discussion and analysis of potential impacts of the Project on surrounding roadways and intersections, in addition to consideration for cumulative impacts.
11-3	Refer to Section 3.13, <i>Transportation and Traffic</i> , for discussion of multimodal transportation strategies alternate circulation patterns and connectivity to the Project site.
11-4	Please refer to Section 3.8, <i>Hydrology and Water Quality</i> , which provides the analysis of flood potential upon Project implementation, including modifications to creeks and culverts within the Project site and vicinity, including culverts within Caltrans right-of-way near U.S. Highway 101.
California Native Plant Society – Neil Havlik	
12-1	Thank you for your comments. With regards to potential impacts above the 150-foot elevation line associated with aesthetics, biological, hydrological, and noise, please refer to Sections 3.1, <i>Aesthetics</i> , 3.4, <i>Biological Resources</i> , 3.8, <i>Hydrology and Water Quality</i> , and 3.10, <i>Noise</i> .
12-2	Please refer to Section 3.1, <i>Aesthetics</i> , for aesthetics discussion and impacts associated with implementation of the Project.
12-3	Please refer to Section 3.4, <i>Biological Resources</i> , for biological resource discussion and impacts associated with implementation of the Project.
12-4	Please refer to Sections 3.4, <i>Biological Resources</i> , and 3.8, <i>Hydrology and Water Quality</i> , for discussion and impacts associated with implementation of the Project, including water flow and biological resources.
12-5	Please refer to Section 3.4, <i>Biological Resources</i> , for discussion and impacts associated with implementation of the Project, including protection of the federally-listed Chorro Creek bog thistle.
12-6	Please refer to Sections 3.8, <i>Hydrology and Water Quality</i> , and 3.4, <i>Biological Resources</i> , for discussion and impacts associated with implementation of the Project, including realignment of Froom Creek and the potential destruction of delineated wetland areas.
12-7	Section 3.8, <i>Hydrology and Water Quality</i> , addresses Froom Creek, subsurface flows, potential effects of the creek’s proposed realignment, and flooding.

APPENDIX B – NOP COMMENTS AND RESPONSES

Comment #	Responses
12-8	Refer to Section 3.5, <i>Cultural and Tribal Cultural Resources</i> , for analysis of the Froom Ranch historic buildings and measures to preserve their integrity.
12-9	Please refer to Sections 3.2, <i>Agricultural Resources</i> , and 3.9, <i>Land Use and Planning</i> , for discussion of open space and agricultural conservation easement holdings, in addition to impacts to these areas upon implementation of the Project.
12-10	Refer to Section 1.0, <i>Introduction</i> , which summarizes easements associated with the Project site and that may be affected by the Project and/or alternatives, and Section 3.4, <i>Biological Resources</i> , which discusses potential impacts to biological resources.
12-11	Please refer to Section 5.0, <i>Alternatives</i> , for the descriptions and associated analyses for each Project alternative.
San Luis Obispo Council of Governments – Jeff Brubaker	
13-1	Thank you for your comments. For discussion and consideration for SLOCOG’s 2014 Regional Transportation Plan and Sustainable Communities Strategy, please refer to Section 3.9, <i>Land Use and Planning</i> , and Section 3.13, <i>Transportation and Traffic</i> .
13-2	Please refer to Section 3.11, <i>Population and Housing</i> , which provides discussion and analysis of affordable housing, including consideration for SLOCOG’s 2050 Regional Growth Forecast, and very low-, low-, and moderate-income households. Associated impacts to transportation and traffic are addressed within Section 3.13, <i>Transportation and Traffic</i> , and associated greenhouse gas emissions addressed within Section 3.3, <i>Air Quality and Greenhouse Gas Emissions</i> .
13-3	Section 3.13, <i>Transportation and Traffic</i> , provides discussion and analysis of potential impacts of the Project on surrounding roadways and intersections, in addition to consideration for cumulative projects and transportation demand management.
13-4	Refer to Section 3.13, <i>Transportation and Traffic</i> for impacts concerning pedestrian and bicycle access, and Section 3.12, <i>Public Services and Recreation</i> , for proximity and access to recreational facilities and open spaces in the area, including the existing trail network.
United States Fish and Wildlife Service – Stephen P. Henry	
14-1	Thank you for your comments. Please refer to Section 3.4, <i>Biological Resources</i> , which discusses animal and vegetation protection within the site, including consideration for federally-listed threatened animal species, the Endangered Species Act, and associated mitigations. Section 4.0, <i>Alternatives</i> , provides descriptions and analysis of alternatives and their potential impacts to biological resources.



July 19, 2017

City of San Luis Obispo
c/o Community Development
919 Palm Street
San Luis Obispo, CA 93401
Re: Froom Ranch Specific Plan Project

To Whom It May Concern:

I am writing regarding the EIR for the Froom Ranch Specific Plan Project. As a business owner in the area, I have 3 major concerns that I would like to have included in the EIR:

- Traffic congestion/Roadway Improvements
- Water Use
- Flooding

1-1 The traffic on Los Osos Valley Road has grown tremendously over the last few years as more retail has moved into the area. The roadway improvements completed last summer have helped but traffic still backs up at the major intersections and the entrances to retail areas by Costco and Target. I would like to see what kind of impact this project would have on the traffic in the area and what kind of roadway improvements would be needed to handle the increased congestion. Of note, would a sidewalk be included on the southside of LOVR?

1-2 Although we have left the drought behind for now, I would like to know if water use will be an issue for this project.

1-3 The intersection of LOVR & Calle Joaquin flooded several times during our rainy season. Sections of roadway along LOVR were also reduced to one lane due to water overflow. As part of the EIR, I would like to see how the potential for flooding along the roadway and any sidewalk would be addressed.

Thank you.
Sincerely,

Kathleen Choal
KSBY-TV, President & General Manager





ksby.com



1772 Calle Joaquin, San Luis Obispo, CA 93405-7210

SANTA BARBARA
CA 931
JUL 17
93401

Hasler FIRST-CLASS MAIL
07/19/2017
US POSTAGE \$000.46⁰

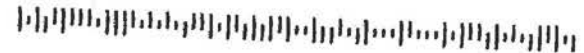


ZIP 93405
011E11675988

RECEIVED
CITY OF SAN LUIS OBISPO
JUL 25 2017
COMMUNITY DEVELOPMENT

City of San Luis Obispo
c/o Community Development
919 Palm Street
San Luis Obispo, CA
93401

93401-327199



Scott, Shawna

From: Santa Lucia Chapter of the Sierra Club <sierraclub8@gmail.com>
Sent: Tuesday, July 25, 2017 3:33 PM
To: Scott, Shawna
Subject: Comments on Froom Ranch NOP



July 25, 2017

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

Dear Ms. Scott,

We are in receipt of your July 10 letter requesting comment on the Notice of Preparation of an Environmental Impact Report for the Froom Ranch Specific Plan Project.

The Sierra Club has three primary concerns with this project: Its proposed development beyond the Urban Reserve Line, the definition of Project objectives, and the inclusion of a full analysis of the Project's potential cumulative impacts in the EIR.

2-1

We appreciate that the City has shown awareness of the first concern in the NOP's discussion of the potential impacts of the request by the applicant for a General Plan Amendment to allow for hillside development above the 150-foot level, and the City's stated intent to include a project alternative that locates all development below the 150-foot elevation line.

2-2

Second, as we pointed out in our comments on the San Luis Ranch Project, 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.

2-3

Third, per CEQA Guidelines, the EIR must evaluate "past, present, and reasonably foreseeable future projects," which "when considered together, are considerable or which compound or increase other environmental impacts."

2-3 (cont.)

As of July 20, the City's website listed the following reasonably foreseeable future projects:

Projects Currently Posted on SLO City Web Site					
Name	Residential Units	Sq. Feet of Commercial/Office	Hotel	Open Space	Other
San Luis Ranch	500	350,000	200	5.8	
Avila Ranch	720	20,000			
Froom Ranch	130	30,000	120	2.9	398 Senior Units
1101 Monterey		27,079			
Marsh & Carmel	8	1,100			
Madonna Plaza		56,257			
San Luis Square	62	19,792	36		
Monterey Place	29	12,255	3		
Vesper Hotel at the Creamery		6,698	47		
Twin Creeks	102	6,566			
Broad St. Collection	10		6		
1185 Monterey	13	2,464			
Bridge Street		21,000			
71 Palomar Av	33				
Wes Creek Development	172				
Ferrini Apartments	5				
22 North Chorro	27	2,000			
Imel Ranch Subdivision	18				
Olive Mixed Use	17	3,500			
Wingate Homes	142	5,000			
Righetti Ranch Subdivision	304				
Digital West		775,000			
Towne Place Suites			114		
French Hospital Expansion					
Motel Inn			55		13 RV spaces and 10 Airstream spaces
The Junction	69	3,000			
Long Bonetti Public Market		47,000			
Jones Subdivision	65	15,000			
Granada Hotel Expansion			22		
Ellsworth Tract					35 Commercial Lots
Aerovista Place		37,000			
South Town 18	18	70			
Discovery SLO Bowling		245,000			Reusing existing space
McCarthy Steel		9,840			
The Yard	43				

2-3 (cont.)

Bishop Street Studios	34				
Caudill Mixed Use	36	5,500			
Perry Ford		7,895			
Laurel Lane Mixed Use	18	2,500			
Poly Performance		30,000			
Tank Farm Commerce Park		29,000			
Broad Street Mixed Use	11	3,000			
Shell Station Development		10,000			
Higuera Brew		15,500			Reusing existing space
Iron Works	46	4,400			
Monterey Hotel			102		
Homeless Service Center		20,000			
Toscana Moresco	161				
BMW Dealership		23,945			
625 Toro	14				
Serra Meadows	247				
Aerovista Office		37,000			
Hotel Serra	8	25,000	64		
Brownstones	8				
Chinatown Hotel	30	25,000	78		
Direct Injectors		6,200			
Airport Business Center		75,000			
SLO Brew Production		31,290			
Avinvo Townhomes	161				
Pacific Courtyards	9	8,000			
Fxlini Tract	13				
Bridge Street	26				
Boysen Apartments	6				
Total	3315	2,054,851	847	8.7	

Compiled by David Blakely

We urge the City to insure that in addition to analyzing and considering mitigations for potential impacts on traffic, greenhouse gas emissions, air quality, biological resources, land use/planning and all other areas identified in the Initial Study as requiring evaluation, the EIR fully analyzes and mitigates the cumulative impacts likely to arise in those categories from all of the above projects and any others that are likely to be developed within the approximate timeframe of the Froom Ranch Specific Plan.

Thank you for inviting us to comment,



Andrew Christie, Director
Santa Lucia Chapter of the Sierra Club
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717

From: Mila Vujovich-LaBarre [REDACTED]
Sent: Wednesday, July 26, 2017 12:26 PM
To: Advisory Bodies; E-mail Council Website; Lichtig, Katie
Cc: Harmon, Heidi; Pease, Andy; Gomez, Aaron; Rivoire, Dan; Christianson, Carlyn
Subject: Froom Ranch Scoping Meeting Concerns

To: Planning Commission - City of San Luis Obispo
Cc: San Luis Obispo City Council Members
Katie Lichtig - City Manager
Re: Froom Ranch Development
From: Mila Vujovich-La Barre
Date: July 26, 2017



Dear Planning Commission Members -

Thank you for the opportunity to voice opinions about the **Froom Ranch Development**. Many of my concerns were expressed during the Land Use Circulation Element (LUCE) meetings a few years ago and at some recent meetings, due to the rush of development in the southern part of our city.

I wanted to express my concerns for your consideration and the public record.

From the publicity, it is my understanding that "John Madonna plans to transform 111-acres in San Luis Obispo into a \$500 million mixed-use project that caters to the city's aging population. The proposed Froom Ranch project includes a continuing care retirement community (CCRC) that offers 350 residential units for seniors, 150,000-350,000 square feet of commercial retailers for its residents, 200 apartments and around 60-100 single-family detached units."

This particular developer has long and honorable ties to our community. It is my hope that he will realistically adjust his development plans after this scoping meeting.

A development of this magnitude will drastically alter the traffic and the visual attractiveness of this part of town.

As you all know, the Land Use Circulation Element (LUCE) was funded by a state grant that maximized development in San Luis Obispo. It may have been good in theory for the majority of the LUCE members who had a background or personal financial interest in development. However, the LUCE document - which has become the blueprint for future development - did not take into consideration many realities. The minority report from the LUCE highlights this and the fact that the LUCE process did not provide for substantial public input.

My concerns about the Froom Ranch Development are primarily the following:

3-1

1. Water.

Where is the water for this development? City and County residents have been asked to conserve for months and I do not see water levels increasing at the sources of our water for a development of this magnitude. John Madonna has stated that, "The project would use some existing wells on the property and draw from the city's reservoirs to satisfy its water needs."

3-2

2. Design

3-2 (cont.)

The continuing care retirement community (CCRC) that offers 350 residential units for seniors, **will be an asset.** However, the proposed 200 apartments and 60-100 single-family detached units and commercial space are not necessary. **By changing this configuration, and just building the CCRC there will be no need to encroach over the 150 foot height line established in the LUCE document.**

3-3

3. Traffic

This upcoming generation may focus on walking, biking and bus travel out of respect for climate change, however most people will still utilize a car. People in the surrounding neighborhoods and businesses of Laguna Lake deserve an authentic study of what traffic will look like with this proposed development, **including the cumulative impacts of the traffic from San Luis Ranch and the traffic from the Avila Ranch development.**

They also deserve an authentic appraisal of parking for the Froom Ranch development.

Traffic flow from the existing proposed business development should also be part of that same study. If John Madonna wants to include commercial development in the Froom Ranch development, that increased traffic also needs to be factored in.

3-4

4. Prado Road.

As I wrote previously, the proverbial “elephant in the room” is Prado Road. For years now, people have been asking whether Prado Road is going to be an interchange or an overpass. They have been asking whether or not it a four-lane truck highway as it appears on the adopted LUCE plan.

Prado Road was indeed part of the updated Land Use Circulation Element (LUCE) Plan. Also, the LUCE plan is cited in meetings as the rationale for immense and dense developments. Prado Road is also part of the traffic circulation plan for San Luis Ranch and Avila Ranch. The public deserves to see the entire plan and the inclusion of the Prado Road overpass or interchange. **One cannot “cherry pick” the LUCE plan and provide for just the parts that are “easy” and/or profitable. All of the support system should be in place.**

Since the developers are to date solely responsible for traffic/road improvements - their “fair share” - this overpass or interchange, will substantially impact the cost of the projects being proposed.

City staff continues to entertain and even approve development without getting a clear answer on whether or not the overpass or interchange is even viable. This is unconscionable.

A transparent, public discussion should occur with CALTRANS about the Prado Road interchange and/or overpass with both the Planning Commission and City Council present as soon as possible. Real financial figures and real measurements should be included at that meeting.

I have personally been on the course of the planned Prado Road with an old-fashioned tape measure and elected officials, and made the point very clear that at certain points along the route - Prado Road - as a “four lane truck highway” simply does not fit.

After a public meeting City staff and elected officials should insist that the traffic infrastructure - out of the pocket of the developer - be completed either at the same time the development is being constructed or prior to it.

The developer of San Luis Ranch has already received approval to build homes in the first phase in back of Target and funnel all of the resulting traffic onto Froom Ranch Road and then onto Los Osos Valley Road. **This was not what was guaranteed in the LUCE and in public meetings.**

3-4 (cont.)

The San Luis Ranch developer's representative has publicly quipped, "Who knows when the Prado Road overpass will ever be built?" For those of us that care about "smart growth" and keeping one's word, that statement is not comforting.

The construction of Prado Road cannot be an afterthought. According to CEQA, when "a larger project is identified" - as in Prado Road from Madonna Road to Broad Street that has been on the City Master Plan since 1960- it needs to have a comprehensive Environmental Impact Report (EIR) and be evaluated on the merits of that study. Currently, city staff is allowing Prado Road to be "illegally segmented" or "piecemealed" which is in violation of CEQA.

As was mentioned in the previous Planning Commission meeting on San Luis Ranch, what happens when people transit in cars over Highway 101 eastbound towards Broad Street. The "four-lane truck highway" - Prado Road - will then cross South Higuera...and then what? Will traffic be funneled to two lanes through Serra Meadows? Turn North or South onto South Higuera? We deserve to have these answers now.

3-5

5. Affordable housing and Workforce Housing

Affordable housing is proposed and the question is, "At what price?" The cost of road improvements needs to be factored into the purchase price so that the developer can make a profit.

It would be good business sense to know where the workers for this CCRC will be living. Will they be making a "living wage?" Most employees in these types of developments are making \$12-\$18 per hour. There are only a handful of highly-paid doctors and therapists that will be employed. Let's analyze this ratio ahead of time and discuss where the housing exists for these modestly paid workers.

6. Affordable housing vs. Student rentals.

Unless there is an opportunity for deed restrictions and/or strict "Conditions, Covenants and Restraints" (CC and R's) on the proposed homes and apartments, who is to say that the residential units will not be turned into a mass of student rentals.

3-6

7. Noise

The noise from this development will need to be mitigated. The noise will be from the people and the vehicular traffic. Currently that area has a rural atmosphere.

3-7

8. Trees and animal protection

Having viewed the preliminary plan, my attention is also on the fact that construction is on environmentally sensitive areas. It is my hope that any development will be below the 150-foot line to preserve the view as established in the LUCE. Even with that, it is my hope that any development will include as many trees and preservation of the public viewshed of the foothills.

3-8

9. Access to existing commercial development and recreation

Since this is a scoping meeting, I would also like to see access to walking and biking trails be apparent. I would also like to see access to public transportation for these seniors and future residents. Access to the Laguna Lake recreational area has not been given the attention that it deserves.

Having looked at the preliminary plan, I would also like to see as many Class 1 bike paths in the development to ensure the safety of residents and workers.

3-9

10. Public Input

As I mentioned at the LUCE meetings, it would serve the developer well to send a notice to the neighborhoods that will be impacted and receive public feedback on the development.

3-10

11. Agricultural Land

3-10 (cont.)

I wish that John Madonna could use a good portion of this land for grazing or crops. I mourn the demise of local agricultural land in the name of infill. I believe that it is myopic for the sake of the next generation.

In closing, thank you for the opportunity to enumerate concerns now so that they can be addressed in the near future.

Sincerely,

Mila Vujovich-La Barre

Mila Vujovich-La Barre
650 Skyline Drive
San Luis Obispo, CA 93405

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710



July 27, 2017

Shawna Scott
City of San Luis Obispo
919 Palm Street
San Luis Obispo, CA 93401

Sent via e-mail: sscott@slocity.org

RE: SCH# 2017071033; Froom Ranch Specific Plan Project, City of San Luis Obispo; San Luis Obispo County, California

Dear Ms. Scott:

4-1

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

4-1 (cont.)

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

4-1 (cont.)

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

4-1 (cont.)

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

Scott, Shawna

From: Salinantribe <salinantribe@aol.com>
Sent: Monday, July 31, 2017 8:22 PM
To: Scott, Shawna
Subject: Froom Ranch Specific Plan Project

5-1

Greetings Scott, I have reviewed the proposed project and have no concerns at this time. Thanks, Patti Dunton, Tribal Administrator

Sent from my iPhone

Bicycle Advisory Committee

July 30, 2017

Draft

6-1

-Safe, convenient and consistent bicycle-pedestrian access through Irish Hills Plaza to Froom Ranch Road, preferably a multi-use trail along the western edge of the plaza so bicyclists and pedestrians can avoid maneuvering through the parking lots. This trail would enable pedestrians and people on bikes to shop at Irish Hills Plaza without having to travel on Los Osos Valley Road; and to cross Los Osos Valley Road to access bike/pedestrian improvements being constructed as part of the San Luis Ranch development.

-Safe and convenient bicycle/pedestrian access to C.L. Smith Elementary School and Laguna Middle School for students and employees who live in the planned multi-family units.

-Protected intersections on Los Osos Valley Road at Froom Ranch and Auto Park Way.

-Auto Park Way should be a complete street.

-Froom Ranch Road from Los Osos Valley Road to its terminus at the Irish Hills Open Space should be a complete street.

6-2

-Fair share contribution to construct and connect these Bob Jones Trail segments to the existing segment from Prado Road to Los Osos Valley Road: Los Osos Valley Road to the Octagon Barn, a grade-separated crossing of Los Osos Valley Road under Highway 101 and the Prefumo segment from Oceanaire Drive to Calle Joaquin.



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

August 1, 2017

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Ms. Shawna Scott, Associate Planner
Community Development Department
City of San Luis Obispo
919 Palm Street
San Luis Obispo, CA 93401

**Subject: Notice of Preparation of an Environmental Impact Report (EIR) –
Froom Ranch Specific Plan and Annexation**

Dear Ms. Scott:

Thank you for the opportunity to provide comments regarding the scope and content of the draft EIR and Specific Plan for Froom Ranch. The Local Agency Formation Commission (LAFCO) is a Responsible Agency that may use these documents for consideration of a future annexation to the City. LAFCO's comments are focused on the potential annexation of this area into the City and the off-site mitigation for the Madonna-Gap annexation to protect prime agricultural lands. The 110 acre area is within the City's Sphere of Influence. The Sphere of Influence for the City was updated in October 2016 and identifies areas which may be annexed into the City for services over the next 20 years. The Sphere of Influence Update and Municipal Service Review prepared and approved by LAFCO may be useful in preparing the draft EIR. Please consider the following comments when completing the EIR:

1. **Name of Contact Person.** David Church, Executive Officer, San Luis Obispo Local Agency Formation Commission, 1042 Pacific Street, Suite A, San Luis Obispo, CA 93401. (805) 788-2096.

7-1
2. **Permit(s) or Approval(s) Authority.** LAFCO is responsible for determining the Sphere of Influence for jurisdictions throughout the County, including the City of San Luis Obispo. LAFCO also considers any annexations or changes of organization to a jurisdiction's service area. The proposed annexation is subject to LAFCO's local policies and procedures which can be found on our website at www.slolafco.com. These policies and procedures should be reviewed as part of the CEQA process if LAFCO is to use the EIR as a Responsible Agency in considering the annexation. Of particular note is the preparation of a Plan for Services by the City. A Plan for Services identifies the services that the City would deliver and the City's capability to provide such services. The specific government code section that identifies the elements of a plan for services is as follows:

GC 56653. (a) Whenever a local agency submits a resolution of application for a change of organization or reorganization pursuant to this part, the local agency shall submit with the resolution of application a plan for providing services within the affected territory.

7-1 (cont.)

(b) The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

7-2

3. **Environmental Information.** In order to consider the annexation of this area into the City an adequate environmental document must be prepared for LAFCO's use. To expedite the annexation process, we recommend that the City's EIR fully address the potential environmental impacts of adding this area to the City. A comprehensive analysis of the environmental impacts, including GC 56064 defining prime agricultural lands, related to the area proposed for annexation will enable LAFCO to use the EIR prepared by the City for annexing the property. The EIR should address the capability of a jurisdiction to provide public services to existing and future residents with regard to water supply and demand, sewer capacity and demand, fire and police response, growth and development, roads, and financial constraints and opportunities.

7-3

4. **General Comment.** Annexation generally requires the following information and activities;
- a. Application through a petition of property owners or a City Resolution of Application - Submittal of Application
 - b. Preparation of Maps and submittal of all related information, approvals and documentation
 - c. Approval of Negotiated Tax Agreement between the City and County
 - d. Rezoning approved by the City; City is Lead Agency
 - e. Preparation of a Plan for Services by the City
 - f. Evaluation and Consideration by LAFCO, if approved;
 - g. Post annexation steps - condition compliance and Board of Equalization Filing and other notifications
5. **Project Description.** The Project Description should provide a description that addresses Rezoning, the Negotiated Tax Agreement, and the annexation processes. This will make the project description more complete and accurate. The annexation process for these areas should be included in the Project Description. It also should be clarified what area would be annexed into the City. An annexation map should be included in the document. It would appear that a Water Assessment pursuant to SB 610 will be prepared for this

7-3 (cont.)

proposal/project. This analysis evaluates the projects water supply to serve the anticipated demand.

7-4
6.

Impact Analysis. LAFCO policies and procedures should be incorporated into the impact analysis discussions as appropriate. LAFCO has polices that address the following impact areas:

Agricultural Resources	Public Safety	Water/Wastewater
Land Use	Growth Inducing	

These impact areas should be analyzed for consistency with LAFCO policies.

7-5
7.

LAFCO Agricultural Policies. LAFCO's goals, policies, and guidelines regarding Agricultural Resources should be included in the EIR analysis. These policies should be reviewed and analyzed for consistency with the proposed specific plan. A key policy to be considered is the 1:1 substitution ratio for preserve prime agricultural land. A clear project description or map clarifying the agricultural easement offset and preservation of 7.1 acres from the Madonna-Gap annexation should be included. The reconfigured 7.1 acres must meet the intent of LAFCO's action for the Madonna-Gap development. Also if any other prime farmland is converted as part of the Froom Ranch development, then its impacts should be offset per LAFCO Policy 12.

7-6
8.

Mitigation Measures. Mitigation Measures that assist LAFCO in achieving its legislative goals such as reducing the impacts to agriculture and open space should be referenced. Other key mitigation measures regarding roads and circulation, air quality, and public services should be noted. While LAFCO has discretion over the annexation proposal, mitigation measures that reduce impacts to resources assist LAFCO in the decision making process and should be referenced in this section.

9. **Permit Stipulations/Conditions.** Unknown at this time.

7-7
10.

Alternatives. Any analysis of alternatives should include an evaluation of the impacts the proposed annexation might have on the environment. LAFCO has the discretion to modify a boundary change proposal, however; if a particular alternative was not studied as part of the CEQA document, LAFCO would not be able to approve a modified annexation due to an inadequate CEQA review.

We appreciate being contacted with regard to this project and look forward to hearing more about the plan as it progresses through the environmental review and planning process. If you have any questions regarding our comments please contact me at 788-2096.

Sincerely,



David Church,
LAFCO Executive Officer

cc. Commissioners
Ray Biering, LAFCO Counsel



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org



Scott M. Jalbert, Unit Chief

August 2, 2017

City of San Luis Obispo
Community Development
919 Palm Street
San Luis Obispo, CA. 93401

Subject: Froom Ranch Specific Plan project.

Dear Shawna Scott

8-1

We have reviewed the annexation of the Froom Ranch Specific Plan Area consists of two parcels located at 12165 and 12393 Froom ranch way, totaling approximately 110 acres (APN 067-241-030 and 067-241-031) within unincorporated San Luis Obispo County, and adjacent to City of San Luis Obispo city limits. The annexation poses no adverse impacts relative to providing emergency services from CAL FIRE/San Luis Obispo County Fire Department. If these lands are not annexed, any future development associated with these lands will be reviewed by the County of San Luis Obispo.

If I can provide additional information or assistance, please call (805) 593-3422.

Sincerely,
Travis Craig
Battalion Chief/Fire Marshal



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: August 4, 2017
TO: Shawna Scott, Associate Planner
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: Froom Ranch Specific Plan Notice of Preparation (1957)

Thank you for the opportunity to comment on the scope and content of the draft environmental impact report (DEIR) for the Froom Ranch Specific Plan Project. In addition to the issues identified in the initial study the following is recommended to be evaluated in the DEIR:

- The project includes annexation to the City of San Luis Obispo. The Cortese-Knox-Hertzberg Local Government Reorganization Act's definition of "prime agricultural land" should be included as part of the evaluation of project impacts to agricultural resources. Prime agricultural land as defined in Government Code 56064 includes:

"Prime Agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided irrigation is feasible.

Irrigation was determined to be feasible on the project site at the time the agricultural easement offset was proposed and established for the Madonna-Gap annexation.

- How will the integrity of the existing agricultural easement be maintained with the proposed development?

Thank you for your consideration. If you have questions, please call 781-5914.

From: Lea Brooks <leabrooks332@gmail.com>
Sent: Tuesday, August 01, 2017 11:50 AM
To: Fukushima, Adam
Subject: More Froom Ranch and Broad Street Bike Blvd

Hi Adam:

10-1

Regarding Froom Ranch scoping, I rode the west segment of Calle Joaquin today to KSBY and the Mountainbrook Church at the top of the hill. The proposed secondary emergency access from Froom Ranch is a road to the church. Planning Commission Chair Chuck Stevenson was concerned that this road would be closed unless there is an emergency and expressed support for keeping it open and visible so residents of Froom Ranch will know of its existence. It's surprisingly remote back there.

From a BAC perspective, I'm not sure if it's worthwhile to augment Chuck's concerns. This segment of Calle Joaquin is definitely not a complete street. If the emergency road is open and residents use it, some improvements to make it safer for bicyclists should be added. I didn't realize there is access to the Irish Hills Open Space via the driveway to the church. Do you know if the driveway is part of the church property - maybe the trail access was a mitigation - or a city maintained road? It looks more like a driveway, but you never know.

Regarding the bicycle boulevard: How can the BAC invite city council members on a tour to show the three alternatives? As an advisory body, do we need to vote via e-mail to offer a tour and can staff participate? I think a tour would be really helpful to council members.

Thanks.

Lea

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

August 10, 2017

Ms. Shawna Scott
City of San Luis Obispo Community Development
919 Palm Street
San Luis Obispo, CA 93401

05-SLO-25.9
SCH: 2017071033

Dear Ms. Scott:

NOTICE OF PREPARATION FOR FROOM RANCH SPECIFIC PLAN PROJECT**11-1**

Thank you for providing Caltrans the opportunity to comment on the Notice of Preparation (NOP) for the Froom Ranch Specific Plan. This project includes a Specific Plan, General Plan Amendment, and related actions that propose the addition of 578 residential units, 100,000 sf commercial retail, 59 acres of conservation/open space and other public facilities and road improvements. We commend the project's goals of providing additional work force housing to promote a jobs-housing balance as a strategy to reduce Vehicle Miles Traveled (VMT) and single occupancy vehicle dependency. These objectives are consistent with the Caltrans' *Strategic Management Plan 2015-2020* and State planning priorities.

11-2

Caltrans appreciates continued coordination with the City on this project as it relates to transportation analysis and identification of impacts to the State Highway System and provides the following comments regarding transportation analysis. The Preliminary Transportation Analysis for the NOP identifies that the project will generate an additional 353 PM Peak Hour trips. Caltrans believes that this would potentially have significant impacts to US 101, especially in consideration of the additional trips to be generated by the San Luis Ranch and Avila Ranch projects. Therefore, it is important that the transportation analysis for the project factor in the trips anticipated from these and other significant local development projects.

A transportation analysis of US 101/Los Osos Valley Road (LOVR) interchange, US 101/South Higuera Street interchange, and the US 101/Madonna Street interchange is necessary to fully disclose all potential impacts. For the US 101 freeway study segments between Madonna Road and South Higuera Street, the analysis should also include freeway weave (Leisch Method), and merge/diverge analysis. Caltrans requests that the cumulative conditions of the TIS reflect the current Prado Road interchange project scope that includes an overcrossing with northbound ramps (not as "full-access" assuming northbound and southbound ramps). Caltrans would like to clarify that the above transportation analysis recommendations for the Froom Ranch Specific Plan are based on Caltrans engineering judgement that supersedes general guidance or thresholds outlined in Caltrans' *Guide for the Preparation of Traffic Impact Studies*.

Ms. Scott
August 10, 2017
Page 2

11-3

Caltrans supports six smart mobility principles of location efficiency, reliable mobility, health and safety, environmental stewardship, social equity, and robust economy. We request that the transportation analysis discuss multimodal transportation strategies that improve connectivity to the existing and planned transportation network that is consistent with the six smart mobility principles.

11-4

Caltrans also requests that any additional post-development water run-off from the project site, during or after construction, should not be added to Perfumo Creek or Froom Creek, as this could create potential adverse impacts to culverts within Caltrans right-of-way near US 101. This area has a history of flooding as portions of the project site are within the 100-year and 500-year FEMA flood zones. Caltrans cannot allow additional storm run-off impacts from the project to US 101.

Thank you for considering these comments and we appreciate continued coordination through the subsequent phases of environmental review for this project. Please feel welcome to contact me at (805) 549-3800 or melissa.streder@dot.ca.gov with any questions.

Sincerely,



MELISSA STREDER
Caltrans District 5
Development Review

California Native Plant Society
San Luis Obispo County Chapter
P. O. Box 784
San Luis Obispo, CA. 93406



August 11, 2017

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

RE: Response to Notice of Preparation (NOP) of an Environmental Impact Report (EIR) on a Proposed Development on the Froom Ranch at Calle Joaquin and Los Osos Valley Road.

Dear Ms. Scott:

The San Luis Obispo County Chapter of the California Native Plant Society wishes to respond to the above captioned Notice of Preparation (NOP) for a large proposed development on the Froom Ranch at Calle Joaquin and Los Osos Valley Road in the City of San Luis Obispo.

We have significant concerns about this proposal and request that these concerns be addressed in the EIR.

12-1

I. *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 current proposal ignores that restriction and extends well above that line in two areas of the property. (For purposes of discussion we will refer to the larger southern area as the "plateau" and the smaller northern area as the "storage area".) This action, if permitted, would have aesthetic, biological, hydrological, and noise impacts on the project site, on the adjacent Irish Hills Natural Reserve and on the larger community. These are discussed below.

12-2

Aesthetic Impact. Development above the 150 foot elevation on the plateau would be highly visible and very different from what currently exists in the city limits in the Irish Hills. The nearby Vineyard Church was developed in the County (which had and has no elevation limit for development). Church leaders made a conscious decision to develop in the County rather than annex into the City because of this restriction; therefore the Church's existence in that location should not be used as a justification for the City abandoning its policies in this regard. It is also fair to question whether this change could be considered a special privilege: prohibition of development above the 150 foot elevation has been City policy for more than twenty years, and it must be demonstrated that the project cannot be undertaken unless this change in City policy is granted. The current project proposes to construct several buildings on the plateau, together with the necessary infrastructure to support them; this would include roads, water, sewer, and power lines (presumably underground), and a generally significant increase in level of activity. A public hiking trail exists on public land here close to where the road access would be; the road would create an entirely new social environment in that spot, bringing noise and pollution to an area free of such disturbances today. This potential needs to be addressed in the EIR.

12-2 (cont.)

The proposal for the plateau area is not just seeking to go a few feet above the 150 foot elevation; it proposes a quantum leap of some 88 feet, to a “roof elevation” of 238 feet. This may mean (despite denials by the project sponsors) that a large water tank will need to be constructed at an even higher elevation in order to provide the necessary pressure and flow volume to meet the needs of domestic water use and firefighting capability. This is because the main water supply for this entire portion of the city comes from the Edna Saddle Tank some three miles away. Such a new tank will need pipelines to get the water to it as well as back down, and will require a large cleared and flattened area on the hillside to locate the structure. This will have its own impacts, which need to be analyzed in the EIR. (It is important to note that the City of San Luis Obispo Utilities Department has desired such a facility in the Irish Hills area for many years, but has been unable either to find a suitable site or to figure out how to finance it. This proposal will make that desire much more urgent.)

The storage area above 150 feet, although currently of limited natural resource value, could be restored and used as a trailhead and neighborhood park, and as a superior location for an historic park preserving the historic buildings of the Froom Ranch. A public use such as this is a possible 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. Private development there would in our opinion “privatize” the nearby public lands, creating possible use conflicts where none exist at this time. This is because the area immediately adjacent to the storage area is a popular trail and trail junction, experiencing considerable use by hikers, bicyclists, joggers, etc. This potential conflict needs to be examined by the EIR.

12-3

Biological Impact. The Froom Ranch is known or believed to contain at least 13 species of rare plants (including one Federally listed endangered plant species) and at least 22 species of animals. Most of the plants occur on the plateau area or on the nearby hills and rocky outcrops. The plateau also supports an unusual plant community, serpentine bunchgrass grassland. The Federally listed species, Chorro Creek bog thistle (*Cirsium fontinale* var. *obispoense*) in our opinion at particular risk and this will be addressed further below. The EIR needs to investigate each of these species, as well as the existing vegetation types, and determine the impacts upon them occasioned by the project.

12-4

Hydrological resources on the Plateau. We are concerned that development of the plateau would disrupt the groundwater flow regime, potentially leading to the loss of the Chorro Creek bog thistle populations in that location. This is especially true of the fairly large (300 individuals) population near the northern end of the plateau, which is a well-developed seep whose water source is unclear. The groundwater flow regime at this site needs to be studied and understood. We believe that road and underground pipe installation could easily interrupt such flow and cut the seep off from its water supply. At the southern end of the plateau there is a small creek which also has a healthy population of bog thistle. Earlier proposals for the development appeared to actually cover over this stream; it is uncertain whether such is still the case. This potential needs to be addressed in the EIR.

12-5

II. *Protection of Chorro Creek bog thistle stands.* The Federally listed Chorro Creek bog thistle occurs in at least two areas on the property, and has been reported in other areas in the past. The project proposes to stay 50 feet away from the populations of this rare plant; however, nothing is said about the conditions that support these populations. This species occurs in wet areas such as springs or seeps in serpentine soils. It is possible, even likely, that development around or near them could change or interrupt the flow of groundwater and result in the destruction of the stands, especially the larger northern one. Both of these populations are above the 150 foot elevation on the plateau. Potential impacts to Chorro Creek bog thistle, especially the potential for being cut off from an existing underground water source, needs to be analyzed in the EIR.

12-6

III. *Realignment of Froom Creek and Destruction of Wetlands.* The project proposes to “restore” Froom Creek, whose flow line evidently was changed at some time in the past. The proposal, however, seems to have more to do with creating space for new development than any particular desire to “restore” the creek. The proposed alignment would bring the creek very close to Los Osos Valley Road, picking up the drainage alongside the road, and then circling back to the point where the creek currently leaves the property. This alignment would effectively destroy a rich and valuable wetland alongside Calle Joaquin by grading, levee construction, and interruption of the groundwater flow regime.

12-7

Current Condition of Froom Creek. Froom Creek originates in the Irish Hills some 2.5-3 miles northwest of the project location, and flows in a southeasterly direction through a scenic canyon on mostly publicly-owned and protected lands. After exiting the canyon the creek turns in a southerly direction and flows for about another mile into San Luis Obispo Creek.

Near its headwaters Froom Creek is pristine and permanent, and is known to contain southern steelhead; however, in the lower portions of the canyon road construction from many years ago deposited huge amounts of rock, silt, and debris into the streambed and radically altered it. In certain areas the creek flows on the surface only for short periods during and after storm events, and in the lower reaches of the canyon it becomes seasonal. This seasonal character continues after the creek leaves the canyon and flows on the valley floor toward its confluence with San Luis Obispo Creek. Once in the valley the creek has essentially no riparian vegetation; it gives the appearance of being little more than a stormwater conveyance. It is possible (but is not known for certain) that the creek was placed into its current alignment by construction; older maps indicate a different location for the creek than is the case today. However, subsurface flows are another matter, and those flows are our primary concern.

Subsurface Flows. As noted above, upon exiting the canyon and entering Los Osos Valley, Froom Creek is seasonal, flowing during the winter but drying up in late winter or early spring. However, there is evidence of significant subsurface flows, which presumably continue in a southeasterly direction, then surface to create a healthy, rich wetland near the junction of Los Osos Valley Road and Calle Joaquin.

12-7 (cont.)

Effect of Froom Creek Realignment Proposal. The project proposes to realign Froom Creek in a large sweep to the east nearly to Los Osos Valley Road, picking up a tributary drainage there, then swinging back in a wide curve to exit the project site at the same location at which the creek exits the site today. To do this will require the construction of a large channel that will cross the subsurface flow pattern possibly intercepting that flow and cutting off the Calle Joaquin wetlands from their source of water. It would lengthen the creek and reduce its gradient, thus making it flow more slowly. Furthermore, as an engineered waterway, the creek will need to be able to contain a 100 year storm event. This in all likelihood means that there will be a levee on one or both sides of the creek, which in many areas will bury and destroy other valuable habitat. We believe that the very concept is inconsistent with the City's creek setback ordinance; the creek's location should establish the setback, rather than moving the creek somewhere else and saying that it is now respecting the setback rules. This is standing the creek setback ordinance on its head.

The Froom Creek Floodplain and Potential for Flooding. The potential for major flooding in the project site seems to be understated. 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. This may need to include the potential for "back-flooding" from San Luis Obispo Creek and Prefumo Creek.

All of these possible impacts of the "restoration" concern us greatly; we are not at all convinced that the proposal is a net benefit to the local environment. We therefore insist that the EIR at a minimum include:

1. A thorough analysis of the groundwater and subsurface streamflow of Froom Creek as it exists today;
2. Engineering calculations and maps depicting the current flood plain of Froom Creek as it exits the canyon and crosses the project site, and continuing to Froom Creek's confluence with San Luis Obispo Creek;
3. A design plan for the creek realignment, showing all grading, including elevations of both the newly formed creek channel, and all levees or other containment features intended to contain at least the 100 year storm event, together with representative cross sections at appropriate intervals, and recognizing the potential for back-flooding;
4. A description of the planting palette and distribution that would constitute the "restoration";
5. An analysis of the likely impacts of this project on subsurface water flow and the Calle Joaquin wetlands, as well as proposed mitigations for those impacts; and
6. Consideration of alternatives, including simply leaving the creek in its current location or with only minimal realignment, and revegetating its banks with "dry riparian" plantings such as coast live oak, California bay, elderberry, islay, toyon, and other native species found in similar situations nearby.

12-8

IV. Historic Resources. 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.

12-9

V. "Double dipping" and other measurements with regard to open space percentage; loss of open space in the detention basins. There is a seven acre agricultural conservation easement that would be effectively destroyed by the creek realignment; this was due to the fact that the soils in that area are rich and productive enough to qualify for such an easement, and it was required by LAFCO as mitigation for impacts associated with development of the Target shopping center some years ago. It is possible that LAFCO could require retention of this easement or its effective replacement. At the very least that seven acres should not be counted toward the minimum open space requirement (50%) of the project; it has been counted once and should not be counted again. Doing so would be contrary to City policy and should be disallowed. In addition, the project uses certain small areas of no real open space value (such as strip of land between the project site and the roadway alongside the Irish Hills Plaza) as open space. Areas claimed as open space should be of sufficient size to be able to support wildlife populations with reasonable connection to larger areas in the Irish Hills. This situation should also be examined in the EIR, and City Natural Resources staff can make the judgment of whether the areas claimed as open space can actually be included. We are not particularly impressed by the 50% land conservation proposal: open space to development ratios of past projects in the City have been far more generous to the community. These include Tolosa Ranch at 4.5 to 1; Prefumo Homes at 13 to 1; and Bowden Ranch at 16 to 1. Even Tract 2428 in the high-density middle-of-town Margarita Area was 2.5 to 1.

12-10

Finally, the current project apparently proposes to relocate the existing detention basins in order that they may be used for development. The basins are evidently now proposed to be relocated downstream onto the neighboring Mountainbrook Church property. It is uncertain whether they will function at the same scale and in the same manner as the current basins; they may in this location be subject to back-flooding from San Luis Obispo Creek as noted above. Furthermore it is uncertain whether the wildlife value of the basins (which held many water birds during the past winters, including drought years) has been adequately studied, as this change seems to be a recent concept. We believe that at least one of the basins involves another open space easement, which would be lost if the project went forward as proposed. That possibility needs to be

12-10 (cont.)

examined. Losing dedicated open space is a serious concern and requires mitigation. This situation needs careful examination in the EIR, especially to determine that habitat losses are adequately mitigated at the proposed new detention basin site.

12-11

Alternatives

We believe that several alternatives offer superior environmental conservation of the project site while still allowing a reasonable level of urban development there. Among these are:

1. No development above the 150 foot elevation at the plateau. 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.
2. No 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 smaller historic buildings of the Froom Ranch (the dairy barn is said to be too large to move) in order to create a replica of the original site. An existing berm would provide visual separation from the current surroundings—the back side of Home Depot and the queue at the gasoline station at Costco—and provide a more attractive setting for this rural farmstead. In addition it would allow for a trailhead at the origination of five different trails radiating out from this point. It would also provide an excellent point from which to learn about restoration of Froom Creek, which in this area is degraded but which can be restored without great difficulty.
3. Retention of Froom Creek in its current location. Froom Creek does not need to be relocated in order to be restored. It has been in its current location for many years, and can be restored with the so-called "dry riparian" plantings commonly found along similar waterways in the San Luis Obispo area. These include trees such as coast live oak, California bay, bigleaf maple, and California buckeye, and shrubs such as toyon, islay, elderberry, California rose, snowberry, ocean spray, and others, which would make a rich and diverse vegetative palette alongside the immediate waterway. Indeed, we question whether such a wholesale repositioning of the creek is consistent with the City's creek setback ordinance.

Summary

In summary, CNPS requests that the following matters be analyzed in the EIR:

1. The visual, noise, and other aesthetic impacts of the development.
2. The biological and hydrological conditions of the plateau area, the impacts of development upon those resources, and mitigation for those impacts;

3. The groundwater flow regime of the Froom Creek delta and its relationship to the Calle Joaquin wetlands;
4. Analysis of the Froom Creek floodplain, history of flooding, how the project would attempt to control this flooding (including back-flooding), and what possible impacts (such as interruption of groundwater flows) might occur as a result (see specific requests in the discussion about Froom Creek above);
5. Specific analysis of the surface and groundwater flow regimes supporting the stands of Chorro Creek hog thistle on the plateau, what the impact of development there would be, and how such impacts would be mitigated;
6. Impact of the residential development at the storage area, and consideration of alternatives;
7. Impact of the relocation of the detention basins on wildlife use of the basins and their functioning as wildlife habitat;
8. Propriety of including lands already conserved as part of the conservation (“open space”) portion of the project.

Thank you for the opportunity to comment on this NOP.

Sincerely,



Neil Havlik, PhD.
California Native Plant Society, San Luis Obispo County Chapter
672 Serrano Drive #11
San Luis Obispo, CA. 93405
805-781-9624
neilhavlik@aol.com



August 14, 2017

Emily Creel
Contract Planner and City Project Manager
SWCA

Shawna Scott
Associate Planner (Staff Liaison)
City of San Luis Obispo

RE: Froom Ranch Specific Plan Environmental Impact Report (Notice of Preparation)

Dear Ms. Creel and Ms. Scott:

This letter submits comments from the San Luis Obispo Council of Governments (SLOCOG) related to the scope of the Environmental Impact Report (EIR) to be prepared for the subject project.

Many comments reference SLOCOG's 2014 Regional Transportation Plan and Sustainable Communities Strategy (**2014 RTP-SCS**). A link to this document, along with project references, is included at the end of this letter.

13-1
Land Use/Planning

1. The site is not within an adopted Target Development Area of the **2014 RTP-SCS** (p. 2-18).
2. The **2014 RTP-SCS's** Sustainable Communities Strategy (SCS, Ch. 2) includes policies that support, among other things, reducing vehicle miles traveled (VMT) and related emissions (SCS 4); compact, mixed-use, and infill development in Target Development Areas (SCS 5); equitable, affordable housing (SCS 7); and protection of important farmland and valuable habitats (SCS 14 and 15). These policies are related to CEQA impacts, including agricultural resources, biological resources, transportation/traffic, climate change, and population and housing.

13-2
Population/Housing

3. SLOCOG's **2050 Regional Growth Forecast** (2017) found that San Luis Obispo County's housing market is the tenth-least affordable market in the country, and fourth-least affordable small market in 2016 Q4 (National Association of Home Builders/Wells Fargo Housing Opportunity Index [HOI]). Based on the HOI, only 21.1 percent of family households could afford a median-priced home in the region in 2016 Q4 (see Figure 31, page 62). The **2014 RTP/SCS's** Sustainable Communities Strategy includes policy language that is

13-2 (cont.)

supportive of equitable, affordable housing... for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation (SCS 7).

The EIR should consider the potential impacts of not accommodating deed-restricted affordable housing as part of the project. Not accommodating very low-, low-, and moderate-income households may result in increased regional traffic congestion from intercity commutes and an associated increase in vehicle-generated greenhouse gas emissions.

13-3

Transportation/Traffic

US 101

4. The **2014 RTP-SCS** (Figure 4-3, p. 4-11) projects the following LOS for US 101 between South Higuera and Monterey:
 - a. 2010 peak hour: LOS F
 - b. 2035 PM peak hour: LOS F

The EIR should consider these projections as it evaluates the project's impacts to freeway LOS.

Prado Road

5. The **2014 RTP-SCS** recommends construction of an overcrossing and interchange at Prado Rd. (see "References" section at the end of this letter). The EIR should analyze the project trip contribution to the anticipated Prado Rd. overcrossing and US 101-Prado Rd. northbound ramp improvements discussed in the San Luis Ranch EIR (now certified) and potential mitigations.

Senior transportation

6. The EIR should assess the availability of senior shuttle services, fixed-route bus service, and other transportation services for seniors. It should consider a senior shuttle service or contribution to existing senior shuttle services that would provide transportation from the project to services in San Luis Obispo.

Transportation demand management

7. The EIR should consider transportation demand management (TDM), including encouragement and education about non-single-occupancy-vehicle travel modes, as a potential mitigation measure.

13-4

SLOCOG's 2014 RTP-SCS MSE Policy 3 states: "Assist local jurisdictions in developing communities in ways that reduce the demand on the roadway system by coordinating residential, commercial and industrial development in ways that reduce the need to drive".

Multi-modal access

8. The number of internal capture trips assumed in the multimodal transportation study's trip generation calculations will affect the projected net external auto trips into and out of the site. In addition to internal capture, given the substantial amount of retail in the vicinity, the potential for some external trips to be walking and cycling should be studied. Residents may be more likely to make those trips if the development's layout, sidewalks, and bike facilities offer convenient, safe, and low-stress connections to the adjoining retail.
9. The EIR should include a consideration of how potential connections to existing and proposed future sections of the Bob Jones Trail affect the proposed development's traffic impacts and possible mitigations. For example, the City is in the preliminary engineering phase of two trail segments: the Oceannaire-to-Calle Joaquin / Prefumo Creek Connector and the Los Osos Valley Rd.-to-Octagon Barn segment. Currently, Class II bike lanes exist on Los Osos Valley Rd. between the proposed project site and the expected intersection of the LOVR-Octagon Barn segment. The City will be making bike lane and bike-vehicle conflict area striping upgrades as part of its repaving project, underway at the time of this writing. San Luis Obispo County will soon commence the plans, specifications, and estimate (PS&E) phase for the County segment between Octagon Barn and the existing trailhead on Ontario Road. Taken together, these segments, once built, will fulfill a vision of having a bikeway from the City of San Luis Obispo to the Pacific Ocean that is almost completely separated from motor vehicle traffic.
10. Assess the impacts of potential use of existing and proposed open space in the vicinity of the development, including the potential need for a public parking lot/staging area to enhance access to trails.

Please let me know if you have any questions or need more information: 788-2104 or jbrubaker@slocog.org.

Sincerely,



Jeff Brubaker, AICP
Transportation Planner

References

SLOCOG 2014 Regional Transportation Plan and Sustainable Communities Strategy (2014 RTP-SCS)
<http://www.slocogconnectingcommunities.com/>

SLOCOG 2050 Regional Growth Forecast
<http://www.slocog.org/programs/data-services/regional-growth-forecast>

2014 RTP-SCS project references

Froom Ranch Way, Bob Jones Trail: Prefumo Creek Connection

1. CEN-RORS-1013: Froom Ranch Way extension: end of Froom Ranch Way to Dalidio Dr.
2. CEN-AT1-1014: Bob Jones Trail: Prefumo Creek bike path connector [Madonna Rd. to US 101]



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2017-CPA-0183

August 14, 2017

Shawna Scott, Associate Planner
Community Development Department
City of San Luis Obispo
919 Palm Street
San Luis Obispo, California 93401

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Froom Ranch Specific Plan Project, San Luis Obispo County, California

Dear Ms. Scott:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the Notice of Preparation (NOP) regarding the Draft Environmental Impact Report (DEIR) for the subject project area located within unincorporated San Luis Obispo County immediately west of Los Osos Valley Road between U.S. 101 and the Irish Hills Plaza. The 110-acre project includes a Specific Plan, General Plan Amendment, and related actions that would allow for the development of the Froom Ranch Specific Plan Area (SPA) identified in the City of San Luis Obispo's General Plan. Completion of a Specific Plan is necessary before the project area can be annexed into the City of San Luis Obispo. Project elements would consist primarily of residential uses with some commercial development adjacent to Los Osos Valley Road and the existing Irish Hills Plaza.

14-1

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibit the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal

14-1 (cont.)


agency but may result in take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act.

According to the NOP, the DEIR will identify and evaluate potentially significant impacts, whether direct or indirect, that may result from Project implementation. It will also determine whether mitigation measures and/or alternatives can be implemented that would mitigate such impacts to a level that is less than significant. The NOP identifies a number of environmental issues that will be analyzed in the DEIR, one of which is biological resources. Of particular concern to us is the presence of Chorro Creek bog thistle (aka Chorro Creek fountain thistle; *Cirsium fontinale* var. *obispoense*), a federally-listed endangered plant, which has been documented to occur onsite. We request an alternative that avoids impacts to this edaphic endemic species and its necessary hydrology be considered in the DEIR.

Also of concern to us is the possibility of presence of two federally-listed threatened animal species: California red-legged frog (*Rana draytonii*) and vernal pool fairy shrimp (*Branchinecta lynchi*). We reviewed the evaluation for these species provided in the biological resource report prepared for the proposed project (KMA 2016) but currently do not concur with its conclusion that presence of either of these species is not likely. The data for vernal pool fairy shrimp is from over 10 years ago and California red-legged frogs may use the ephemeral features identified as drainages 1, 2, and 3 (KMA 2016) as well as Froom Creek for some portion of their life cycle. Because there may be habitat suitable to support one or both of these species within the project area habitat assessments for each, conducted in accordance with current Service guidance, should be prepared for inclusion as appendices to the biological resources section of the DEIR.

We appreciate the opportunity to provide comments on the NOP for the Froom Ranch Specific Plan Project DEIR and look forward to receiving the draft document, inclusive of all relevant technical appendices and reports, during the public review period. If you have any questions regarding our response to the NOP, please contact Julie M. Vanderwier of my staff at (805) 677-3400 or at julie_vanderwier@fws.gov.

Sincerely,


Acting for Stephen P. Henry
Field Supervisor

cc:

Brandon Sanderson, California Department of Fish and Wildlife

Reference Cited

KMA. 2016. Froom Ranch Project, San Luis Obispo County California. Biological Resources Inventory prepared for John Madonna Construction, Inc. January