
Central Coast Regional Water Quality Control Board

October 11, 2013

BY ELECTRONIC MAIL

Barbara Lynch
Deputy Director of Public Works/City Engineer
919 Palm Street
San Luis Obispo, CA 93401
Email: blynch@slocity.org

Dear Ms. Lynch:

SUBJECT: CENTRAL COAST WATER BOARD APPROVAL OF CITY OF SAN LUIS OBISPO URBAN SUSTAINABILITY AREA DESIGNATION TO QUALIFY DEVELOPMENT PROJECTS FOR ALTERNATIVE COMPLIANCE UNDER THE CENTRAL COAST POST-CONSTRUCTION STORMWATER REQUIREMENTS

On July 12, 2013, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution R3-2013-0032. The Resolution enacts the Central Coast Water Board's Post-Construction Stormwater Requirements. Resolution R3-2013-0032 includes provisions for municipalities to pursue alternative compliance with the Post-Construction Stormwater Requirements where the Central Coast Water Board Executive Officer approves designation of an Urban Sustainability Area. Section C.3. of the Post-Construction Requirements states:

Approved Urban Sustainability Area

The Permittee may allow Regulated Projects located within an approved Urban Sustainability Area to pursue Alternative Compliance for numeric Runoff Retention and Peak Management Performance Requirements without demonstrating technical infeasibility.

- a) *The Urban Sustainability Area shall encompass high density urban centers (but not limited to incorporated jurisdictional areas) where the Permittee's documented objective is to preserve or enhance an existing pedestrian-oriented and/or public transit-oriented type of urban design through the promotion of high density redevelopment and infill. The Permittee must submit a proposal to the Central Coast Water Board Executive Officer for approval of an Urban Sustainability Area. The USA proposal must include, at minimum:*
 - i) *A definition and delineation of the USA for high-density infill and redevelopment for which area-wide approval for Alternative Compliance is sought.*
 - ii) *Information and analysis that supports the Permittee's intention to balance water quality protection with the needs for adequate housing, population growth, public transportation, land recycling, and urban revitalization.*
 - iii) *Demonstration that implementation of Alternative Compliance for Regulated Projects in the USA will meet or exceed the on-site requirements for Runoff Retention and Peak Management. The proposal must include quantitative analysis (e.g., calculations and modeling) used to evaluate off-site compliance. Identification of specific off-site projects is not necessary for approval of the USA designation.*
- b) ...

- c) *The Central Coast Water Board Executive Officer will deem complete a Permittee's USA proposal within 60 days of receiving a complete proposal. The Central Coast Water Board Executive Officer will approve or deny the proposal within 120 days of a proposal being deemed complete.*

Approval of Proposed Urban Sustainability Areas

The City of San Luis Obispo (City) submitted a proposal to the Central Coast Water Board on July 12, 2013 to designate several areas of the City as Urban Sustainability Areas. Based on that submittal and subsequent discussions with the City, Central Coast Water Board staff finds that the City's proposal provided sufficient information to meet the conditions in Section C.3.a., above.¹

The Central Coast Water Board Executive Officer hereby approves eight Urban Sustainability Areas and specific zoning criteria within the Urban Sustainability Areas for use by the City in qualifying applicable regulated projects for adjustments to the Post-Construction Requirements (adjustments identified below). The Urban Sustainability Area-specific zoning criteria, enumerated below, are those proposed by the City. Central Coast Water Board staff understands that not all regulated projects within an Urban Sustainability Area will satisfy these Urban Sustainability Area-specific zoning criteria. Consequently, alternative compliance may not be available for all regulated projects in the Urban Sustainability Area and the City must implement the Post-Construction Requirements accordingly. The approved Urban Sustainability Areas and zoning criteria are as follows (corresponding page numbers refer to maps included in the City's July 12, 2013 Urban Sustainability Area Application):

Downtown Commercial Urban Sustainability Area (p. 14)

Applicable Regulated Projects qualifying for Alternative Compliance shall meet the following criteria:

1. Minimum gross building floor area to site area: 3:1
2. Site area building coverage maximum = 100%
3. Project provides no surface parking, beyond incidental uses for emergency and ADA. Exception is municipal multi-story structures provided as park-in-lieu facilities for intense site developments.
4. Within 8 blocks of local transit route with at least hourly daytime service Monday through Friday, with connections to regional transit routes and train station.
5. Provision of bike parking spaces = minimum 15% of auto parking requirement.
6. Sidewalks provided on both sides of the street.

North Foothill Retail Commercial Urban Sustainability Area (p. 11)

Monterey Retail Commercial Urban Sustainability Area (p. 11)

Mid-Higuera (south of intersection of Walker St. and Higuera St.) Retail Commercial Urban Sustainability Area (p.12)

Applicable Regulated Projects qualifying for Alternative Compliance shall meet the following criteria:

1. Minimum gross building floor area to site area: 3:1

¹ While the City's proposal did not include the quantitative analysis to evaluate off-site compliance called for in Section C.3.a.iii, Central Coast Water Board staff understands that off-site compliance will not be required for all projects completed in the Urban Sustainability Areas, and therefore, a project by project quantitative analysis is the more appropriate means to demonstrate that off-site compliance, where required, will meet or exceed the on-site requirements for Runoff Retention and Peak Management.

2. Site area building coverage minimum = 90%.
3. Project uses < 10% of area for surface parking.
4. Within 8 blocks of local transit route with at least hourly daytime service Monday through Friday, with connections to regional transit routes and train station.
5. Provision of bike parking spaces = minimum 15% of auto parking requirement.
6. Sidewalks provided on both sides of the street.

North Foothill High-Density Residential Urban Sustainability Area (p. 15)

Santa Rosa High-Density Residential Urban Sustainability Area (p. 15)

North Downtown High-Density Residential Urban Sustainability Area (p. 16)

Old Town High-Density Residential Urban Sustainability Area (p. 17)

Applicable Regulated Projects qualifying for Alternative Compliance shall meet the following criteria:

1. Dwelling units per net acre (net acre excludes right-of-way, creeks, endangered & threatened species habitat) minimum = 24 + a low or moderate income density bonus.
2. Site area building coverage minimum = 60%.
3. Within 8 blocks of local transit route with at least hourly daytime service Monday through Friday, with connections to regional transit routes and train station.
4. Provision of bike parking spaces = minimum 10% of auto parking requirement.
5. Sidewalks provided on both sides of the street or approved alternative connection pathways.

The Central Coast Water Board Executive Officer finds some areas proposed by the City ineligible for designation as Urban Sustainability Areas. Ineligibility stems from various attributes, including the proposed areas': distance from the City's urban center; limitations to public transit access (i.e., distant from public transit hub offering multiple transit route options); and general promotion of auto-dependency. The following proposed areas are ineligible for designation as Urban Sustainability Areas:

Mid-Higuera (north of intersection of Walker St. and Higuera St.) Retail Commercial (p. 12)

Madonna Road Retail Commercial (p. 13)

Froom Retail Commercial (p. 13)

Grand High Density Residential (p. 12)

South Street High Density Residential (p. 12)

Laurel High Density Residential (p. 12)

Implementation of Alternative Compliance

The City may implement alternative compliance for applicable Regulated Projects meeting the specified zoning criteria within the above Urban Sustainability Areas. Alternative compliance includes two adjustments to the Post-Construction Requirements:

- 1) Adjustment to Performance Requirement No. 3, Runoff Retention per Section B.4.b.ii of the Post Construction Requirements: *The total amount of runoff volume to be retained from replaced impervious surfaces shall be equivalent to the pre-project runoff volume retained.* [Note: Urban Sustainability Area designation results in no adjustment to Runoff Retention requirements for new impervious surfaces].
- 2) Regulated Projects located within an approved Urban Sustainability Area may pursue Alternative (off-site) Compliance for numeric Runoff Retention and Peak Management Performance Requirements without having to demonstrate why achieving compliance on-site is technically infeasible. (See Section C.3, excerpted above). However, as stated above, if off-site compliance is pursued, the project applicant must provide the quantitative analysis that demonstrates off-site compliance will meet or exceed the on-site requirements for Runoff Retention and Peak Management.

Reporting Requirements

The goal of Post-Construction Requirements reporting provisions in Sections: B.4.g, B.5.b., and F.2, is to provide adequate documentation for the Central Coast Water Board to evaluate compliance with the Post-Construction Requirements. As such, the City must track and report on how alternative compliance in the Urban Sustainability Areas is implemented. Specifically, where the City approves alternative compliance for projects within an Urban Sustainability Area (reporting requirement F.2.c.vi.), the City must track and report whether the Urban Sustainability Area-specific zoning criteria were satisfied by the project.

Thank you for your proposal to designate Urban Sustainability Areas in the City of San Luis Obispo. Central Coast Water Board staff looks forward to working with you and your staff as you seek to improve the performance of stormwater controls on development projects throughout the City. Should you have any questions, please feel free to contact:

Dominic Roques, Dominic.Roques@waterboards.ca.gov
Tamara Presser, Tamara.Presser@waterboards.ca.gov or
Phil Hammer, Phil.Hammer@waterboards.ca.gov.

Sincerely,

Kenneth A. Harris Jr.
Executive Officer

cc: Freddy Otte
City of San Luis Obispo
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