

SUBJECT AREAS THAT CAN BE USED IN SENDING A LETTER TO THE MEMBERS OF THE COUNTY BOARD OF SUPERVISORS

The crisis people face with lack of affordable housing and the crisis of climate change must not be pitted against each other, as they are not mutually exclusive issues.

There are suitable locations for affordable housing both on the subject property and elsewhere in the community that do not decrease our resilience to impacts of climate change.

Members of the Nipomo community have developed an alternative map which will be presented to the Board of Supervisors as an example of the potential of consideration of both critical needs. See [NAC website](#)

AREA 1: Arguments against removal of the oaks.

- (a) Violation of the Intent of Oak Woodland Ordinance (see also p.3).
- (b) Ecological damage to the large number of species (birds, reptiles, animals, insects, lichens, Fungi etc) that make a single tree their habitat.
- (c) Removal of an important carbon storage sink through storage as wood and soil enrichment with litter, where removal will contribute to global warming.
- (d) Role of oaks in local climate moderation, providing shade and cooling, particulate matter removal, and protection of shade-loving species.
- (e) Oaks are considered an important visual resource, enhancing the value of the landscape to Nipomo residents.
- (f) SLO County has already destroyed a large number of oaks to make room for the Willow Road Extension. Mitigation against this loss by planting tiny oaks on unsuitable soil to the east of the Dana Adobe has been an abject failure.

The Oak woodland and associated Burton Mesa Chaparral on the project site is a unique and irreplaceable biological habitat, and the largest remaining Oak woodland on the Nipomo mesa with endangered and special status plants.

As referenced in the FEIR there is no suitable location for the replacement of Burton mesa chaparral which is also difficult to re-establish. The proposed off-site mitigation for Oaks is not a replacement of oaks or like habitat and sets an alarming precedent for the future of oak woodlands in our county.

We cannot afford the loss of the climate stabilizing benefits of 3000+ oak trees in this time of climate crisis.

AREA 2: Arguments against the destruction of Burton Mesa Chaparral (BMC).

BMC is a unique assemblage of plants and associated animals that is dependent on soil generated from ancient sand dunes. Nearly all of BMC habitat has been destroyed in San Luis Obispo County, with a small pocket remaining on the proposed Dana Reserve. The project will destroy 96% of this rare habitat, with no clear ability to mitigate the loss.

AREA 3: Vast majority of the DR's housing is NOT affordable housing which is what the county needs. *The housing crisis is NOT a crisis of too few luxury homes!*

The proposed market is an up-scale market with prices well above average. 78% of the homes will be built by Shea Homes and will cost in the million-dollar range. Only 8% of the homes will be very low-moderate income homes, which has been identified as the highest need by the County's own Regional Housing Needs Allocation (RHNA). SLO County already has a surplus of luxury homes by over 1500 units according to the RHNA.

The plan proposes high density housing where infrastructure does not currently exist outside the urban reserve line, instead of within the existing Olde Towne and commercial corridor area where existing infrastructure and space for affordable housing does exist, and is in fact, designated for such in the South County General Plan.

The 8% of "affordable" houses for the county's essential workers will NOT be built by the developer. A piece of land is being donated to People's Self-Help Housing who will be responsible for raising the funds and then constructing and managing the homes. There is no guarantee that these homes will be built. The low number of the total 1,318 units that are planned to be 'affordable' is too small to justify the destruction of an entire oak forest and the many other environmental impacts.

A recommendation from the County Planning Staff for making a Declaration of Overriding Concern necessary to approve this project, uses SB 330 Housing Crisis Act of 2019 as legal cover. This is a mis-application of legislation and was certainly not intended for a location where the environmental losses would be so extensive, creating so many Class 1 and Class 2 impacts, and with such inconsistencies with land use planning.

Dana Reserve's "Affordable Housing"

* To afford a house that costs **\$600,000** with a down payment of \$120,000, at 6.5% interest you'd need to earn **\$130,025** per year before tax. The mortgage payment would be \$3,034 / month. This amount does not include HOA fees.

* To afford a house that costs **\$650,000** with a down payment of \$130,000, at 6.5% interest, you'd need to earn **\$140,861** per year before tax. The mortgage payment would be \$3,287 / month. This amount does not include HOA fees

* To afford a house that costs **\$700,000** with a down payment of \$140,000, at 6.5% interest you'd need to earn **\$151,696** per year before tax. The mortgage payment would be \$3,540 / month. This amount does not include HOA fees

Affordable housing is housing which is deemed affordable to those with a [household income](#) at or below the [median^{\[1\]}](#) as rated by the [national government](#) or a [local government](#) by a recognized [housing affordability index](#). **Median household income in SLO County is \$90,216**

The average salary range for teachers in SLO Co. typically falls between **\$54,054** and **\$78,837**. As of Jan 19, 2024, the average annual pay for a Firefighter in San Luis Obispo County is **\$64,573**

An entry level registered nurse earns an average salary of **\$75,198**. On the other end, a senior level registered nurse (8+ years of experience) earns an average salary of **\$131,300**.

We recommend a feasibility study for the affordable housing in the Nipomo area that will help agencies and community stakeholders identify where best opportunities are located.

AREA 4: VIOLATIONS OF EXISTING PLANNING STANDARDS

(1a) The County's Land Use Ordinance lists the limiting requirements for a future Specific Plan of the Dana Reserve area to include the following provision: "*b. **Oak habitat preservation.** Designation of the existing oak forest habitat for open space preservation, where limited recreational and open space uses may be allowed.*"

The section requires conserving the existing oak forest habitat on site. Project does preserve 17 of 21.7 acres of oak forest, but it removes 75 acres of oak woodland. The Project is inconsistent with the Ordinance.

(2b) County General Plan's Conservation and Open Space Element (COSE) cites the following goals: "*San Luis Obispo County seeks to conserve and protect important natural resources while balancing the needs of the natural and built environments. The County will: **promote efforts that will prevent or eliminate damage to the environment**; support environmental restoration; protect the health and welfare of the community; **preserve ecological systems**; and ensure long-term economic, social and environmental vitality.*"

(2b1) In 2010 COSE added the goal for increased protection of oak woodlands and other native habitats. The Dana Reserve specific plan is a clear violation of COSE's goal.

The COSE Goal BR 1 states: *Native habitat and biodiversity will be protected, restored and enhanced.* The proposed destruction of the oak woodland and Burton Mesa Chaparral habitat is a clear conflict with BR 1.

To attain Goal BR 1, the County adopted the following policies. COSE defines Policy as "*A statement derived from a goal that represents the County's adopted position and guides decision-making toward the goal.*" These policies are intended to guide decision making. The Policies of great significance are:

Policy BR 1.1: Protect Sensitive Biological Resources

Policy BR 1.2: Limit Development Impacts

Policy BR 1.4: No Net Loss

Policy BR 1.9: Preserve Ecotones

Policy BR 1.10: Identify and Protect Ecologically Sensitive Areas

The COSE Goal BR 2 states: *Threatened, rare, endangered, and sensitive species will be protected.* The project EIR notes that 17 sensitive species will be impacted by this project, in conflict with BR 2. The Goal is addressed in Policy BR 2.6 concerning minimizing or eliminating impacts to listed species. The Pismo clarkia will be severely impacted by the project.

The COSE Goal BR 3 states: *Maintain the acreage of native woodlands, forests, and trees at 2008 levels.* The project would result in the direct loss of 35 acres of Burton Mesa chaparral (97%), 75 acres of oak woodland (96%), and 21.7 acres of oak forest. The project DOES NOT maintain the acreage of these resources and is in conflict with BR 3. Goal BR 3 is supported by three policies, all of which are violated by this project:

Policy BR 3.1: Native Tree Protection

Policy BR 3.2: Protection of Native Trees in New Development

Policy BR 3.3: Oak Woodland Preservation

The COSE Goal OS1 states: *Important open space areas will be identified, protected, sustained, and where necessary, restored and reclaimed.* It is clear that this project severely diminished open space. Goal OS-1 is supported by three policies, all of which are violated by this project.

Policy OS 1.1: Protect open space resources with certain characteristics

Policy OS 1.7: Open Space resource protection (by guiding development away from rural areas to more suitable areas)

Policy OS 1.8: Land Divisions and Development (this encourages cluster development which would be possible in a reduced and redesigned project)

The COSE Goal OS 4 states: *Urban sprawl and inappropriate development of rural areas will be prevented.* This project injects dense urban development into a rural area, as illustrated by surrounding current land uses. Associated Policy OS 4.3 opposes the conversion of Rural Lands to Urban Lands.

The COSE Goal VR 2 states: *The natural and historic character and identity of rural areas will be protected.* The EIR finds that the project “*would inherently change the visual character of the site and surroundings through the introduction of commercial, institutional, and residential development; the removal of over 4,000 mature oak trees; and substantial landform alteration*”

(3) Land Use and Circulation Element: Framework for Planning (Inland) Revised 2015

This document defines ‘Strategic Growth Principles’ the first of which includes:

Strategic Growth Principle 1: *Preserve open space, scenic natural beauty, and natural resources.*

The EIR states “*Although the project would preserve the existing oak ridge, the project would inherently change the visual character of the site and surroundings through the introduction of commercial, institutional, and residential development; the removal of over 4,000 mature oak trees; and substantial sensitive habitat loss and landform alteration*”

Strategic Growth Principle 2: *Strengthen and direct development toward existing and strategically planned communities.*

Principle 2, Policy 1 requires that rural areas be maintained in “very low-density residential uses.” The project through its large number of residential units and commercial uses would change the character of the area and thus be inconsistent with this policy.

(4) Title 22 Land Use Ordinance Chapter 22.58 Oak Woodland Ordinance

The Ordinance applies outside of the Nipomo Urban Reserve Line, as is Dana Reserve, which is adjacent to the line. It applies to the clear-cutting of oak woodland, which clearly applies in this project. A Conditional Use Permit approval is required to clear-cut more than three (3) acres of a Site's Oak Woodland over a ten year period. Clear-cutting shall be cumulative where the clear-cutting may not exceed the permitted amount during one event or multiple events occurring over a ten year period.....**but.....**Cutting can be allowed “ if there is an ‘*approved Oak Woodland Management Plan*’ which the developer claims is wrapped in the proposed Specific Plan and its proposed off-site mitigation. This is a clear violation of the intent of the Ordinance.

AREA 4: LOCAL CONCERNS

(1) Inadequate resources in local area to support such a large population increase. Traffic schools etc. This area already covered by NAC speakers and writers

(2) The EIR states that Nipomo High School is already at capacity (145%) and buildout of the Specific Plan Area would further contribute to this exceedance. Dorothea Lange Elementary (where students are mapped to go from this development) is at 94% capacity. Phase 2 of the development is expected to fill this school prior to full buildout. The EIR states that students should be sent to Nipomo Elementary, which is on the other side of the freeway, something traffic estimates likely did not factor in. The EIR consultant stated during the July 14th call that Lucia Mar Unified School District (LMUSD) had concerns about this plan, but that fees mitigated this concern under CEQA.

- Bussing students to different areas will increase GHG output of the project, and put students on overcrowded (if they are accepted into the program before it is full) and early bus pick up routes (over an hour bus ride). The LMUSD has a shortage of bus drivers and on several days over the last month bus service has been cancelled to Nipomo schools due to a lack of drivers.

(3) Although Fire Station 20 is closest to the project, due to traffic and other typical road conditions along West Tefft Street and North Frontage Road, there is an increased travel time to the project site. Station 20 is one of the busiest fire stations in the county and serves a large and varied response area. Mitigation for response times includes the development of a new CALFIRE fire station.

- The Dana Reserve is donating land for a Fire Station but no fire station is likely to be built by the county. The county already has 2 parcels of land donated for previous projects that are being sold off instead of building a fire station.

Stephanie Pincetl is a Professor at the UCLA Institute of the Environment and Sustainability and Founding Director of the California Center for Sustainable Communities at UCLA stated it well when she said of this project:

"The proposal is yet another example of 20th century approaches to land use that have caused the current climate crisis. It will generate absolute vehicle miles traveled, destroy carbon sequestering oak habitat that is not substitutable or mitigable (habitat is unique to place, it's not a generic concept, interchangeable anywhere), perpetuate segregation and exposure of lower income populations to higher sources of emissions, will generate serious run off, and more."