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Kim Murry, Deputy Director  
Community Development Department  
City of San Luis Obispo  
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**Comments of the Sierra Club on the SLO LUCE Draft Program EIR and Draft Land Use and Circulation Elements**

Dear Ms. Murry,

The Santa Lucia Chapter of the Sierra Club, representing more than 2,000 members in San Luis Obispo County, submits these comments on the public drafts of San Luis Obispo's Land Use and Circulation Elements and the Draft Program Environmental Impact Report. As the nation's oldest and largest grassroots environmental organization, the Sierra Club's overall mission is to enjoy, explore and protect the planet.

We are pleased to see much of this philosophy reflected in sections of the public drafts of the Land Use and Circulation elements, but we note a considerable gap between aspirations and outcomes both in the updates and in the Draft EIR. We urge the City to do more in the way of crafting specific measures in all three documents that will both serve to provide additional mitigation of currently unmitigatable Class 1 significant impacts identified in the EIR and continue to raise the bar for protection of the environment, public health and the quality of life, a planning legacy for which the city is nationally known. San Luis Obispo was the first city in the world to ban smoking in the workplace and bars, followed by bans on outdoor smoking and drive-thru windows. The decision to create Mission Plaza rather than build a parking garage, followed by the creation of a Natural Resources Manager position and programs to acquire open space and create a green belt, and the foresight in mandating full tertiary treatment and re-use of wastewater, put the city at the leading edge of the American planning renaissance and created the quality of life that made SLO "one of the happiest cities in the United States." It did not get there by adopting policies of adherence to the status quo.

The focus of the LUCE update in planning for the next twenty years should be to match or exceed the legacy of the last twenty years, laying out a future for San Luis Obispo commensurate with the accomplishments of the past. The administrative draft of the EIR, in its consideration of measures to

mitigate the impacts of future development, offers sad evidence that the few attempts by the LUCE Task Force to do so have been struck out in the public review draft and replaced by the standard directive to comply with existing ordinances, specific plans and design standards.

The requirement of providing mitigation for potential impacts provides the City with an opportunity to innovate. This update this will serve as the planning bible for the next twenty years, but in analyzing mitigation measures, the EIR hews to the standard practice of simply citing compliance with the Building Code, policies in other existing elements and “reliance on establishment of project-specific mitigation measures” and calling it done. Rather than proclaiming the status quo, the City can and should go beyond these minimum requirements. The strike-out of suggested specific measures, replacing them with plan citations, points to a long-term planning element heading in the wrong direction. The LUCE update should be setting the bar and establishing a planning vision for the next twenty years

We suggest that specific mitigations which go above and beyond the requirements of the City’s current management plans be made a prominent feature of the EIR. Those that have been suggested and deleted in the Task Force process should be restored, and more should be added. These should augment the standard directive of adhering to the measures found in existing management plans to achieve the minimum required levels of mitigation that will reduce the environmental impacts of the city’s future development below the level of significance.

We anticipate the argument that specific mitigation measures are best left to the specific management plans because they will themselves be updated over the next twenty years, presumably with revised measures that will require the implementation of new techniques based on improved knowledge that will strengthen environmental protections, therefore the Draft EIR’s regimen of citing these plans as mitigation will produce the desired result.

We submit that this amounts to the tail wagging the dog. Future updates of the City policies should be guided by the vision the City provides in the LUCE Update Project. This guidance is all the more necessary because those future plan updates will be conducted on a much smaller scale than the LUCE update, at sparsely attended meetings, with nothing like the public outreach component that has been part of the LUCE update process. For that reason, mitigations that exceed the minimums of existing plans and policies should be a vital part of the LUCE update, rather than settling for status quo citation of existing plans in the EIR. If the City is to build on its public planning achievements of the last five decades, this document is the place where that must happen.

Vision is the one critical element the LUCE update must have if it is to succeed. We remind the planning commission and city council of the legacy that is in your charge, and urge you to bring the vision to the LUCE update necessary to preserve and continue that legacy. The following are the Sierra Club’s suggestions to that end.

## **Draft Program Environmental Impact Report**

### **Significant Class 1 Traffic and Air Quality impacts support adoption of 6.3 - Reduced Development Alternative**

Per Impact AQ-2 (long-term) - pg. 4-55, Mitigation Measures and Significance After Mitigation -pg. 4-59, and Impact CIR-1 - pg. 4-341, the traffic and long-term air quality impacts of the LUCE Update Project are considered Class 1 – significant and unavoidable even with mitigation. Under proposed development and street network changes, nearly twenty roadways are projected to deteriorate to Level of Severity F. The growth in vehicle miles traveled (VMT) “from 2012-2035 would be approximately 34%, which is more than the population growth of 22%” (pg. 4-56). The projected air quality impacts would violate **Conservation and Open Space Policy 2.2.3** (“No decline. Air quality should not decline from levels experienced during the early 1990s, when the community’s growth capacity was last re-examined.”) A severe increase in traffic congestion, deteriorating air quality, and corresponding reduction in the quality of life clearly does not meet the goals and objectives listed in the LUCE Update as an expression of “the community’s preferences for current and future conditions and directions.”

### **Reliance on the citation of existing standards and plans as mitigations will not meet the sustainability goals of the LUCE update**

In addition to the need to mitigate Class 1 impacts and the City’s presumptive goal of remaining innovative and maintaining the highest possible quality of life, there is a larger and more urgent reason for discarding the notion that following existing policies will mitigate most impacts of the LUCE Update Project below a level of significance. None of the existing General Plan policies, standards or specific plans anticipated the degree of climate instability and the rapid onset of impacts from climate change that we are now witnessing. Reliance on previously adopted policies, many of which consist of voluntary provisions, will not be sufficient to meet the challenge of a future marked by significant decreases in precipitation, groundwater, and the level of the Sierra snowpack. The EIR’s rote citation of existing policies as sufficient to reduce virtually all potential environmental impacts below a level of significance does not take into account the current magnitude and accelerating rate of the climate crisis and the level of uncertainty this has created in planning policy. The LUCE Update must provide policies and mitigation measures to meet the challenges of the City’s present reality and probable future.

#### **4.7.1b Regulatory Setting**

Add:

Executive Order S-3-05 should be included in the Regulatory Setting language on pages 4-143 and 144, along with AB 32, SB 375, and the Advanced Clean Cars Rule.

Reason for addition: In the rapidly shifting reality of global warming and GHG emissions, and the interactions occurring in the feedback loop between the two, the Climate Action Plan’s goal of reducing GHG emissions 15 percent below 2005 levels should be viewed as a floor, not a ceiling, and mitigation measures in the LUCE update should be implemented with the goal of significantly increasing that level

of reduction, as rapidly as possible, to meet the goal of responding to new State planning requirements and to avoid the obsolescence implicit in using the CAP's 2020 GHG emission reduction targets. Extrapolating reductions from 2020 to 2035 based on current CAP emission reduction strategies (Table 4.7-2) results in the City exceeding the 2035 Target Emissions Limit by 86,200 metric tons. The City will need to adopt additional GHG reduction measures if it is to stay on track to meet the state's long-term emission reduction goals, as set forth in California Executive Order S-3-05 and cited in the City of San Luis Obispo Climate Action Plan (pg. iv), setting a goal of reduction of GHG emissions 80% below 1990 levels by 2050.

### **Land Use Element**

#### **The update should achieve the Community's Goals**

As listed on page 15, the 13 Community Goals include "protect and enhance the natural environment...protect, sustain, and where it has been degraded, enhance wildlife habitat...protect and restore natural land forms and features in and near the city, such as the volcanic morros, hillsides, marshes, and creeks." To realize these goals, several policies should be added to the draft, and several proposed policies that are at odds with these goals should be amended or deleted:

#### **- 3.5.7.8 Tourism**

Add:

*C: Develop tourism marketing programs that highlight the city as a visitor destination. In conformance with the Open Space ordinance requiring that the City's open space areas shall be acquired and maintained for the use of residents, tourism programs are not to include the national marketing of the City's designated Open Space areas.*

Reason for addition: The national marketing of local open space has resulted in overburdened neighborhoods and the decline of a resource that was intended to serve the needs of residents for open space.

#### **-3.5.7.12 Business Retention and Expansion.**

Delete:

*~~The City shall implement the Economic Development Strategic Plan and other appropriate strategies for business retention and expansion with a focus on those providing head of household jobs.~~*

Reason for deletion: The Economic Development Strategic Plan contains a host of policy prescriptions not generally known to the public and which have not been the subject of broad public discussion.

("Community input" and "public engagement" in the creation of the EDSP consisted of interviews with 31 individuals, primarily from the business community, who were consulted in search of "an insider perspective" -- Draft EDSP, page 43.) These policies include the "streamlining" of environmental review and the concept that new development pay a subjective "fair share," a significant departure from the longstanding policy that development pay its own way. We see no comparable document from organizations advocating for the preservation of the City's established neighborhoods and/or natural resources being implemented via this update to the General Plan. There has been no comparable opportunity for these stakeholders to have their goals implemented wholesale in the Land Use Element. Making multiple sweeping changes to City policy via the incorporation by reference of the EDSP in one sentence in the Land Use Element is inappropriate.

#### **-6.4.5 Runoff Reduction and Groundwater Recharge**

Amend:

*The City shall ~~encourage~~ require the use of methods to facilitate rainwater percolation for roof areas and outdoor hardscaped areas....*

Reason for amendment: In the midst plummeting groundwater levels and the worst drought in California's recorded history, the state is moving rapidly to put mandatory regulations in place to conserve water, having found voluntary measures to be wholly ineffective. The City should follow suit and acknowledge the reality that "encouragement" is not an adequate response to the crisis nor sufficient as a policy to protect the City against future crises, nor will it help prepare the City for a likely future of significantly reduced water resources.

#### **-6.4.6 Development Requirements**

Amend:

*The City shall ~~encourage~~ require project designs that minimize drainage concentrations and impervious coverage....*

Reason for amendment: See above.

#### **-6.5.1 Previously Developed Areas**

Restore deleted text A.-D.:

A. Ensure that infill, remodel, and replacement projects.... [etc.] D. Ensure that any new development in the watershed detains rather than accelerates runoff from development sites.

Reason for restoration: See discussion of the Draft EIR's overreliance on the citation of existing ordinances, standards, specific plans, etc. as mitigation for the potential impacts of development. The Land Use and Circulation Elements are to guide City planning for the next twenty years. If the update of these documents is content with merely pointing to existing policies, this will virtually guarantee the result of growth outstripping policy. New, specific measures such as those proposed here but deleted from the public draft must be added to supplement existing policies if the City is to have a chance of realizing Community Goals over the next two decades.

#### **-8.3.2.6 SP-4 Avila Ranch Specific Plan Area**

Delete Footnote 1 at Performance Standards – Open Space/Agriculture:

~~<sup>1</sup>Up to 1/3 of the open space may be provided off site or through in lieu fees consistent with the Airport Area Specific Plan. Required Open Space may be reduced up to 30% of the site proportionally to the amount of affordable housing provided on-site in a ratio consistent with the Regional Housing Needs Allocation beyond inclusionary housing requirements.~~

Reason for deletion: It is not appropriate to trade off open space for affordable housing or otherwise place them in competition, and overall the City should terminate the biologically dubious practice of offsite mitigation. This is a recipe for habitat fragmentation, violating the well-known principle of wildlife biology that the value of open space as an ecosystem and habitat declines as size is reduced. Unless the City is prepared to show that such lands always provide not only equivalent acreage but equivalent environmental values and identical bioa, and the research and confirmation of such values can be shown to be a regular staff function when determining mitigation, as performed by credentialed personnel with the ability to carry out such an evaluation, including monitoring and follow-up to ensure those values continue in perpetuity on off-site mitigation lands, the concept of off-site mitigation should be removed from City policy.

#### **-9.3.7D Sustainable Design - Plumbing**

Add:

*Utilize plumbing fixtures that conserve or reuse water such as low flow faucets or grey water systems, and implement a builder incentive program that will encourage new homes to be built with onsite water recycling system included.*

Reason for addition: Earlier this year, the City of Lancaster and KB Homes created the “Double ZeroHouse,” which achieves net-zero energy and uses zero fresh water for irrigation, recycling 95% of drain water via a grey water system, and 80% of the energy via a grey water heat recovery system that extracts energy from drainwater and uses it to preheat water in the home's water heater. Lancaster is pursuing the goal of become America’s first net-zero city. San Luis Obispo should join it.

## **Circulation Element**

### **1.9 Support Technologically Sound Environmental Advancement**

Add:

*1A The City will continue to support the use and development of compressed natural gas and biodiesel fueling stations, EV recharging stations, and other alternative fuel stations in the San Luis Obispo area.*

Reason for addition: If the City doesn't currently support the use and development of alternative fuel and EV charging stations, it needs to do so as policy. A policy favoring a single type of alternative fuel is clearly inappropriate as policy and inadequate to meet the City's overall planning goals for energy use and pollution reduction.

#### **2.1.3 Large Employers**

Restore text:

*...For employers with 50 or more employees the program will be structured as follows: Candidate employers will be surveyed to determine base year average vehicle ridership (AVR) levels.... [etc. ] If meaningful progress has not been made toward achieving AVR targets, then the City will consider adopting a mandatory trip reduction ordinance.*

Reason for restoration: This is one of multiple instances in the draft Land Use and Circulation Elements in which a proposal for specific measures has been deleted and replaced with text that offers a general directive consisting of unspecified actions. As a result, the current version of this policy has very little chance of actually reducing VMT, a goal which the text proposed for deletion can achieve via measurable targets, benchmarks and accountability.

#### **3.0.6 Service Standards**

Restore text:

*The frequency of City transit service will compare favorably with the convenience of using private vehicles.*

Reason for restoration: The frequency of bus service is perhaps the single largest complaint about and barrier to wider use of local and regional transit. A transit service policy that seeks to make the system more convenient and accessible but refuses to address this specific issue will be a failed policy.

#### **6.0.5 Mitigation (DEIR: 6.0.E)**

Delete:

*For significant impacts, developments shall be responsible for ~~their fair share of any~~ Improvements required. (And at 6.0.5c Transit.)*

Reason for deletion: The City has long required that new development “pay its own way” in terms of funding the costs of new infrastructure required as a result of the development. The "fair share" language proposed throughout the draft Land Use and Circulation Elements represents a subjective standard and constitutes a significant change in policy without a public discussion commensurate to its magnitude, including the implications of potentially shifting much of the cost of new development from private developers onto the public.

### **9.0.1 New Development**

Amend:

*The City shall require that new development will be responsible ~~assumes its fair share of responsibility for~~ constructing new streets, bike lanes, sidewalks, pedestrian paths and bus turn-outs or reconstructing existing facilities as mitigation for the impacts of development.*

Reason for amendment: See above at 6.0.5 Mitigation.

### **9.1.6 Streetscapes and Major Roadways**

Amend:

*...the City shall promote the creation of "streetscapes" on the "Complete Streets" model and linear scenic parkways...*

Reason for amendment: The draft Circulation Element at **9.1.4 Conceptual Plan for the City's Center** mandates the evaluation of “complete street” designs, and the EIR refers frequently to the "complete streets" measure found in the Climate Action Plan as a strategy consistent with LUCE update policies proposed to reduce GHG emissions. An explicit General Plan policy supporting the adoption of the complete streets concept citywide should be part of the Circulation Element.

Add policy:

### **14.0.4 Unbundled parking**

*The City shall introduce unbundled parking, congestion pricing, shared parking, fair price policies, positive transportation demand management (TDM) and the other components of an Intelligent Parking*

program for schools and government buildings, with the goal of creating a Request for Proposal process for full implementation.

Reason for addition: See **16.0.2 Encourage Alternative Transportation**. In furthering the goal of adopting strategies that significantly reduce VMT and greenhouse gas emissions, parking policies that eliminate or reduce minimum parking requirements have been shown to be one of the least costly tools to reduce VMT. Per the Victoria Transport Policy Institute, unbundling car parking costs has been shown to reduce parking requirements up to 30% and thereby reduce vehicle traffic, providing additional benefits in reduced congestion, accidents, energy consumption, pollution emissions and consumer costs. There is no such thing as “free parking,” which always reduces wages or increases costs. Unpriced parking is often “bundled” with building costs, which means that a certain number of spaces are automatically included with building purchases or leases. Unbundling Parking means that parking is sold or rented separately. Reducing parking subsidies promotes equity, so that transit users and other non-drivers are not subsidizing drivers. People who take public transit or walk do not have to pay higher prices at stores to pay for parking or receive reduced wages because their employers spend money to provide parking to employees.

See Attachment 1, *A Plan to Efficiently and Conveniently Unbundle Car Parking Costs*; M. Bullock & J. Stewart, Paper 2010-A-554-AWMA, Air and Waste Management Association’s 103<sup>rd</sup> Annual Conference and Exhibition; Calgary, Canada, June 21-24, 2010.

#### **16.0.6 New Policy**

Typo:

*The City shall encourage SLOCOG...so that San Luis Obispo County becomes a "self help" county.*

#### **16.1.2 Multi-Modal Impact Fee**

Delete:

*The City shall update its multimodal transportation impact fee ordinance in accordance with State Law (AB 1600) that requires developers to fund ~~their fair share of~~ projects and programs that mitigate city-wide transportation impacts caused by new development.*

Reason for deletion: State law requires that local agencies imposing development impact fees identify the purpose to which the fee is to be put, demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and, if it is determined that funding of public facilities is required, determine a reasonable relationship between the need for the public facility and the development project. The term “fair share” does not appear in AB 1600 as codified in Government Code 66000-66006. The "fair share" language proposed throughout the draft Land Use and Circulation Elements represents a subjective standard and constitutes a significant change in policy without a public discussion commensurate to its magnitude, including the implications of potentially shifting much of the cost of

new development from private developers onto the public. The City's impact fee policy should continue to rely on this simple maxim:

Development...must pay for 100 percent of the incremental costs of new services it necessitates.... We need urban growth in urban areas. But urban areas don't just happen. They must be carefully developed without burdening either the taxpayer or the systems their taxes support.

- J. Charles Gray, Chairman, Economic Development Commission of Mid-Florida Inc.

Thank you for this opportunity to comment on the City's draft Land Use and Circulation Element Updates and Environmental Impact Report.

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is written in a cursive, flowing style with a prominent flourish at the end.

Andrew Christie, Chapter Director