

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 5, 2004

REPORT NO. P-04-186

ATTENTION: Planning Commission,
Agenda of October 14, 2004

SUBJECT: California Environmental Quality Act (CEQA) “Significance
Determination Thresholds” for the City of San Diego

SUMMARY

Issue - Should the Planning Commission recommend to the City Council approval of the City of San Diego Significance Determination Thresholds?

Staff Recommendation:

Recommend to the City Council approval of the Significance Determination Thresholds as proposed by staff. While staff recognizes that the Planning Commission may wish to include Police and Fire-Rescue Response Times in the Thresholds, this is not recommended. However, if included, staff recommends that the threshold should include a “screening criterion” below which an evaluation for response times would not be required. Such a screening criterion would need to be defined at this Planning Commission meeting.

BACKGROUND

The purpose of this workshop is to solicit a final Planning Commission recommendation on proposed revisions to the City’s “Significance Determination Thresholds”. These are the thresholds used by staff to determine, in general, when impacts should be considered “significant” for purposes of implementing the California Environmental Quality Act. Staff presented the majority of this material to the City’s Committee on Land Use and Housing

(LU&H) on May 19, 2004 and was directed to bring the item before the Planning Commission and Community Planners Committee before returning to LU&H and, ultimately, the City Council for adoption.

Staff has subsequently held two workshops with the Planning Commission (August 12 and September 16, 2004). Staff has modified the thresholds in response to direction by the Commission with the exception of the Police and Fire-Rescue response times. A re-printed version of the thresholds with changes made subsequent to the last workshop highlighted in yellow (Attachment 1) and a matrix summarizing the changes made since the last workshop (Attachment 2) are attached to this report.

DISCUSSION

Staff continues to recommend against including Police and Fire-Rescue response times in the significance thresholds, arguing instead that the issue can be more efficiently addressed through existing permit findings or, more preferably, on a community-wide rather than project-by-project basis. However, staff believes that CEQA does provide the City the latitude to incorporate response times into the CEQA process. Staff understands and will comply with the wish of the Planning Commission to forward the Commission's positive recommendation on response times to the City Council. Staff further understands the Commission wishes to make additional recommendations on this issue at the October 14, 2004 meeting in terms of the size of a project that should be subjected to an evaluation of impacts on response times. Staff has previously recommended a screening criterion of 75 dwelling units or 100,000 square feet of non-residential space and would continue to recommend this criterion if directed by the City Council to include response times as a CEQA issue. Staff from the Police and Fire-Rescue Departments will be available at the October 14, 2004 meeting to discuss the screening criterion.

Finally, staff wants to ensure that is accurately representing the Commission's direction with respect to Public Facilities, e.g., libraries and parks. The staff recommendation has consistently been to not consider the service levels of these facilities, in either pre- or post-project scenarios, to constitute CEQA issues. Previous staff reports describe how the CEQA Guidelines (15064(d,e) and 15131, see Attachment 3) require that a significant physical impact occur in order to consider a related social or economic impact to be significant. Staff does not believe that the link to a physical change can be made with respect to park and library service levels. If the use of park and library service levels are ultimately decided to be potentially significant CEQA issues because substandard service levels constitute a "substantial adverse affect on people" (a Mandatory Finding of Significance), staff is concerned that project opponents will argue that even standard of levels of service are not adequate to prevent a substantial adverse affect. Therefore, staff recommends that these issues not be considered to constitute CEQA

issues at all. No discussion specific to this issue occurred in the previous workshops, and staff would like to obtain a formal recommendation by the Commission in this area.

Respectfully submitted,

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Development Services Department
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Attachments:

1. Proposed Significance Determination Guidelines
2. Matrix of Changes Made Subsequent to the September 16 Workshop
3. CEQA Guidelines Sections 15064(d,e) and 15131

Attachment 3

CEQA Guidelines Sections 15064(d,e) and 15131

15064 (d,e): Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

15131: Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.

(c) Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.