

RESOLUTION NO. 209213

NOV 8 1973

OFFICIAL POSITION STATEMENT OF THE COUNCIL
OF THE CITY OF SAN DIEGO REGARDING THE
PROPOSED CALIFORNIA AIR RESOURCES BOARD (ARB)
COMPLEX SOURCE REGULATIONS OF OCTOBER 10,
1973 FOR THE ACHIEVEMENT AND MAINTENANCE OF
THE NATIONAL AMBIENT AIR QUALITY STANDARDS.

WHEREAS, the Clean Air Act of 1970, implementing regulations and case law precedent, mandated the State of California to prepare an implementation plan for the attainment and maintenance of national ambient air quality standards through the review and regulation of the construction of complex sources of air pollution; and

WHEREAS, the State of California, acting through the State Air Resources Board (ARB), has, in response to said mandate, now promulgated proposed amendments to its implementation plan for review and regulation of the construction of complex sources of air pollution which include a comprehensive statutory scheme; and

WHEREAS, the Air Resources Board has scheduled a public hearing on the 13th of November, 1973, in Sacramento, for the solicitation of public input regarding these proposed amendments; and

WHEREAS, various representatives from the City Manager's, Planning Director's and City Attorney's staffs have formed a task force to review and analyze the ARB's proposed amendments as said amendments will have a direct and significant impact on the City of San Diego and its citizens; and

WHEREAS, said City task force has reviewed and analyzed the proposed amendments and has made its recommendations (see Exhibit A attached hereto and incorporated herein) to this Council regarding said amendments; and

WHEREAS, this Council, because of the significance of these amendments and their potential effect on the quality of life for the citizens of San Diego, deems it necessary to express its position to the State Air Resources Board regarding said amendments; NOW, THEREFORE,

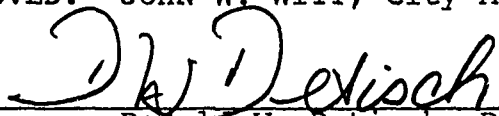
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That The City of San Diego's task force's recommendations contained in Exhibit A are hereby adopted as The City of San Diego's official position regarding the State Air Resources Board's proposed complex source amendments.

2. That a designated representative of The City of San Diego is hereby authorized to present said position and a copy of this resolution to the Air Resources Board at its public hearing scheduled for November 13, 1973, in Sacramento.

APPROVED: JOHN W. WITT, City Attorney

By


Donald W. Detisch, Deputy

DWD:cav
11/01/73

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CITY CLERK'S OFFICE
1973 NOV -6 PM 3:16
SAN DIEGO, CALIF.

POSITION PAPER

City of San Diego

Re: ARB COMPLEX SOURCE CONTROLS

November 8, 1973

The Mayor and Council of the City of San Diego have reviewed the California Air Resources Board's proposed plans for the control of air quality in the San Diego region. Based upon that review the Council has authorized the following position statement pertaining to the Complex Source element of these proposals:

I. BACKGROUND

A. Air Quality Policy

1. National Policy

The Congress of the United States is relied upon to provide air control standards which when achieved will assure healthful air for humans, animals and plant life. The State is urged to be mindful of court decisions, administrative actions, technological findings and natural occurrences which would require adjustments in the national clean air policy.

Congress's Clean Air Act of 1970 has been interpreted by a District Court of Appeals Decision and the Environmental Protection Agency, as a result of that court decision, is imposing certain requirements to achieve and maintain the national ambient air quality standard.

2. City Policy

The Council of the City of San Diego has adopted "clean air" as a top priority in achieving and maintaining the Council's overall goal of establishing the highest feasible quality of life for the citizens of San Diego. This commitment is in keeping with established Council policies which have been directed at controlling the growth and development of this City through careful transportation and land use analyses which take into consideration the economic, social and total environmental factors before decisions are made.

These policies, and this total frame of reference are redirecting indiscriminate growth in the suburbs toward orderly development of the urban center and controlled development in other areas.

EXHIBIT A

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Land use and transportation decisions by the City of San Diego have had a direct impact on changing the development patterns of the San Diego region. Rather than continual flight to the suburbs with the resultant increase in the number of vehicle miles travelled, the City of San Diego is revitalizing the inner-city and presenting alternatives to the private passenger car as the only mode of transportation. The City of San Diego has been participating with the Federal Government in a multi-million dollar city center redevelopment program.

During the past year the quality of air in this region showed improvement. Continuation of this trend is anticipated as a result of: a vigorous fixed-source enforcement program administered by the County Director of Public Health, the increased number of vehicles equipped with smog control devices, and the first impact of the increased utilization of the City-owned buses which serve the metropolitan area, consisting of seven cities and part of the county. Although these accomplishments are significant, they are not enough to achieve and maintain the prescribed National air quality standards for this region.

This City is committed to adjust its land use and transportation decisions to meet valid air standards that are essential for the maintenance of a high quality of life for San Diegans. It is with this background and this momentum that the Mayor and Council comment on the Air Resources Board's (ARB) proposals for clean air in San Diego.

B. Summary of ARB Proposal

The proposed ARB plan on complex source controls to which this resolution speaks, if adopted by its Board, must be signed by Governor Reagan and then be submitted to EPA for review. EPA is required, on December 15, 1973, to accept or promulgate a procedure for the review and regulation of complex sources. If the EPA accepts ARB's plan, implementation could start subsequent to passage of enabling State legislation.

The ARB proposed complex source control plan has two levels, a Basic Program which is applicable to all areas of the State and a Supplemental Program applicable to critical air areas. The Basic Program, provides for a review and permit procedure for any construction of any new complex source, or intensification of an existing one, meeting the following criteria: 1) an associated motor vehicle activity (e.g. vehicle miles travelled-VMT) greater than 30 million miles per year or greater than 100,000 miles during any twenty-four hour period, or 2) more than 1500 parking spaces.

In critical air pollution areas (e.g. the San Diego Air Basin) the ARB proposes a more rigorous Supplemental Program. The supplemental program would establish a procedure for long range, coordinated basinwide management of all emissions from stationary and complex sources. A Basinwide Air Pollution Control Coordinating Council (BCC) would be formed: as proposed for the San Diego region it would be composed of the 5 members of the County Board of Supervisors and 5 members representing incorporated cities as determined by the County's 'City Selection Committee' established by prior legislation.

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Thus the proposed BCC would have control for setting policy on transportation plans, stationary sources and land use in the region. The BCC's would be required to "subdivide" their basins into smaller control areas and to establish emission limits for each pollutant not to exceed the total basin limits set by ARB. All general plans, transportation plans within the San Diego Air Basin must be amended to be in accord with the emission limits established by the Basinwide Coordinating Councils (BCC's).

The earliest start of implementation of the Supplemental Program would be January 1, 1976. If air quality standards cannot be achieved by 1977, the Federal Clean Air Act requires EPA to enforce controls such as mandatory gas rationing to achieve them.

II. POSITION

A. Quality of Life

The City of San Diego, which experienced 108 days last year which exceeded Federal Air Quality standards, and shares an air basin with Oceanside and El Cajon which have had 112 and 77 adverse days a year respectively, supports the achievement and maintenance of Federal and State air quality standards. We believe that the regulation of complex sources of air pollution is necessary to accomplish this. Cognizant that achievement of Federal air quality standards provides for one aspect of a desirable quality of life, we hope that the ARB will concentrate on implementing and developing workable programs to achieve the Federal air quality standards in a timely manner.

In San Diego the agency which at present has significant control authority is the San Diego Air Pollution Control District whose Board of Directors is the County Board of Supervisors. Since clean air is a regional problem involving all the jurisdictions within the air basin, the policy making directorate of the agency should be expanded to be representative of all cities in the County (plus ad hoc representation from the City of Tijuana). With this representation it would be possible to consider matters in relation to all social, economic, and total environmental considerations rather than on the basis of the single element "clean air".

B. Land Use

1. Equitable Representation

The Basinwide Coordinating Council (BCC) as modified by the Supplemental Program will have major responsibility for regulating land use in the basin. The residents of the urban areas, who suffer the worst air pollution, have a very real interest in clean air and must be adequately represented on the BCC. Representation should also assure that clean air considerations are balanced against economic, social, and other environmental goals.

For this reason, the City of San Diego recommends that the functions assigned to the BCC be delegated to the existing Comprehensive Planning Organization (CPO), the regional planning agency. CPO is already responsible for regional transportation and land use planning and could more effectively reconcile all the plans, while

assuring that air quality goals are considered also in the context of the total environmental, economic and social priorities of the Region. The City of Tijuana and the California Department of Transportation are non-voting members of CPO.

In order to assure participation by others who share the air resources of the Basin, it is recommended that the Federal government, which controls a high portion of the land in the Basin, have the same status.

2. Provision for Sub-areas

The Supplemental Program proposed by the ARB, if carefully and intelligently implemented, could eventually establish the carrying capacity of the air basin. However, if the Region is to have an equitable and effective program, the following recommendation should be incorporated:

- (1) Priorities for the allocation of air resources in the basin and later in the sub-areas (ARB's "subdivisions") should be established to assure that future needs, such as regional transportation and power generation, can be met.
- (2) All "subdivisions" established by the BCC should have adequate air pollution monitoring stations and equipment to establish present air quality levels and to measure future levels.
- (3) Criteria for dividing the air basin into sub-areas shall include meteorology and topography in addition to air quality data.
- (4) The sub-area concept appears viable only if it does not create pressures for urban sprawl. This can be prevented by establishing a policy of non-degradation of air quality in subdivisions where Federal standards are not presently violated. These clean outlying subdivisions would otherwise experience heavy pressure for development which would place intolerable demands on the transportation system with concomitant inefficient energy utilization. Urban sprawl increases vehicle miles travelled and develops further commitment to the automobile because mass transit is less viable as population spreads indiscriminately in any region.

C. Interim

Recognizing that implementation of the full program may take three years and that San Diego is a rapidly developing region, we are concerned that no adequate interim plan is proposed. Although the Basic Program is expected to be operative during this period, the criteria defining a complex source (i.e. 1500 parking spaces or 100,000 vehicle miles driven in a 24 hour period) are too lenient for the San Diego Air Basin. Very few developments would require review under these criteria. An obvious weakness in the proposal is the failure to provide for the review of phased projects. The size of each development phase could be just under the criteria. To avoid premature development in the region, which may be stimulated by the operational delay of the implementation of the Supplemental Program until 1976 at the earliest, immediate, strict, and enforceable measures are essential to prevent regional cumulative effects due to uncontrolled and phased development from irrevocably precluding future options.

If stricter criteria are not adopted, one could arrive at the point of implementing the Supplemental Program only to find that all the air resources had been expended and that no new developments, however desirable, could be permitted without exceeding the emissions allocations. It is therefore recommended that the criteria defining a complex source be strengthened and that provisions be added to assess and control the cumulative impact of numerous smaller development, or phased developments. In San Diego this can best be accomplished by review of the cumulative result of numerous smaller developments and large complex sources by the Comprehensive Planning Organization which can fold these considerations into its overall responsibility for regional land use and transportation planning.

D. Urban Sprawl

ARB proposals to provide "clean air allotments" for parking may preclude the City's partly implemented plans to reduce vehicle miles of travel. These plans favor redevelopment of the urban core over continued, disorderly urban sprawl with its attendant transportation problems that have been so characteristic of the Los Angeles area. Generalized proposals may prevent the cities plans to change this trend. As a viable alternative to continued urban sprawl, redevelopment of the urban core as a self-contained more compact area for living, working, shopping recreational, cultural and educational activities would provide residents with a complete community which would impose increasingly less reliance upon the automobile. Similarly, in the City's efforts to increase bus ridership, as a means of decreasing vehicle miles travelled, it is very likely that new satellite parking lots will have to be developed for commuters utilizing bus service. Imposing parking lot construction limitations without guidelines for allocation trade-offs is inconsistent with overall clean air implementation efforts. Unless this can be resolved parking controls should be left with the City of San Diego and the CPO to carry out its broad plans to improve the total environment in the City and the region.

E. Costs

The old saying "free as the air you breathe" is no longer true and has not been true for a long time. There is a definite cost in using and conserving air resources. Costs will be especially high in this initial phase of making up for past abuses of this natural resource.

The ARB proposals have not identified the sources of funds to pay for the direct and indirect costs of their proposals. In spite of the recognized urging in cleaning up the air, it will not be possible to undertake these programs without appropriate funding sources. For example, a vastly expanded air quality monitoring program will be necessary to ascertain air quality initially and to determine the effectiveness of the changes as a result of control measures while making day-by-day decisions on how to use the allocations of the clean air inventory. Such monitoring will require expensive equipment and technical personnel and funds for the development of better procedures.

F. Clarification and Questions

The absence of any mention of roads in this proposal, particularly in view of the emphasis on VMT generated by roads in Federal guidelines, leads us to comment that it is essential that all new roads be reviewed as complex sources. The regulation must be worded to assure that local governments have authority to review new roads. Furthermore, nowhere in the Plan is it explicitly stated that State agencies must apply for permits for development or construction of complex sources in an air basin. We recommend that the proposed legislation add a statement requiring State agencies to obtain permits from local districts before developing these complex sources. We also believe that Federal agencies must comply with these regulations if they are to be meaningful, particularly in the San Diego Air Basin where there is a high level of Federal activity.

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Passed and adopted by the Council of The City of San Diego on NOV 8 1973,
by the following vote:

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Yolanda Limón, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 209213 Adopted NOV 8 1973