



**Centre City  
Development  
Corporation**

DATE: November 30, 2005

ATTENTION: Planning Commission  
Meeting of December 8, 2005

STAFF CONTACT: Alexandra Elias, Senior Planner

SUBJECT: CONTINUED PUBLIC HEARING to consider: Proposed Downtown Community Plan, Proposed Centre City Planned District Ordinance, and Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (Fourth Submittal—Please add to Project Binder)

REFERENCE: Staff Reports for Meeting of October 27, 2005, and November 10, 2005 as contained in Project Binder distributed on October 15, 2005 and as supplemented.

SUMMARY

Staff Recommendation – That the Planning Commission:

- Recommend to the City Council the certification of the proposed Final Environmental Impact Report (“proposed Final EIR”) and adoption of the Proposed Downtown Community Plan (“Proposed Community Plan”) and Proposed Centre City Planned District Ordinance (“Proposed PDO), for which the proposed Final EIR has been prepared; and
- Having reviewed and considered the Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (“Proposed Tenth Amendment”) the proposed Final EIR and other documents and information submitted, and having determined that the Proposed Tenth Amendment is in conformity with the General Plan, recommend to the Redevelopment Agency the adoption of the Proposed Tenth Amendment.

Centre City Development Corporation (CCDC) Board Recommendation(s) – See staff report of November 10, 2005 for Board recommendation(s).

Centre City Advisory Committee and Project Area Committee – Please see staff report for Planning Commission Public Hearing of October 27, 2005 for a complete synopsis of votes taken at CCAC meetings.

Fiscal Impact – None with this action.

## BACKGROUND

The primary purpose of this staff report is to respond to questions and comments raised by the Planning Commission during the public hearing of November 10, 2005. As a result, the staff report is organized by question, as submitted, either by email or in a hearing, as indicated. In a number of cases, the response to the question is contained in a previous staff report, and is referenced as such. Email comments/questions are included verbatim. Due to the volume of the comment(s), the text of the comment/question is underlined, followed by the response in normal text.

Generally, the organization of this staff report is as follows:

1. Responses to Commissioner questions and issues to date (questions are numbered within lettered sections for ease of reference).
2. Additional changes to the Proposed Proposed Community Plan and Related Documents based on discussions with the City Planning Department and Environmental Analysis Section of the Development Services Division.
3. Policy questions for consideration by the Commission.

## RESPONSES TO COMMISSIONER QUESTIONS TO DATE

A. Commissioner Chase (via email on October 28, 2005):

1. At what point was the new Community Plan reviewed against the Strategic Framework Element -or other Elements of the General Plan?

Staff responded to the question of whether or not (and how) the Proposed Community Plan is consistent with the Strategic Framework Element of the General Plan on page 3 of the staff report for the November 10, 2005 Planning Commission meeting. As it relates to the specific policies cited in the email message, the proposed Community Plan and Related Documents are consistent with the policies cited in the email message. New development contributes toward public facilities through DIF fees for parks and fire stations, as well as school fees, and water and sewer fees, as required.

2. Where will determinations about the fair shares to pay for infrastructure be made?

As indicated in response to Question A.6, fair share payments are collected at different times depending on the agency collecting the money. Most fees are collected prior to issuance of building fees including fees for schools, sewer and water connection and downtown DIF fees for fire and parks. In addition to funds paid as part of the development process as a redevelopment area, redevelopment funds have contributed \$486 million of improvements to the downtown area. See also response to questions A.1 and A.6.

3. Shouldn't there be a phasing plan?

Staff responded to this question on page 18 of the November 10, 2005 Planning Commission staff report.

4. How will new Development Impact Fees be created and implemented?

Development Impact Fees (DIFs) are created and implemented by ordinance and amendment to the Centre City Public Facilities Financing Plan (PFFP) adopted on December 7, 2004. Currently the PFFP requires impact fees for parks and fire stations. Given the needs and input from the San Diego Police Department stating a need for additional facilities, staff anticipates amending the PFFP for this purpose following adoption of the proposed Community Plan and Related Documents. DIF Fees are collected by the City with the approval of a building permit.

5. Can tax increment be used for regional transportation improvements?

Tax increment cannot generally be used for regional transportation improvements in San Diego.

6. Where and at what time will these above policies be implemented? And where are they promulgated in the proposed update?

CCDC uses a number of tools to provide for infrastructure, in addition to cooperating with the agencies whose responsibility it is to build and support infrastructure. Not all of these are encompassed on the Community Plan, Planned District Ordinance or in the EIR, in part, because they are the responsibility of other agencies. During the standard project review process, City departments are consulted to coordinate and ensure infrastructure. Additionally, CCDC has provided street improvements, sidewalk, lighting, park and open space. The following key infrastructure is provided for through the development review process downtown:

*Water/Wastewater* – The City has an on-going capital improvements program that schedules and constructs upgrades to both water and sewer lines in the downtown as area as well as City-wide. These new lines replace older lines with new larger lines sized to downtown's needs based on adopted land use plans. CCDC provided these

departments with projected capacities early in the community plan update process so they can be incorporated in to future capital improvement planning. These system upgrades typically precede any new demand as growth occurs, but as individual projects are proposed, the appropriate City staff review the project to ensure that the needed upgrades have occurred to accommodate the project. In cases where the proposed development is anticipated to precede the planned infrastructure improvements needed to serve the development, the developer is required to bond for the improvements prior to obtaining any building permit and to construct the needed infrastructure prior to occupancy of the project.

*Stormwater Runoff* – all projects must comply with the City's requirements for Best Management Practices (BMPs) to reduce storm water pollution (both during construction and post-construction), and each project typically installs a storm water filter system. In 2003, CCDC investigated the potential to create district-wide collection/treatment facilities so that each individual project would not be required to install its own system, but there are no plans for such a system at this time and therefore each project must fully comply with the City regulations. Since downtown is a fully developed urban area, new projects do not increase the quantity of stormwater, but they are required to incorporate new water quality facilities. Certain aspects of the Proposed Community Plan would actually serve to increase permeable surface area (e.g. by increasing the amount of parkland and encouraging landscaped open space within projects) which would reduce the amount of stormwater runoff and improve water quality.

*Traffic* – Downtown's existing street grid is virtually complete, and the relatively wide streets are designed for intense urban capacities; approximately 40% of downtown is dedicated to streets. The proposed Final EIR for the Proposed Community Plan and Related Documents ("Final EIR") has evaluated the downtown street system for its ability to accommodate buildout under the Proposed Downtown Community Plan, and found that approximately 60 intersections would perform at an unacceptable level of service. Of those, impacts can be mitigated on all but 12 intersections, and specific necessary improvements have been identified and listed as mitigation measures in the Final EIR. At the intersections where is not feasible to mitigate the impacts, a Statement of Overriding Considerations is required to be adopted prior to the certification of the Final EIR. No specific timetable for construction of the needed improvements has been proposed, as it is unknown what the pace and location of development will be over the next 30 years.

To ensure traffic improvements are implemented as they become needed, two mitigation measures are proposed in the Final EIR. First, the Final EIR requires that CCDC complete an evaluation of the traffic volumes and conditions on the downtown grid every five years to evaluate whether certain thresholds (established by the City and

CCDC) are approaching and if improvements are needed to accommodate the growth. Second, any project that generates over 2,400 Average Daily Trips (ADTs) or 200 trips during the peak hour (as defined in SANDAG's Congestion Management Plan) must complete a traffic analysis to evaluate if the same thresholds are being reached. If needed improvements are not proposed to be completed as part of CCDC's Capital Improvement Plan (CIP) within five years, CCDC will revise the CIP to include the needed improvements. CCDC, on behalf of the Redevelopment Agency, will be responsible for constructing the needed improvements as dictated over time based on these reviews.

*Schools* – School planning and construction is the responsibility of individual school districts, and CCDC has on-going conversations with San Diego City Schools to provide development data to inform their demographic forecasting work and assist them with planning for future facilities. Typically, school districts plan for new schools when existing school enrollments are expected to exceed their design capacity. Under State Law, potential impacts to schools under the California Environmental Quality Act (CEQA) are mitigated through the payment of school fees based on adopted formulas. These fees are paid by developers downtown as they are in all other areas of the City.

*Parks* – One of the main goals of the proposed Community Plan is the establishment of numerous public parks and open spaces. The City Council recently adopted a DIF for parks and adopted a Centre City Public Facilities Financing Plan. CCDC will use Tax Increment (TI) funds to acquire park sites that are threatened by development in order to ensure the acquisition of the parkland, and to jump start this program as fees accumulate. CCDC is also utilizing other creative approaches to guarantee the construction of these parks such as a recently approved Owner Participation Agreement where a condominium developer, in exchange for the ability to purchase a 30,000 square foot Agency-owned parcel, will construct and maintain in perpetuity a 60,000 square foot park in East Village as identified in the Community Plan. The Proposed Community Plan/PDO also creates a Transfer of Development Rights (TDR) program to augment CCDC's ability to acquire parkland by providing additional private funds to secure these sites.

*Fire Stations* – The Fire Department identified the need for two additional fire stations downtown early in the Community Plan update process. An existing fire station near the Ballpark is planned for replacement with an expanded and upgraded facility because the site around it is being redeveloped. The project is due to start construction next year. CCDC is actively planning with the Fire Department for the construction of two new stations in locations deemed appropriate and necessary by the Fire Department, and the funds for construction of these facilities (as identified in the PFFP) will be paid for by the DIF program with that for the parks mentioned above.

*Police* – In response to the Notice of Preparation (NOP) for the EIR for this project last year, the San Diego Police Department stated that no new facilities were needed to support their workforce. More recently, as part of the 45-day public review process for the EIR, the police department identified the need for a second station downtown. CCDC is discussing with their staff the potential locations and funding mechanisms (likely an additional DIF) for this facility.

*Libraries* – The City plans to replace the existing downtown Central Library with a state of the art Main Library near the Ballpark, which will serve as downtown's neighborhood branch. CCDC has committed \$80 million for this project.

7. What was discussed during this process in terms of projects paying fair shares for cumulative impacts to regional transportation systems? What are the regional level projects that this new growth should be contributing to? Instead why is there no mitigation set in section 6.1.4? (Cumulative Impacts and the RTP 2030) And what process was used to determine that?

No specific request for fair share contributions was raised by Caltrans representatives during the series of meetings which occurred during the formulation of the proposed Community Plan. This request was first memorialized in the comment letter received from Caltrans during the 45-day public review period for the Draft EIR. Nevertheless, fair share funding requirements are not considered by the courts to be sufficient as mitigation measures unless they are part of a reasonable, enforceable plan or program of actual mitigation that the relevant agency commits itself to implementing. In the case of improvements to downtown freeways, there are multiple "relevant agencies" having jurisdiction and control of freeway improvements, including Caltrans and SANDAG as well as the City. These agencies do not currently have any enforceable plan of actual mitigation measures for downtown freeway congestion relief, to which any fair share fees could be tied.

While it cannot develop or implement any such plan unilaterally, CCDC is willing to commit to initiating a multi-jurisdictional effort to find workable improvements. To this end, the proposed Community Plan includes Policy 7.1-P-4 (see blue Errata sheet in the project binder) which indicates that CCDC will "work with appropriate transportation agencies on freeway improvements in and near the downtown area." To further reinforce this policy, the following mitigation measure will be added to the Final EIR:

***Mitigation Measure TRF-A.1-4:*** Within one-year of adoption of the proposed Community Plan, CCDC shall initiate a multi-jurisdictional effort including Caltrans and SANDAG as well as other affected agencies to develop a detailed, enforceable plan that will identify roadway improvements which would reduce congestion on I-5 through downtown as well as identify potential funding sources

which may include fair share contributions by development as well as other mechanisms.

8. Can mitigation pay for services required to offset impacts?

Funding mechanisms for services vary according to the type of service. Also, see response to Question A.7.

9. When and by whom was any decision made or direction given there would be no mitigation for transit? Was there any consideration of the fair share of the growth's contribution to the transit in the RTP2030 - how the new growth could improve the performance of those services?

Staff responded to these questions in the staff report for the Planning Commission hearing of November 10, 2005. Simply, the transit agency has evaluated the Proposed Community Plan and stated that the proposed growth can be accommodated by the services that can be reasonably expected to be available in the future. Because these services are available, there is no negative impact of the proposed growth, and therefore, no mitigation is proposed. CCDC has worked in partnership (in the Park to Bay Link, Comprehensive Downtown Transit Plan, C Street Master Plan) and will continue to work, with SANDAG and MTS through planning studies and joint projects to maximize transit service and efficiency downtown.

10. When and by whom was any decision made or direction given and according to what policies that there would be no mitigation for freeway impacts or other interconnecting streets and roads?

See response to Question A.7.

11. What meetings were had with Caltrans with respect to phasing or cost-sharing for freeway improvements?

A staff person from Caltrans was a member of the Transportation Technical Committee that met regularly for almost two years to agree on assumptions used in the analysis, provide input and review documents that were generated during the drafting of the EIR. CCDC staff and our consultants communicated regularly with the members of this group, and they were intimately involved in the development of the analysis that is contained in the proposed Final EIR. See also response to Question A.7. Up until a meeting between CCDC and Caltrans on September 7, 2005 and the subsequent letter of comment on the Draft EIR (Dated September 12, 2005), Caltrans never raised issues regarding phasing or cost-sharing.

12. Did you meet to discuss their comment letter?

Yes, and we will continue to discuss these issues to develop solutions to the transportation challenges of downtown within the regional context of the problem.

13. To whose attention was their comment letter dealt with on a policy level?

The letter of comment was addressed to the Project Manager of the community plan update and discussed with the President of CCDC.

14. The main issue here is how do the regional agencies: Caltrans and SANDAG work together to implement plans and phase infrastructure improvements and who is accountable for what gets funded and what doesn't and who is accountable for ensuring that fair shares are determined and paid for?

CCDC staff is not in a position to evaluate how Caltrans and SANDAG work together on these issues.

15. And what was the PUBLIC PROCESS for determining the mitigation? Was this discussed at any public hearing or by the CCDC Board?

The Draft EIR and the proposed Final EIR have been discussed at numerous public meetings, including at least four meetings of the Centre City Advisory Committee, two workshops of the Real Estate Committee of the CCDC Board of Directors, two special meetings of the CCDC Board of Directors and three meetings of the Planning Commission, among others.

16. What will be the process to determine the fair share for new developments?

See response to Question A.7.

17. Shouldn't the City's CEQA Significance Guidelines be used to determine whether additional review is needed based upon the IMPACTS and not upon this? What is this definition based on?

In the majority of cases, the City's significance criteria are used in determining the threshold of significant impacts. CCDC worked with the Environmental Analysis Section (EAS) of the City's Development Services Department to formulate significance thresholds prior to release of the EIR for public review in order to standardize the thresholds wherever possible.

18. Where is the facilities financing plan? In every other Community, when you adopt a Community Plan there is a Facility Financing Plan. Where is the list of all new facilities needed? Was there never discussion about a FFP?

The Centre City Public Facilities Financing plan was adopted in conjunction with the adoption of DIF fees in December 2004. See response to Question A.6.

19. Where did the growth numbers come from: i.e. Table 3.2 Plan page 3-27 36,600 more housing units and more than doubling of non-residential (28.9. million sf vs current 24.4 million expected to remain).

Page 3-26 and 3-27 in the proposed Community Plan (see Section entitled "Buildout") explains the assumptions behind and derivation of estimated buildout of downtown.



20. There was public testimony that there were some projects already being built that could be held up without approval of this update. What are those projects?

Staff is not aware of what projects the public testimony was referring to. The most significant projects that could be jeopardized by a delay in plan adoption are the acquisition and development of park sites, especially those that are owned by private entities and that are being considered for development.

B. Commissioner Chase via a second email on October 28, 2005

21. What is the rationale for removing the Cedar St off ramp? Who owns that property underlying and what are the impacts on other properties along Cedar?

Staff responded to these questions in the staff report for the November 10, 2005 hearing.

C. Commissioner Chase via email on November 5, 2005:

22. Is there an attorney at CCDC that signs off on the legal adequacy of the EIR?

Both Theresa McAteer of McAteer & McAteer (formerly Deputy City Attorney for the City of San Diego) and Murray Kane of Kane Ballmer & Berkman, (CCDC's redevelopment counsel) have advised CCDC on the preparation and legal adequacy of the EIR, and both will be available at the Planning Commission meeting to address any questions or concerns of a legal nature.

23-26. If someone files suit against the adequacy of the CEQA document or sues that it's not consistent with the General Plan, then who gets sued? and who defends that suit? And what funds pay for dealing with it? I'd like the attorney who is standing up for the legal adequacy of this document to be at the hearing. Can someone get back to me on that? It seems to me any such suit should be against the CCDC Board of Directors and staff, but then this process right here - this public hearing process - is the one where the liability is being passed along up the chain of accountability, is it not?

The Notice of Preparation (NOP) filed with the State Clearinghouse says that "Centre City Development Corporation (CCDC), acting as the agent of The Redevelopment Agency of the City of San Diego," will prepare the EIR. Thus CCDC is the Lead Agency, although it is acting as agent for the Agency. This is the same practice that was followed in the preparation of the 1992 MEIR, and subsequent amendments thereto. Under CEQA, the "Lead Agency" is the respondent in any action challenging the sufficiency of a certified EIR. As a practical matter, CCDC, the Agency and the City (since it will also be certifying the EIR) would all likely be named in any lawsuit challenging the EIR.

The City and Agency are typically represented by the City Attorney, and CCDC has its own general counsel who could advise the CCDC Board in this regard, although sometimes outside counsel are also retained to represent the City, Agency and CCDC

in such matters. Each entity has its own mechanism for deciding how the litigation would be funded; generally the City and Agency are funded in this type of matter through their general funds, although this question ought to be directed to the City Manager or designee. The Planning Commission should not be a party to the suit, since it is neither the Lead Agency, nor does it actually certify the EIR.

D. Commissioner Chase via email on November 14, 2005

27. Please answer Gary London's letter about the 50% commercial requirement.

Staff responded to this question in the staff report for the hearing of November 10, 2005, p. 4-5.

28. Who determined that mitigation is not feasible? Were there any votes taken on this?

The decision as to the feasibility of mitigation was made jointly by CCDC staff in consultation with its environmental and legal consultants. The basis for determinations that mitigation measures are not feasible is presented in the Findings. Also, see response to Questions A.7-A.9, and A.15.

29. Can you please advise how much square footage is attributed to the regional aspect of the facility vs. how much would be only for a "branch" library? How many square feet does the \$80 million proposed for the CCDC share provide for?

CCDC's contribution toward the new Main Library is not subdivided into square feet. In the event that DIF fees were proposed for a downtown library, it would have been necessary to determine the portion of the library project that was needed for residential and non-residential by category. That percentage or factor would have been then used to determine the share of the total project cost that would be eligible for DIF funding. The ability to use redevelopment dollars toward the new library is considered a redevelopment activity that will contribute to the elimination of blight and provide public and cultural amenities for downtown.

30. Where does the position come from that this Community Plan's fair share of regional infrastructure is zero and/or that their impacts cannot be mitigated?

The basis for this conclusion is addressed in the Findings, as well as in the responses to Questions A.7-A.9.

E. Other Issues and Commissioner Questions from November 10, 2005:

1. Development of downtown under the proposed Plan would affect affordability of housing which would result in a physical impact that should be considered in the EIR due to fact that people would become homeless as a result.

Adoption of the proposed Community Plan would not have a substantial adverse impact on affordable housing. To the contrary, as addressed in previous presentations to the Commission, it would have a positive impact due to the more comprehensive affordable

housing goals established by the Plan and incentives such as a density bonus for developments including affordable housing. In addition, California Redevelopment Law requires 15% of new residential units to be available for low and moderate income levels as well as replacement of low and moderate income housing which is displaced by development.

Implementation of the Proposed Community Plan and Related Documents may result in Agency acquisition of property within the Project Area as provided for by the Redevelopment Plan. Should Agency acquisition by means including eminent domain result in the removal of dwelling units occupied by person or families of low and moderate incomes, the Agency will be required to construct, develop or rehabilitate, or cause the construction, development or rehabilitation of, low and moderate income dwelling units equal in number to those destroyed or removed. The units must remain affordable no less than a period of 55 years for rental units and 45 years of owner-occupied units.

CCDC/The Agency does not have any specific plans that would involve the removal of low and moderate income housing units or displacement of low and moderate income residents. The Agency has exceeded its housing unit replacement requirement to date. If housing units are destroyed or removed from the low and moderate income housing market, suitable replacement housing locations are available within the Project Area or other areas of the City as identified in the General Plan or Community Plan as residential infill areas.

Thus, based on Redevelopment Law requirements and the additional incentives, implementation of the proposed Community Plan would create more affordable housing than the existing 1992 Plan.

CCDC is not aware of any evidence that would indicate that existing residents within lower cost downtown housing would be forced to live on the street due to any increase in housing prices downtown or in the surrounding neighborhoods. A comparison of downtown rental rates with other neighborhoods in the metropolitan area demonstrate that downtown rents are not necessarily among the lowest rents in the area.

Consequently, residents who cannot afford to pay the increased rental rates or take advantage of low cost or affordable housing developed downtown would have options to living on the street and causing the physical effects attributed to transient activities on page 5.1-20 of the EIR. Thus, affordable housing is not an issue which should be addressed in the EIR.

2. The EIR should have identified significant impacts from locating residential development adjacent to industrial development.

The relationship between residential and industrial development can be divided into social and economic issues as well as health and safety issues. The EIR appropriately concludes that sufficient local, state and federal regulations exist on existing and future industrial activities to protect adjacent residents from significant health and safety risks. The Air Pollution Control District (APCD) controls air emissions. The City's Noise Abatement and Control Ordinance establishes maximum noise levels at adjacent residential property lines. The County Department of Environmental Health and the City's Fire Department regulate storage and use of hazardous materials.

The social and economic side of the inter-relationship of residential and industrial development was illustrated by concerns expressed by a representative of Solar Turbines during the October 27, 2005 Planning Commission public hearing. The testimony expressed concern that their operations would be impeded by complaints from residents related to factors such as noise, visual quality and odors. As discussed above, the health and safety aspects of these factors are regulated. Thus, the effect would be pressure resulting from nuisance levels of noise and odors which is considered a social or economic impact which need not be considered in the EIR.

3. "Trigger points" should be identified to help determine when infrastructure improvements should be made.

Infrastructure is comprised of a number of facilities including transportation, police, fire, water/sewer, schools, recreation and libraries. As discussed in a previous response to how infrastructure is assured, the responsibility to provide infrastructure lies with a variety of public entities. Each of these entities have their own methodologies for long-range planning and use different "triggers" or thresholds to determine when additional infrastructure is required. For example, roadway improvements are based on level of service (LOS). When the LOS drops to "F" within downtown, roadway improvements would be undertaken, as feasible. Similarly, Caltrans considers LOS F to be unacceptable and warrant improvements.

The City's Engineering and Capital Facilities Division bases decisions on expansion of water and sewer pipelines based on a comparison of the demand generated by new development and the ability of the existing pipe size to accommodate the anticipated flow. When the engineering standard is not achieved, new development is required to make upgrades.

Police and fire services are based on per capita ratios. When those ratios are not being met, the fire and police departments seek to add staff or equipment, as necessary. Schools use school capacities as their trigger points. When schools are operating above their capacity, the school district seeks ways to reduce overcrowding at affected

schools by adding temporary classrooms and/or constructing new schools. SDG& E has long range plans for determining when electrical and natural gas facilities need to be upgraded to serve downtown. (See also Response to Question A.6)

4. How will the proposed density increase downtown affect the Regional Transportation Plan?

As discussed on page 10-9 of the EIR, the additional traffic generated at buildout with the proposed Community Plan would increase traffic congestion at selected locations along I-5 when compared with traffic generated by the 1992 Plan. In general, the performance of the downtown area freeway segments under build-out of the proposed Downtown Community Plan and the 1992 Plan would be similar. However, the level of service (LOS) would drop in some cases under the proposed Plan. The segments of I-5 from Pershing to SR-163, and from First Avenue to Sixth Avenue would go from LOS E to F during the AM and PM peak hours, respectively. The LOS on the I-5 NB on-ramp from 19th Street would decrease from LOS E to LOS F during the PM peak hour. The I-5/SR-163 SB off-ramp to Tenth Avenue would decrease from LOS E to LOS F during AM peak hour.

As these increased densities would not be realized for a number of years, there will be sufficient time for the Regional Transportation Plan (RTP) to be updated to account for the additional traffic above and beyond that assumed in the current RTP. It is expected that the existing RTP will be updated within the next five years. As part of this update, the traffic volumes generated by development in accordance with the proposed Community Plan would be factored into the analysis of impacts and available roadway improvements. Also, with the addition of Mitigation Measure TRAF A.1-4, a multi-agency effort would provide additional support for the RTP in seeking ways to improve traffic flow on the downtown freeway system.

5. What does a "Green Street" (or other street classification) mean? How does one know what a Green Street is supposed to look like?

In the Preliminary Draft Community Plan (November 2004), staff initially included cross sections of the variety of street types in the document. Based on feedback from the Planning Department (Traffic Planning Section) and the fact that identifying exact layout of streets was difficult due to varying conditions among blocks, the cross sections were deleted from the document. Instead, a general description of each street is included in the Street Typologies (see Community Plan Box 7-1 on page 7-4). This will be used to provide the goals and intention of these street types, which will be adapted in the physical constraints that exist in various areas along these streets. In some cases, a green street will mean a wider sidewalk and double row of trees. In other areas, a green street might mean a more standard sidewalk, with a bike lane and only one row of trees. The intention of the community plan is to illustrate the intent of the street, so implementation may be flexible in blending goals and physical reality.

6. Park space is not enough for population and no guarantees that they will be established.

The analysis in the EIR did not include Balboa Park in the calculations of park space. Even if only 10% of Balboa Park were "attributed" to downtown residents, the park needs of the population would be met. Based on comments from the Commission and the City Planning Department, a discussion of the difficulty in providing open space will be added to the Proposed Community Plan. See also response to Question E.8.

7. Did the Proposed Community Plan go to the Historic Resources Board for input?

On November 17, 2005, the Historic Resources Board (HRB) discussed, but did not take action on, the proposed Community Plan and Related Documents. The general consensus of the Board was in support of creating a Transfer of Development Rights (TDR) program for preservation of historic resources. The HRB may take formal action at their January meeting.

8. Transfer of Development Rights should be expanded to district area, not just within the same block.

[Text in response to this question is, in part, cut and pasted from p. 14 and 15 of staff report for public hearing of November 10, 2005.]

Land that is shown on the Proposed Community Plan maps as proposed parks (see Chapters 3 and 4) cannot be assured except to the extent that CCDC/Agency can provide for their purchase or acquisition. That may be accomplished only by:

- Funds being available to purchase land outright,
- Through partnerships with developers to provide on-site parks, or
- Through a newly proposed program to transfer or sell development rights from proposed park sites to other, pre-determined sites that would receive the additional density.

The Proposed Community Plan makes use of all three of these tools. Since development regulations on adjacent south and west blocks are proposed to be more restrictive because of their adjacency to the park sites and the desire to provide sun access, the acquisition of specific park locations is critical.

A preliminary feasibility analysis that was conducted by Keyser Marston & Associates (KMA) confirmed that demand exists for additional FAR. The TDR receiving area (areas that are eligible to purchase development rights from park sites) was expanded in the Proposed Community Plan to broaden the market for these rights in the hope of increasing the chances that the rights would indeed be sold, thus guaranteeing the acquisition of land. It is crucial to not dilute the FAR demand market with TDRs for other programs, at least until after the park sites are acquired.

For these reasons, staff has proposed that TDR be allowed ONLY for the acquisition of parks. In short, the acquisition of parkland will require creativity and perseverance to achieve the community's goals for open space. The Proposed Community Plan establishes at least one new program to achieve these goals.

9. What are the provisions for public toilets and drinking fountains?

See p. 8 of staff report for Planning Commission public hearing of November 10, 2005.

ADDITIONAL CHANGES TO THE PROPOSED COMMUNITY PLAN AND RELATED DOCUMENTS

A. Changes to Community Plan

Since the last Planning Commission meeting, CCDC staff has met with Gail Goldberg, City of San Diego Planning Director to ensure that the Planning Department is comfortable with the documents. Based on feedback received there, CCDC staff will bring additional modifications to the City Council for consideration with the Proposed Community Plan and Related Documents. These include:

- Correction and clarification of language regarding the Local Coastal Program (LCP) as it relates to the City's General Plan
- Add a slightly longer explanation of General Plan park standards and that these standards are being met in alternative ways due to the unique situation of an urban environment.
- Adding a statement in the economic development chapter (Chapter 11) regarding the importance of office development downtown as the center of the region.
- Clarify status of historic resources—those that are listed on the National Register of Historic Places are automatically listed on the California Register.
- Clarify in text/captions in Chapter 3 that the removal of the Cedar Street off ramp from I-5 south is a goal to be studied for consistency with language in the Final EIR.

B. Changes to Final EIR

In response to Commissioner input and recent discussions with the Environmental Analysis Section, the following changes have been made to the Final EIR.

1. The following traffic mitigation measure has been added to require traffic studies for large projects as well as provide more assurance that intersection improvements identified in the FEIR will be carried out in a timely fashion.

***Mitigation Measure TRF-A.1-3:*** Prior to approval of any development which would generate a sufficient number of trips to qualify as a large project under the Congestion Management Program (i.e. more than 2,400 daily trips, or 200 trips

during a peak hour period), a traffic study shall be completed as part of the Secondary Study process. The traffic study shall be prepared in accordance with City's Traffic Impact Study Manual. If the traffic study indicates that roadways substantially affected by the project would operate at LOS F with the addition of project traffic, the traffic study shall identify improvements to grid street segments and/or intersections which would be required within the next five years achieve an acceptable LOS or reduce congestion, to the extent feasible. If the needed improvements are already included in CCDC's Capital Improvement Program, or the equivalent, and anticipated to be implemented within five years, no further action shall be required. If any of the required improvements are not included in the CIP, or not expected within five years of project completion, CCDC shall amend the CIP, within one year of project approval, to include the required improvements and assure that they will be implemented within five years of project completion. At CCDC's discretion, the developer may be assessed a pro-rated share of the cost of improvements.

2. The following traffic mitigation measure was added to provide more assurance that SANDAG, Caltrans, CCDC and the City will continue to work toward identifying improvements and funding mechanisms to relieve traffic congestion on I-5.

***Mitigation Measure TRF-A.1-4:*** Within one-year of adoption of the proposed Community Plan, CCDC shall initiate a multi-jurisdictional effort to develop a detailed, enforceable plan that will identify roadway improvements which would reduce congestion on I-5 through downtown as well as identify potential funding sources which may include fair share contributions by development as well as other mechanisms. Within 60 days of the end of the one-year period, CCDC shall submit a written summary of the results of their efforts to the City.

3. Additional information has been added regarding the availability of an adequate long-term water supply to serve the additional development which would result from the proposed Community Plan.

4. The discussion of potential environmental issues related to a potential fire station has been eliminated to avoid the impression that no further environmental review would be required for this facility.

5. The agency responsible for verifying specific mitigation measures have been modified in some cases to more accurately reflect the standard process.

6. The text of the mitigation measures for historic and archaeological resources has been revised to more closely reflect the standard requirements of the City.



7. The intent to modify the Airport Environs Overlay Zone to remove unnecessary height limitations related to a runway which will not be built has been added to the project description along with a discussion that the elimination of these height limitations would not result in any new or increased environmental impacts. In addition, the text acknowledges that buildout estimates used for the EIR were done under the assumption that these height limitations were not warranted.

C. CHANGES TO FINDINGS AND OVERRIDING CONSIDERATIONS

1. The Findings of Fact have been expanded to indicate why the payment of a fair share fee for freeway improvements is not an appropriate mitigation measure.

2. The Findings of Fact have been expanded to explain why providing additional parking is not considered appropriate.

POLICY QUESTIONS FOR CONSIDERATION

A number of topics have come up at the Planning Commission hearings of October 27 and November 10, 2005 for which a number of Planning Commissioners appeared to have similar opinions. These topics are reproduced from previous staff reports here, and it would be staff's hope that the Commission would provide specific direction on these issues.

1. Should Living Units be permitted by right instead of the proposed Neighborhood Use Permit (NUP) process?

[Text taken from staff report for public hearing of November 10, 2005] Currently, Living Unit projects require a CUP. Based on input from the SRO Ordinance Working Committee, staff proposed reducing the level of review to a NUP, streamlining the regulations for such projects, and eliminating the previous numerical limit of 3 projects downtown to encourage this alternative type of housing project. There has been one Living Unit project built downtown (Island Village Apartments at Market Street and Park Boulevard), with another approved along Broadway at 9<sup>th</sup> Avenue. At its October 26, 2005 meeting, the CCDC Board also questioned whether Living Unit projects should be allowed by right, but failed to recommend allowing them by right on a 3-3 vote. The NUP process is not overly burdensome and allows for special consideration of this unique type of housing project.

[New text] Discussion at the Planning Commission indicated that the Planning Commission might feel it appropriate not to require a NUP for living units, but that they should be allowed by right.

2. Minimum parking requirements.

[Text taken from staff report for public hearing of November 10, 2005] The parking requirements contained in the Proposed Centre City PDO represent a balance of providing adequate parking supply while still encouraging transit use and not creating unlimited traffic congestion. The intent is to have minimums which conform with demonstrated market ratios, or slightly lower to allow for and accommodate shared parking strategies, car sharing options, and/or 24-hour use of public parking facilities. Many transit proponents and planners have encouraged staff to lower the proposed parking minimums from what is in the Proposed Centre City PDO.

The Proposed PDO contains increased parking standards from the amount that is required under the existing Centre City PDO. These include increased requirements for residential (including a new requirement for the provision of guest/service spaces) and new minimum requirements for retail/commercial uses (which currently have no minimums following the elimination of the maximums).

At its regular Board meeting of October 26, 2005, the Centre City Development Corporation accepted the Centre City Advisory Committee recommendation that the Proposed PDO contain slightly higher parking ratios than staff proposed. The CCAC recommended one per unit plus 1.5 per two-bedroom unit plus one space per 10 units guest/service parking, whereas staff recommended one per unit with 1 guest/service space required for every 30 residential units. The Board supported staff's recommendation for commercial parking and other non-residential land uses.

[New text] A number of comments by Planning Commissioners indicated that there may be a consensus to return to staff's original parking recommendation of minimum requirements.

3. Industrial/Residential Uses. The Planning Commission has discussed whether or not residential development in areas adjacent to industrial zones (or industrial uses) should be called out as potentially requiring a higher standard of review. CCDC staff has been working with IEA toward a solution, and will discuss these ideas at the Commission meeting of December 8, 2005. See also response to E.2., above.

SUMMARY/CONCLUSION

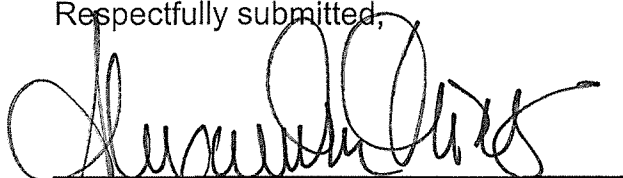
This staff report is provided to supplement the initial staff report that accompanied the project binder. The action requested of the Planning Commission is to:

- Recommend to the City Council the certification of the proposed Final Environmental Impact Report and adoption of the Proposed Downtown Community Plan and

Proposed Centre City Planned District Ordinance for which the proposed Final EIR has been prepared; and

- Having reviewed and considered the Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project the proposed Final EIR and other documents and information submitted, and having determined that the Proposed Tenth Amendment is in conformity with the General Plan, recommend to the Redevelopment Agency the adoption of the Proposed Tenth Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alexandra Elias', written over a horizontal line.

Alexandra Elias  
Senior Planner