

**FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
for the
LOS ROBLES DEL MAR SPECIFIC PLAN**

State Clearinghouse No. 1996103448

May 2003

**FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
for the
LOS ROBLES DEL MAR SPECIFIC PLAN**

State Clearinghouse No. 1996103448

Prepared for:

City of Pismo Beach
760 Mattie Road
Pismo Beach, California 93449

Prepared by:

Impact Sciences, Inc.
30343 Canwood Street, Suite 210
Agoura Hills, California 91301

May 2003

TABLE OF CONTENTS

Section	Page
1.0 Introduction.....	1.0-1
2.0 Comments and Response to Comments.....	2.0-1
Letter 1 from San Luis Obispo County Dept. of Planning and Building, Warren Hoag	2.0-4
Letter 2 from San Luis Obispo County Dept. of Agriculture/Measurement, Robert Hopkins.....	2.0-9
Letter 3 from Pismo Beach Fire Department, Robert Lewin	2.0-13
Letter 4 from City of Arroyo Grande Community Development, Rob Strong	2.0-16
Letter 5 from City of Arroyo Grande Public Works Department, Don Spagnolo	2.0-25
Letter 6 from Howard Mankins.....	2.0-31
Letter 7 from Joseph Costello.....	2.0-33
Letter 8 from Joseph Costello.....	2.0-44
Letter 9 from Howard Mankins.....	2.0-49
Letter 10 from Howard Mankins.....	2.0-57
Letter 11 from Orville Patrick	2.0-61
Letter 12 from Rolf Poprowski.....	2.0-64
Letter 13 from Gene Reynolds	2.0-67
Letter 14 from Dr. L.E. Stephenson.....	2.0-72
Letter 15 from Dr. L.L. Erickson	2.0-74
Letter 16 from Mark and Mary Jo Leavitt	2.0-76
Letter 17 from George Casey.....	2.0-78
Letter 18 from Stewart Robinson.....	2.0-80
Letter 19 from Pamela Michaelis	2.0-82
Letter 20 from Irene White	2.0-87
Letter 21 from Joan Lauriente	2.0-89
Letter 22 from L.E. Stephenson.....	2.0-91
Letter 23 from Barbara Tarrant	2.0-95
Letter 24 from Audrey Keirstead	2.0-97
Letter 25 from Karl Bruer	2.0-99
Letter 26 from Morris Wilson.....	2.0-101
Letter 27 from Randy Voss.....	2.0-103
Letter 28 from Carl Hedge.....	2.0-107
Letter 29 from David Carson	2.0-109
Letter 30 from Betty Wyatt.....	2.0-117
Letter 31 from Gloria Burr.....	2.0-119
Letter 32 from Phillip Gray	2.0-121
Letter 33 from Don and Mitzi Savitt	2.0-123
Letter 34 from Bob and Valerie Cusack.....	2.0-126
Letter 35 from Lorin Brown	2.0-129
Letter 36 from Darin Mafi.....	2.0-131
Letter 37 from Joe and Pat Orlando	2.0-133
Letter 38 from James Ikenoyama.....	2.0-138
Letter 39 from Paul Pierce	2.0-141
Letter 40 from Jennifer Stenger.....	2.0-144
Letter 41 from Matthew Granger	2.0-147
Letter 42 from Laurie Elston	2.0-149
Letter 43 from Residents Opposed to the Los Robles del Mar Develop.....	2.0-154
Letter 44 from Irene White	2.0-163
Letter 45 from Jennifer Stenger.....	2.0-165
Letter 46 from Lloyd and Dona Fechser.....	2.0-167
Letter 47 from Joanne Vokal.....	2.0-169
Letter 48 from Jennifer Silva	2.0-172
Letter 49 from Denny Holloway.....	2.0-174

TABLE OF CONTENTS (continued)

Section	Page
2.0	Comments and Response to Comments (continued)
	Letter 50 from Laurel Fowler 2.0-177
	Letter 51 from Scott and Virginia Stedman 2.0-179
	Letter 52 from Pamela Michaelis 2.0-182
	Letter 53 from Debbie Crooks 2.0-185
	Letter 54 from Carolyn Scheeff 2.0-188
	Letter 55 from Bernie Johnson 2.0-191
	Letter 56 from Gloria Darda 2.0-194
	Letter 57 from Dr. L.L. Erickson 2.0-197
	Letter 58 from Flechser (name unreadable), Bill and Gladys Cottse, Dave and Rae Knoch 2.0-200
	Letter 59 from Amy Carter 2.0-202
	Letter 60 from Vic and Sharon Sandau 2.0-204
	Letter 61 from Harriet Lowrey 2.0-206
	Letter 62 from Laurel Worthington 2.0-210
	Letter 63 from Unknown Commentor 2.0-212
	Letter 64 from Unknown Commentor 2.0-214
	Letter 65 from Sara Humes 2.0-216
	Letter 66 from Olivia Kreineyer 2.0-219
	Letter 67 from RRM Design Group, Aileen Nygaard 2.0-222
3.0	Minor Edits to the Draft EIR 3.0-1

APPENDICES

- Appendix I – Revision to Specific Plan
- Appendix K – Traffic Analysis Memorandum

1.0 INTRODUCTION TO THE FINAL EIR

PURPOSE

This document along with the Draft Supplemental Environmental Impact Report (Draft SEIR) represents the Final Supplemental Environmental Impact Report (Final SEIR) for the Los Robles Del Mar project. It has been prepared in accordance with Section 15132 of the State of California CEQA *Guidelines*, as amended. The City of Pismo Beach will consider in combination the Final EIR prepared for the Los Robles Del Mar project and this Final SEIR in its capacity as Lead Agency before it approves, denies, or recommends changes to the proposed project. The findings of fact and any statement of overriding consideration would be made after the City has considered the information contained in the Final EIR and this Final SEIR. Likewise, the Mitigation Monitoring and Reporting Program (MMRP) is adopted at the time the findings are adopted and would also be included in the public record.

As required by this Section 15132 of the *Guidelines*, a Final EIR (including SEIR) shall consist of the following:

- The Draft EIR or a revision of the Draft EIR.
- Comments and recommendations received on the Draft EIR either verbatim or in summary.
- A list of persons, organizations, and public agencies commenting on the Draft EIR.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Other information deemed necessary by the Lead Agency.

The evaluation and response to public comments is an important part of the CEQA process as it allows the following: (1) the opportunity to review and comment on the methods of analysis contained within the Draft EIR; (2) the ability to detect any omissions which may have occurred during preparation of the Draft EIR; (3) the ability to check for accuracy of the analysis contained within the Draft EIR; (4) the ability to share expertise; and the ability to discover public concerns.

BACKGROUND HISTORY OF THE PROJECT

In 1987, the Local Agency Formation Commission (LAFCO) placed the site in the City of Pismo Beach's Sphere of Influence and Sphere of Service, which indicates that when the site is formally annexed into the City and developed, it will be in the jurisdiction of the City of Pismo Beach and will therefore obtain

urban services from the City. Presently, the Los Robles Del Mar Specific Plan Area is under the jurisdiction of San Luis Obispo County. The Plan Area was designated as “Rural Lands” in the County of San Luis Obispo General Plan, which would have allowed for 20-acre minimum parcel sizes. In the early 1980’s the owner of the property originally proposed an equestrian oriented residential project. However, that project was abandoned when it was determined that the site would ultimately be annexed to the City of Pismo Beach.

The Project Area is a 182-acre, roughly rectangular-shaped area located near the eastern portion of the City of Pismo Beach. The Project Area consists of two separately owned parcels referred to as Property A and Property B. Property A includes 154 acres of the northern and western portion of the site while Property B includes 28 acres of the southeastern portion of the project site.

The County of San Luis Obispo approved a private school on Property B in the early 1980’s. Property B was graded and prepared for building when the applicant had to abandon the project due to lack of funding. In 1987 the Local Agency Formation Commission placed the Project Area in the City of Pismo Beach’s Sphere of influence and Sphere of Service. In 1991 a draft Specific Plan was prepared, which proposed several mixes of residential development on Property A.

In 1993, the City Council determined that Annexation and Fiscal Impact Studies should be completed and the proposed Specific Plan updated to include Property B. The Applicant prepared and submitted the updated Specific Plan and Annexation Study in November 1994, along with applications for a general plan amendment (specific plan adoption), zoning text amendment, rezoning and annexation. The potential environmental effects of that project were assessed in an Environmental Impact Report (“EIR”). As analyzed in the EIR, the Project Area was to be developed with 298 single-family residences (on approximately 91 acres), a private school on Property B (approximately 22 acres) and public and private open space (approximately 69 acres, including the planned public parks, private oak woodland preserve, trails, sidewalks and other open areas).

The EIR concluded that the following potentially significant impacts could be mitigated to less than significant: biological resources (other than impacts to sensitive plant and animal species), surface drainage and water quality, traffic and circulation, air quality (short term), public services, archeological resources, agricultural resources and visual resources. The EIR concluded, however, that adverse impacts associated with cumulative long-term air quality degradation and impacts to sensitive plant and animal species could not be mitigated to a less-than-significant level.

The City Council certified the EIR, adopted a statement of overriding consideration, and approved the proposed Specific Plan in April 1996.

Two lawsuits were filed challenging the City's approval of the Los Robles Del Mar Specific Plan. The Lucia Mar Unified School District filed a lawsuit challenging the adequacy of statutory school fees to mitigate the project's impacts on school facilities. After the Applicant and school district entered into a School Mitigation Agreement (discussed in Section XIII of the Initial Study included as Appendix 1.0 of the Draft SEIR) in January 1997, the District withdrew its lawsuit under the terms of the Agreement. The aforementioned parties agreed upon the incorporation of project-specific mitigation measures, which would minimize impacts. More specifically, the parties agreed upon the total impact to the District and equated a monetary value for which the developers would be responsible.

Second, certain residents of the City of Arroyo Grande sued the City of Pismo Beach, alleging violations of the California Environmental Quality Act ("CEQA"), the Coastal Act, and inconsistency with the General Plan. Over sixty issues were raised in the litigation as alleged inadequacies of the EIR. In May 1997, the Superior Court upheld the adequacy of the EIR, including specifically its description, analysis, mitigation and findings regarding the following impacts:

- wetlands
- southwestern pond turtles
- San Luis mariposa lily
- American badger
- Coast live oak woodland/chaparral
- concurrency of infrastructure and development
- visual resources
- traffic and circulation
- General Plan and Coastal Plan consistency
- public services, including police, fire, wastewater, and schools
- golden eagles
- Pismo clarkia
- Well's margarita
- open space
- density
- drainage
- air quality
- agriculture
- alternatives

In Fall of 1998 the Superior Court reaffirmed the earlier ruling upholding the EIR, but invalidated approval of the Specific Plan, holding that the Specific Plan was inconsistent with the General Plan with regard to four specific issues: (1) no analysis was provided of the possibility of an on-site tertiary wastewater treatment plant; (2) slopes in park areas were not consistent with standards in the General Plan; (3) oak tree preservation; and (4) the fiscal impact of the project on the City.

In 2001, the Applicant submitted a revised Specific Plan, which set forth the land use policies, necessary infrastructure, public facilities, public services, and development standards for future development of the Project Area.

LEGAL AUTHORITY

The City of Pismo Beach is serving as “Lead Agency,” responsible for preparing the EIR for this project. The determination that the City of Pismo Beach is the “Lead Agency” for the preparation of this EIR is made in accordance with Section 15051(b) of the State CEQA *Guidelines*, which indicates that the lead agency is “the public agency with the greatest responsibility for supervising or approving the project as a whole.”

When a Final EIR has been certified for a project, CEQA provides for the update of the information in the certified EIR to address changes to a project or changes to the circumstances under which a project will occur. Section 15162 of the California Environmental Quality Act (CEQA) *Guidelines* provides that the Lead Agency may prepare a Subsequent or Supplemental EIR if (1) substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant impacts; (2) substantial changes in circumstances under which the project is undertaken will occur which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (3) new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following: (A) the project will have one or more significant effects not discussed in the previous EIR; (B) significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or, (D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the CEQA *Guidelines* provides that the Lead or Responsible Agency may choose to prepare a supplement to an EIR, referred to as a Supplemental EIR (SEIR), rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR and if only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The CEQA *Guidelines* require that a SEIR contain only the information necessary to make the previous EIR adequate for the project as revised.

An Initial Study was prepared by the City of Pismo Beach that determined that a SEIR should be prepared for the revised Los Robles Del Mar Specific Plan project. The Initial Study included a thorough re-evaluation of changes in circumstances, the project, and information, with additional analysis conducted as needed. The Initial Study is contained within Appendix A of the Draft SEIR. Topics evaluated in the SEIR were identified based upon the Initial Study and review by City staff of the original FEIR. The City determined through this process that impacts from the revised Specific Plan related to Biological Resources were potentially significant and required assessment in the SEIR. The other remaining environmental issues, which were addressed in the original FEIR, including its findings of significance, continue to apply to the revised Specific Plan. Therefore, no other topics were addressed in the SEIR.

The Draft SEIR was then prepared and circulated for a 45-day public review period as required by state law beginning on September 18, 2001 and ending on November 5th, 2001.

Since the Draft SEIR was circulated for public review, there have been a few minor changes to the Specific Plan. These changes are illustrated in **Appendix I** of this document and include: (1) the westerly alignment of Ridge Road has been adjusted slightly to the south to avoid the agricultural preserve on the Mankins property; (2) six of the eight residential lots adjacent to the Mankins property have been relocated to the south of the road and the remaining two lots adjacent to the property will be deed-restricted to not be developed until the Mankins property is no longer used for agricultural purposes; and (3) the cul-de-sac has been shortened.

CONTENTS OF THE FINAL EIR

As discussed above, the primary intent of the Final SEIR is to provide a forum to raise and address comments pertaining to the analysis contained within the Draft SEIR. Pursuant to Section 15088 of the State CEQA *Guidelines*, the City of Pismo Beach, as the Lead Agency for this project, has reviewed and addressed all comments received on the Draft SEIR prepared for the Los Robles Del Mar project. Included within the Final SEIR are comments that were submitted during the required public review period or thereafter. Comments submitted after the public review period of November 5th are contained within **Section 2.0** of this SEIR and include Letter Nos. 51, 53, 54, 57, 63, and 67. These comments are included in the interest of providing a complete public record for this project and as a matter of courtesy.

In order to adequately address the comments provided by interested agencies and the public in an organized manner, this Final SEIR has been prepared as follows.

Section 2.0, Comments and Response to Comments, on the Draft SEIR, provides a list of commentors, copies of comments (coded for reference), and the responses to those comments.

Section 3.0, Minor Edits to the Draft Supplemental EIR, consists of minor text changes made to the Draft SEIR as a result of comments raised during the public review process.