

AIA San Diego

A Chapter of The American Institute of Architects

June 24, 2007



Marilyn Mirrasoul
Environmental Planner
Development Services Department
122 First Avenue, MS-501
San Diego, CA 92101

Re: Additional comments on the Program Environmental Impact Review (PEIR)
for the City of San Diego Final Draft General Plan

Dear Ms. Mirrasoul:

AIA San Diego (AIASD) would like to thank the City of San Diego for the 17-day extension to review the Program Environmental Impact Report (PEIR) for the Draft General Plan for the City of San Diego. Unfortunately, the length of the extension has not enabled us to complete our review, but we would like to forward these additional comments and concerns about potential significant impacts, which we do not believe have been adequately addressed in the PEIR.

As stated in our previous letter, dated June 1, 2007, in which we requested additional time to review the document, the PEIR represents an excellent in-depth analysis, but based on our preliminary review we have identified some significant questions. We look forward to reviewing your responses and to participating in continuing dialogue.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul E. Schroeder".

Paul E. Schroeder, AIA
President

cc. Mayor Jerry Sanders

Scott Peters, Council President, City of San Diego
Kevin Faulconer, Councilmember, City of San Diego
Toni Atkins, Councilmember, City of San Diego
Tony Young, Councilmember, City of San Diego
Brian Maienschein, Councilmember, City of San Diego
Donna Frye, Councilmember, City of San Diego
Jim Madaffer, Councilmember, City of San Diego
Ben Hueso, Councilmember, City of San Diego
Jim Waring, Deputy Chief Operating Officer for Land Use and Economic
Development
William Anderson, Director of Planning and Community Investment

**AIA San Diego Comments
Relative to the Program Environmental Impact Review (PEIR)
for the City of San Diego Final Draft General Plan**

- 0-1

1. **Executive Summary 1.3 Summary of Environmental Impacts and Mitigation Measures** (page 1.0-3): “As such, each of the issue areas identified above describes impacts that may remain significant and unavoidable even with the proposed program level mitigation framework.”
Comment: What are the overriding findings to approve the significant unmitigated impacts?
- 0-2

2. **Enhanced Sustainability** (page 1.0-5):
Comment: AIASD strongly supports the Enhanced Sustainability Section.
- 0-3

3. **Increased Parking Management** (page 1.0-5):
Comment: AIASD understands that a joint Planning Commission and LU&H workshop on parking is scheduled for August 2007. This section appears to establish direction in a General Plan prior to the workshop. The General Plan needs to be written to allow flexibility as different methods of parking management tools are tried, tested, and evaluated. What are the significant impacts of these hypothetical approaches?
- 0-4

4. **Table 1.0-1 Summary Table of Significant Impacts and Mitigation Framework to Reduce Impacts**
Air Quality
Comment: The analysis identifies significant, unavoidable impacts due to concentrated carbon monoxide (CO) “hot spots” due to traffic impacts. It should be discussed that many of the “hot spots” are being created due to the higher density development being encouraged and promoted in the General Plan and is therefore a directly a result of the General Plan.
- 0-5

5. **Health and Safety** (Section 3.5) (page 1.0-9) (page 3.5-14):
A. Environmental Impact-
 The PEIR identifies that “the Airport Environs Overlay Zone (AEOZ) covers less area than the boundaries of the airport influence area, which could allow the development of future projects that could pose a potentially significant impact outside of the AEOZ boundaries, but within the airport influence area.”
Comment: No mitigation is proposed. The mitigation should be stated to make the two consistent.

- O-1 See response to comment N-15.
- O-2 Noted. See response to comment N-16.
- O-3 See response to comment N-17.
- O-4 See response to comment N-18.
- O-5 See response to comments N-2 and N-3.

COMMENTS

RESPONSES

0-6

B. Mitigation Framework-

Comment: The PEIR identifies mitigation for discretionary projects, but it fails to address the mitigation for nondiscretionary projects.

6. Land Use (Section 3.8, page 1.0-10):

A. Environmental Impacts-

Comment: Though the Draft General Plan does not change land uses, the PEIR must endeavor to identify and evaluate specific inconsistencies between community plans, the Zoning Code, existing land uses and City policies. The PEIR statement that "implementation of the Draft General Plan could yield significant impacts to land use" is inadequate. One specific example is the impact on existing allowable uses in industrial areas, which is not identified in the PEIR. There are others examples, and it is the responsibility on the PEIR to identify them.

0-7

Comment: PEIR must further identify the significant impacts of those inconsistencies. What is the impact on the ability to develop new projects or expand existing facilities, which are consistent with the Land Development Code (LDC) and community plans, but are inconsistent with the General Plan?

0-8

B. Mitigation Framework-

Comment: It is the responsibility of the PEIR to identify a mitigation or implementation plan for transitioning community plans, the Zoning Code, existing land uses and City policies toward greater consistency with the General Plan. It is inadequate to defer mitigation of inconsistencies to some unknown date of a community plan update or some unspecified private development project. How long does the PEIR anticipate that these significant impacts will exist?

0-9

C. Page 3.8-2.9 states, "There may be a situation where a community plan does not implement the General Plan to the maximum extent possible, however, it is anticipated that competing goals can be resolved through discretionary review."

0-10

Comment: What if the project is a ministerial permit

7. Noise (Section 3.10, page 1.0-11):

A. Environmental Impacts-

Comment: In general this section is very well done, but it fails to analyze the impact of new noise policies on existing land uses that currently have ambient noise levels that exceed the noise thresholds established in the General plan and thus prohibit the implementation of the community plans. It fails to analyze where these inconsistencies occur and whether it is practical,

0-11

O-6 See response to comment N-3.

O-7 See response to comment N-4.

O-8 See response to comment N-5.

O-9 See response to comment N-6.

O-10 See response to comment N-7.

O-11 The Draft General Plan Noise – Land Use Compatibility Guidelines in the Noise Element are applicable to the development of future land uses. The policies would not affect existing land uses even if such uses would be considered incompatible with the General Plan Land Use Compatibility Guidelines. The City has included additional discussion in PEIR section 3.10 and generalized planned land use based on adopted community plans to Figures 3.10-2, 3.10-3, 3.10-4, 3.10-5, 3.10-6, 3.10-7, 3.10-8, 3.10-9, and 3.10-10 concerning the impact of the Noise Element policies and compatibility guidelines to adopted community plans in the environs for San Diego International Airport (SDIA).

For SDIA, the Draft General Plan policies would conditionally limit future single-family residential uses to the 65 dBA CNEL expected on existing single-family lots and would conditionally limit multifamily and mixed-use residential uses in an environment of up to 70 dBA CNEL. Although not generally considered compatible, the City would allow multifamily and mixed-use residential uses exposed to noise up to 75 dBA CNEL in areas surrounding SDIA with existing residential uses that are designated for multifamily or mixed-use residential consistent with adopted community plans and the Airport Land Use Compatibility Plan for SDIA along with noise mitigation measures to ensure an interior noise level of 45 dB CNEL.

The adopted Downtown and Uptown community plans designate properties for multifamily and mixed-use residential uses in areas exposed to noise above the 75 dBA CNEL. The adopted ALUCP

COMMENTS

RESPONSES

(currently in place) contains polices that conditionally allows residential uses to be exposed to noise up to 85 dBA CNEL.

Due to the aforementioned factors, it is anticipated that development in such areas would be able to proceed with the appropriate mitigation to reduce interior noise levels down to 45 dB CNEL.

COMMENTS

RESPONSES

feasible, or appropriate to amend the community plans to be consistent with the General Plan. The General Plan needs to provide flexibility to accommodate and address areas such as Bankers Hill along Columbia Street, Little Italy, and Uptown between Grape and Hawthorn Streets for example, which would be significantly impacted by the General Plan criteria. The PEIR should identify for decision makers where else these significant impacts would occur in order for them to make an informed decision on the Overriding Finding that will be required. What are the Overriding Findings?

0-12

8. 2.4.0 Project Description (page 2-22)

"The Project also includes General Plan update companion items including: code amendments to eliminate references to the tier system; code amendments to the Municipal Code Section 122.0101-122.0104 to revise or eliminate the section to address revisions to Plan Amendment Initiation Criteria; and adoption of an ordinance to authorize implementation of the state Subdivision Map Act/Quimby Act and provides a methodology for collecting land and/ or appropriate park fees from new subdivisions for population-based parks and recreation facilities to serve future residents."

0-13

Comment: Have these companion elements been developed and are they available for public review?

9. Page 2-29

"No land use designation or zoning changes are proposed as part of the General Plan update process."

0-14

Comment: The statement is grossly misleading. Code changes, rezoning and community plan updates, which change land uses will be necessary in order to achieve consistency with the general plan. Therefore, though the General Plan, in and of itself, does not change land-use designation or zoning changes, it will cause those changes to happen.

10. Page 3.5-10

"Implementation of new base zone use packages, designed to provide new mixed-use zone categories will also address issues to avoid incompatible uses within Industrial and Commercial zones."

0-15

Comment: What are these new base zones use packages? What are these mixed-use zone categories? The PEIR needs to identify the incompatible uses within the Industrial and Commercial zones, which are being created by the General Plan.

11. Page 2.54 Mitigation Framework

- O-12 See response O-11. Also, refer to Section 15093 of the State CEQA Guidelines for a more detailed discussion of overriding considerations.
- O-13 The City is preparing the code amendments related to the tier system and initiation criteria. The Quimby Act ordinance will be prepared subsequent to General Plan adoption. Once the draft amendments and ordinance are completed they will be available for public review.
- O-14 The EIR Section 2.4.0 (p. 2-23) states that "the Draft General Plan does not change land uses, but rather provides the framework and policy direction for future community plan updates." This statement is not intended to be misleading, but rather to assure the public that no physical development would be authorized at the time of the General Plan adoption. However, staff concurs that future implementation actions will likely result in land use designation and zoning changes. In fact, Draft General Plan Policy LU-F.1 calls for the City to "apply existing or new Land Development Code zone packages or other regulations as needed to better implement the policy recommendations of the General Plan; land use designations of the community plans; other goals and policies of the community plans; and community specific policies and recommendation." The reliance on future community plan updates and code amendments is further discussed in EIR pages 2-54 and 3.8-36, and Draft General Plan Land Use and Community Planning Element Sections A-C. In addition, EIR Figure 2.1-0 graphically shows that future environmental review will be needed for future community plan and zoning actions.
- O-15 The General Plan does not change the land use designation or zoning of specific properties. However, future implementation actions will likely result in land use designation and zoning changes. The Draft General Plan provides a menu of Land Use categories that may be applied as a part of community plan updates and amendments. These Land Use categories are found on Table LU-4 of the Land Use and Community Planning Element (pg. LU-15).

COMMENTS

RESPONSES

The last bullet on page 3.5-16 addresses mitigation for discretionary projects in the ALUCPs.

0-16

Comment: PEIR fails to address mitigation for ministerial permits in the ALUCPs.

12. **On page 3.8-27**, the PEIR states, “An inconsistency with an adopted plan is not by itself a significant impact. The inconsistency must relate to a physical environmental impact to be considered significant under CEQA.”

Comment:

0-17

1. The PEIR must endeavor to identify and evaluate inconsistencies between community plans, the Zoning Code, existing land uses and City policies. The PEIR statement that “implementation of the Draft General Plan could yield significant impacts to land use” is inadequate. One specific example is the impact on existing allowable uses currently allowed in industrial areas, but that would be prohibited in the future. This is not identified in the PEIR. There are others examples, and it is the responsibility of the PEIR to identify them.

0-18

2. It must further identify the significant impacts of those inconsistencies. What is the impact on the ability to develop new projects or expand existing facilities, which are consistent with the Land Development Code (LDC) or Community Plans, but that are inconsistent with the General Plan?

0-19

3. It is the responsibility of the PEIR to identify a mitigation or implementation plan for transitioning community plans, the Land Development Code, existing land uses and City policies toward greater consistency with the General Plan. Shall the General Plan, Community Plan or the Development Regulations take precedence until such time as consistency is achieved?

0-20

4. AIASD believes that “creates substantial inconsistencies with existing zoning and community plans” should be identified in Section 3.8.2, Thresholds of Significance.

13. **Page 3.8-28** states: “While the draft General Plan policies are consistent with the Coastal Act policies and do not require

0-21

amendments to the City’s LCP land use plan at this time, there is a potential that future actions could result in a need for LCP amendments.”

Comment: If future actions requiring LCP amendments are the result of achieving consistencies with the General Plan, they should be identified as part of the PEIR.

14. **Page 3.8-28** last paragraph states: “However, discretionary review of public and private projects will evaluate whether proposed projects implement specified land use, density/intensity, design guidelines,

Further environmental review will be needed for future community plan and zoning actions involving application of new Land Use categories. The Economic Prosperity Element includes a number of policies (EP-A.4, EP-A.6, EP-A-11, EP-A.13, EP-A.17, EP-A.20, EP-A.21, and EP-B.13) to guide application of these Land Use categories in a manner that does not create incompatible uses. Incompatible uses can not be identified at this time without a specific rezone or community plan amendment proposal. Any rezone or community plan amendment would be subject to additional environmental review.

O-16 See response to comment N-3.

O-17 See responses to comments N-10 and N-6.

O-18 See responses to comments N-10 and N-6.

O-19 See responses to comments N-10 and N-6.

O-20 The intent of the suggested text is addressed by the Development Services Department’s CEQA Significance Determination Thresholds which state that “The project should be assessed for consistency with any of the adopted plans and regulations (City of San Diego Municipal Code) which govern the region and the particular site. An inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental impact to be considered significant under CEQA.” See also the staff response to Comments O-17 and 19.

O-21 The General Plan does not amend individual community plans. Identifying specific examples of what could happen as a result of a future community plan update, such as a potential conflict with the Local Coastal Program, is speculative and beyond the scope of this EIR. Additional environmental review will be conducted as community plans are updated and LCP amendments proposed.

COMMENTS

RESPONSES

Airport/Land Use Compatibility Plans, and other General Plan and community plan policies including open space preservation, community identity, mobility, and the timing, phasing, and provision of public facilities and ensure that they do not adversely affect the General Plan and community plans.” Further on page 3.8-29, the PEIR states: “There may be a situation where a community plan does not implement the General Plan to the maximum extent possible, however, it is anticipated that competing goals and policies can be resolved through the discretionary review process.”

0-22

Comment: Does the PEIR intend that all projects should be discretionary in order to mitigate the significant impacts of inconsistencies created by the General Plan? What happens to current ministerial permits? How much more time and cost to the city and the private sector is anticipated as a result of delays in the discretionary review process to resolve conflicts between the General Plan, LDC, and the community plans? These are all significant impacts that need to be addressed in the PEIR.

15.

Page 3.8-32 “mixed-use projects may also result in environmental impacts related to noise, lighting, and odors due to mixed use projects such as residential/night club/restaurant; noise and air quality impacts due to residential proximity to transit corridors and streets; and possible noise, facilities, and public health impacts due to mixing of employment/industrial/residential uses.”

0-23

Comment: The PEIR, after identifying these potentially significant impacts, fails to address mitigation. Instead, it goes on to address minimizing only land-use incompatibilities.

16.

3.8-33 Mixed-Use Village Development

Comment: This section fails to address the potentially significant impact of mandating the creation of mixed-use zones by the General Plan. Will the new mixed-use zones require vertical mixed-use development? Will the mixed-use development be feasible based on economic conditions? Or would it be imposed on a piece of property large enough to handle mixed-use development? If the mixed-use zoning is horizontal, why isn't existing zoning adequate? These are significant impacts that are not identified in the PEIR.

0-24

17.

The PEIR states (page 3.8-34) “The identification of prime industrial land does not affect existing land use designation or zoning.”

0-25

Comment: Yet, in order to achieve consistencies between the general plan, community plan, and existing zoning, some existing land uses such as Coleman College, Maric College, credit unions, and multi-tenant offices, which are currently allowed in community plans such as Kearny Mesa and its

O-22

The PEIR does not intend that all projects should be discretionary in order to mitigate any significant impacts of inconsistencies created by the General Plan. Project review will continue to follow the Land Development Code, which determines whether or not a project requires discretionary review. The PEIR acknowledges that some projects are ministerial and therefore, not subject to the identification and mitigation of possible impacts.

If a project is consistent with the community plan land use designation, then by default it is consistent with the General Plan land use designation, since the General Plan land use map is a compilation of the community plan land use maps. To clarify this point, Policy LU-C.1 has been revised to include a sub-item “b” as follows: “Rely on community plans for site-specific land use and density/intensity designations and recommendations.” In addition, page 3.8 of the Draft EIR states “The adopted community plans have been and will remain the authority for land use, density, and site specific recommendations.”

If a project is consistent with the community plan and LDC, and is processed through a ministerial permit, then the General Plan is not a part of the review process. If the project is processed through a discretionary project, the community plan and General Plan will be used by City staff to evaluate the project.

O-23

At the General Plan level, it is impossible to determine the specific mitigation necessary for future projects; however, the PEIR provides a program-level mitigation framework to reduce potential impacts. As the PEIR states in the last paragraph on page 3.8-32, “since no specific development project is proposed at this time, no project-level mitigation can be developed at this time to address potential environmental impacts.” Because it is not possible to foresee future project impacts, the PEIR was developed with the assumption that future projects have the potential to result in impacts in many issue areas.

O-24

See response to comment N-12.

O-25

See response to comment N-12.

COMMENTS

RESPONSES

underlying zoning, will all become previously conforming. That is a significant impact that is not addressed in the PEIR.

Comment: The PEIR fails to identify that the proposed boundary of the Prime Industrial Land Map in Kearny Mesa is within the 1,000-foot buffer of existing residential uses, which is contradictory to criteria established in Appendix C EP-2 of the General Plan for Collocation. As such, this should be considered a significant impact.

0-26

18. **Page 3.8-34** "The menu of community plan land use designations also include a new designation, Business Park/ residential."

Comment: What will the new zoning regulations look like? What impact will this have on existing zoning? Will it require rezoning for consistency with the General Plan? What types of employment uses will be allowed in this new zone to avoid environmental impacts on residential?

0-27

19. **Page 3.8-34** "As part of community plan updates, implementation of new base zone use packages or modifications to existing zones, designed to provide new mixed-use zone categories will also address issues to avoid incompatible uses within Industrial and Commercial zones."

Comment: This statement implies that new base zone packages are needed to address significantly adverse impacts due to incompatibilities within Industrial and Commercial zones. What are the incompatibilities and the significant impacts? How will the mixed-use zone address incompatibilities between Industrial and Commercial zones? Existing zoning currently allows various combinations of Industrial and Commercial. Doesn't mixed-use generally imply residential in the General Plan? Is the creation of a mixed-use zone mandating mixed-use development a significant impact? The PEIR fails to define the mixed-use requirement or how or where it will be implemented.

0-28

20. **Section 3.8.4 first paragraph page 3.8-35** states "The City's process for evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies and recommendations of the General Plan and the applicable Community Plan."

Comment: What is the significant impact on the project, the property, its owner, and how it is mitigated, when the General Plan creates an inconsistency between the General Plan and the Community Plan due to the adoption of this General Plan. The PEIR fails to even identify that this significant impact is the result of the adoption of the General Plan. Will properties not

0-29

O-26 See response to comment N-13.

O-27 The implementation of the new Business Park/Residential land use designation has not been determined. It may involve a zone which contains a combination of use limitations and development standards to avoid land use conflicts. It is also possible that a more site-specific method to implement this category would be established through a CPIOZ designation which would be adopted in a future community plan which proposes this designation. Any proposed land use changes would be subject to the appropriate environmental review.

O-28 The establishment of a mixed-use (with residential) land use designation or any other land use designation containing a variety of uses will require the best possible implementation methods which will be established subsequent to the General Plan adoption. As stated in response to comment O-27, new zones or zone packages will utilize a combination of use categories or subcategories and development standards to avoid potential incompatibilities as discussed in the Land Use Mitigation Framework. It is also possible that the use of CPIOZ or other community plan policies will assist with land use designation implementation.

O-29 See responses to comment N-10 and N-6.

COMMENTS

RESPONSES

be redeveloped because of the inconsistencies and the cost of the bureaucratic process of dealing with these inconsistencies? Will this result in physical blight? Is there a significant economic impact on property owners if they are not able to lease to new tenants who are similar to existing tenants, simply because they are no longer consistent with the General Plan? Is there a significant impact on properties that were previously conforming to the current General Plan, but that would not be able to expand their facilities because their use is no longer consistent with the proposed General Plan? This section also only deals with using discretionary review as a means to mitigate impacts. It fails to address the significant impact caused by ministerial permits that may not be consistent.

21. **Page 3.8-36** “Implementation of new base zone use packages, designed to provide new mixed-use zone categories will also address issues to avoid incompatible uses within Industrial and Commercial Zones. Existing and future regulations will also provide development standards aimed at reducing land use incompatibilities.”

Comment: PEIR should identify the “issues.” How does the mixed-use zone (currently not defined) or the future regulations (currently not defined) address the issues, which are not clearly defined?

0-30

22. **Section 3.10 Noise**—

Comment: In general this section is very well done, but it fails to analyze the impact of new noise policies on existing land uses that currently have ambient noise levels that exceed the noise thresholds established in the General plan and thus prohibit the implementation of the community plans. It fails to analyze where these inconsistencies occur and whether it is practical feasible or appropriate to amend the community plans to be consistent with the General Plan. The General Plan needs to provide flexibility to accommodate and address areas such as Bankers Hill along Columbia, Little Italy, and Uptown between Grape and Hawthorn for example, which would be significantly impacted by the General Plan criteria. The PEIR should identify for decision makers where else these significant impacts would occur in order for them to make an informed decision on the Overriding Finding that will be required. What are the Overriding Findings?

0-31

Comment: What are the significant noise impacts associated with the mixed-use zoning that the General Plan proposes to require?

0-32

O-30 See the response to comment O-23.

O-31 See the response to comment O-11 and 0-12.

O-32 The General Plan is not proposing to require the implementation of mixed-use zoning, but rather provides a framework for future community plan updates. Under section 3.10.1, the DEIR addresses residential mixed-use in the subsection “Other Noise Sources.” The City will replace the “Other Noise Sources” heading with additional subsection headings to assist the reader in identifying the discussion of mixed-use in the DEIR.

Under section 3.10.3, the DEIR addresses impacts residential mixed-use in the subsection “Commercial and Industrial Noise.” The City will include Mixed-Use in the subsection heading. The City will also separate the discussion of the commercial and mixed-use noise impacts from the discussion of the industrial noise impacts to assist the reader in identifying the discussion of mixed-use in the DEIR. See response to comment O-23.

COMMENTS

RESPONSES

23. Page 3.10-22 states “. . . transportation noise could significantly increase with implementation of the Draft General Plan.”

0-33

Comment: Yet the PEIR continues to address only airport noise levels. What about the transportation noise due to increase density called for in the General Plan? If this impact is the result of the requirements in the General Plan, then it should be addressed in the General Plan and not simply passed to future private development, which is simply striving to be consistent with the General Plan.

24. Page 3.10-23, the PEIR identifies “the potential to permit ministerial projects that may not be consistent with the Draft General Plan policies and noise guidelines prior to future amendments.”

0-34

Comment: Is there mitigation or is this a significant unavoidable impact?

25. **General Plan Implementation –**

Comment: The PEIR should identify the key components and timing of the Draft General Plan-Action Plan over the next five years. It should also address how significant impacts will be mitigated during the transition period. Does this mean that all community plans and modifications to the Land Development Code will be made within the next five years? Shall the General Plan, Community Plan or the Development Regulations take precedence until such time as consistency is achieved?

0-35

- O-33 The City has added the following discussion to PEIR Section 3.10-3 under Transportation addressing Motor Vehicle Traffic Noise: “The SANDAG forecasted increase in housing units and jobs by 2030 is expected to lead to an increase in the level of motor vehicle traffic as addressed in PEIR Section 3.15. An increase in motor vehicle traffic has the potential to increase motor vehicle traffic related noise. It is likely that the greatest increase in motor vehicle traffic noise will be on interstate freeways, state highways, and major roadways in the City. Development of mixed-use land uses or multifamily residential land uses on transit corridors along major roadways in existing urban areas could also expose more people to the higher levels of noise generated by higher traffic volume roadways. Thus, transportation improvements associated with the Draft General Plan could create noise impacts on noise-sensitive land uses.

The Draft General Plan includes policies to minimize vehicle traffic noise impacts on noise-sensitive land uses. These policies encourage planning of noise-compatible land uses, traffic control measures to slow traffic and thus reduce vehicle traffic noise in noise-sensitive locations, the provision of alternative transportation modes, rerouting of truck routes, the use of landscaping and other design features, and enforcement of the state vehicle code to ensure that vehicles are not producing excessive noise. An increase in motor vehicle traffic would yield a proportionate increase in noise in areas adjacent to freeways, state highways, and major roads in the City and thus could create a significant impact on sensitive-noise land uses.”

- O-34 Pursuant to Section 21080 (b)(1) of the California Public Resources Code, ministerial projects are exempt from the requirements of CEQA. The ministerial project exemption is statutory; that is, it is a class of project the California State Legislature has determined to be exempt despite the potential for environmental impacts. Therefore, because ministerial projects are exempt from CEQA, no mitigation can be required even if the project would result in impacts. However, it should be noted that most ministerial projects are relatively small and unlikely to create many significant impacts. Despite the CEQA exemption,

COMMENTS

RESPONSES

ministerial projects must adhere to state, federal, and local laws, all of which may reduce the potential for impacts. (See Article 18 -- Sections 15260 through 15285-- of the State CEQA Guidelines for a more detailed discussion and identification of statutory exemptions.) In PEIR Section 3.10-4, the City has added the following_“and could result in impacts that could be considered significant and unavoidable” after the following sentence: “However, the existing standards, codes, and regulations have the potential to permit ministerial projects that may not be consistent with the Draft General Plan policies and noise guidelines prior to future amendments.”

O-35 See response to comment N-14.



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May 30, 2007

Ms. Marilyn Mirrasoul
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: City of San Diego General Plan Update Draft Environmental Impact Report (PEIR)
Project No. 104495, SCH No. 2006091032

Dear Ms. Mirrasoul:

For the past six months, a San Diego Regional Chamber of Commerce stakeholders working group, comprised of a diverse mix of business and planning industries, has been reviewing the Draft General Plan Update in detail. The working group is currently formulating comments on the Update, based on months of discussions and collaboration.

The Program Environmental Impact Report (PEIR), which was released April 25, 2007, provides an extensive analysis of the impacts of the General Plan. The Chamber commends the City for the hard work that has gone into both of these documents. The General Plan is creating the policies that will establish the land use vision of San Diego for the next 20 years, and it is essential for the future of our city that a thorough analysis of these documents be conducted.

There appears to be a great deal of excellent and in-depth analysis in the PEIR. However, based on our preliminary review, we have identified a series of significant questions (listed in Attachment A) that, in our opinion, need to be addressed. The Chamber of Commerce wishes to be a participant and contributor to this process, unfortunately 45 days is an inadequate amount of time to thoroughly analyze the PEIR and provide thoughtful comments. A more in-depth review on our part is necessary to fully explore the PEIR and make additional comments. Therefore, we request an extension of time for the public review of the PEIR.

Thank you for taking our comments under consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott D. Alvey'.

Scott D. Alvey
Vice President
Public Policy & Communications

SDA:av

COMMENTS

RESPONSES

ATTACHMENT A

San Diego Regional Chamber of Commerce Comments
City of San Diego General Plan Update Draft Environmental Impact Report (PEIR)
Project No. 104495, SCH No. 2006091032

Comment A:
Health and Safety (Section 3.5)

1. Environmental Impact
 - The PEIR identifies that "the Airport Environs Overlay Zone (AEOZ) covers less area than the boundaries of the airport influence area, which could allow the development of future projects that could pose a potentially significant impact outside of the AEOZ boundaries, but within the airport influence area." The mitigation should be to make the two consistent.

P-1

2. Mitigation Framework

- The PEIR identifies mitigation for discretionary projects but fails to address the mitigation for nondiscretionary projects.

P-2

Comment B:
Land Use (Section 3.8)

1. Environmental Impact
 - Inconsistencies: The PEIR states (page 3.8-27), "An inconsistency with an adopted plan is not by itself a significant impact. The inconsistency must relate to a physical environmental impact to be considered significant under CEQA."

P-3

- Though the Draft General Plan does not change land uses, the PEIR must endeavor to identify and evaluate specific inconsistencies between community plans, the Zoning Code, existing land uses and City policies. The PEIR statement that "implementation of the Draft General Plan could yield significant impacts to land use" is inadequate. For example:

- *On June 13, 2007, the City will release a report to the Code Monitoring team on how to address the inconsistencies between the General Plan and the Land Development Code. The Chamber needs to have the opportunity to review that report prior to responding to the PEIR which is due on June 8.*

P-4

- It must further identify the significant impacts of those inconsistencies. What is the impact on ability to develop new projects or expand existing facilities, which are consistent with the Land Development Code (LDC) and community plans, but are inconsistent with the General Plan?

2. Impact Analysis

- The PEIR states (page 3.8-29), "There may be a situation where a community plan does not implement the General Plan to the maximum extent possible, however, it is anticipated that competing goals can be resolved through discretionary review." What if the project is a ministerial permit?

P-5

3. Mitigation Framework

- It is the responsibility of the PEIR to identify a mitigation or implementation plan for transitioning community plans, the Zoning Code, existing land uses and City policies toward greater consistency with the General Plan. It is inadequate to defer mitigation of inconsistencies to some unknown date of a community plan update or some unspecified private development project. How long does the PEIR anticipate that these significant impacts will exist? Shall the General Plan, Community Plan or the Development Regulations take precedence until such time as consistency is achieved?

P-6

P-1 See response to comment N-2.

P-2 See response to comment N-3.

P-3 The Development Services Department's CEQA significance thresholds state that "The project should be assessed for consistency with any of the adopted plans and regulations (City of San Diego Municipal Code) which govern the region and the particular site. An inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental issue to be considered significant under CEQA."

In this case, the Project is an update to the City of San Diego's General Plan. The California Supreme Court has called the general plan the "constitution for future development." It is expected that in the course of implementing the General Plan there will be associated plan, policy, and code amendments. The General Plan policies need to be evaluated per CEQA, but the potential inconsistency of a particular code or policy with the Draft General Plan, is not by itself a significant environmental issue. For example, the General Plan contains extensive policies on mixed-use, village development. Not all community plans identify village, or village-like sites, so community plan updates/amendments will be needed to address this issue. A community plan that does not currently identify village sites is not inconsistent with the General Plan, it simply does not fully implement the General Plan's recommendations.

The General Plan PEIR concludes that conflicts with other adopted plans are considered "significant and unavoidable" not because the General Plan's policies are incompatible with adopted plans, but rather due to the uncertainty related to future plan amendments and project reviews.

The General Plan does not change the land use designation or zoning of specific properties. The General Plan provides a menu of Industrial Land Use designations that are to be applied as a part of community plan updates and amendments.

COMMENTS

RESPONSES

- P-4 If a project is consistent with the community plan land use designation, then by default it is consistent with the General Plan land use designation, since the General Plan land use map is a compilation of the community plan land use maps. To clarify this point, Policy LU-C.1 has been revised to include sub-item “b” as follows: “Rely on community plans for site-specific land use and density/intensity designations and recommendations.” In addition, page 3.8 of the Draft EIR states “The adopted community plans have been and will remain the authority for land use, density, and site specific recommendations.”
- P-5 See response to comment N-7.
- P-6 See response to comment N-6.

ATTACHMENT A (continued)

**Comment C:
Economic Prosperity Element**

- The PEIR states (page 2-35) "the Element also expands the traditional focus of a general plan to include economic development policies that have a less direct effect on land use." The Chamber of Commerce believes that it is essential that the City of San Diego establishes an Economic Prosperity Policy, but questions the appropriateness of including non-land use policies in the General Plan, such as:
 - *A city that provides life-long skills and learning opportunities by investing in excellent schools, post-secondary institutions, and opportunities for continuous education and training.*
 - *Equitable access to educational opportunities.*
 - *A higher standard of living through increased wages and benefits in low-wage industries.*

P-7

**Comment D:
General Plan Implementation (Section 2)**

- The Draft General Plan - Action Plan is key to the success of the General Plan (page 2-51). Either a weak Action Plan or a breakdown in its implementation would create significant impacts on the City and the General Plan, on many different levels. Despite this importance, the PEIR simply states that all collaboration in plans, strategies, regulations, etc. will be coordinated through the Action Plan. There is no discussion of the impacts, nor mitigations, should the Action Plan falter. This analysis is much too vague. The PEIR should identify the key components and timing of the Draft General Plan-Action Plan over the next five years. It should also address how significant impacts will be mitigated during the transition period. Does this mean that all community plans and modifications to the Land Development Code will be made within the next five years? Shall the General Plan, Community Plan or the Development Regulations take precedence until such time as consistency is achieved? These are just a few of the basic questions and concerns over the Action Plan implementation.

P-8

P-7

This comment does not address the adequacy of the environmental document. The City of San Diego is responsible for the health, safety, and welfare of its citizens. That is why the overriding goal of the Economic Prosperity Element is to increase the standard of living of all San Diegans. To the extent that the City is involved in policies and programs regarding education, workforce expansion, and equal opportunity, these policies are included to clearly state the City's intention to provide all of its citizens the opportunity to participate successfully in our local economy.

P-8

See responses P-3 and P-4 above regarding consistency. Regarding the Action Plan, when the Strategic Framework Element was adopted in 2002, there was an associated Five-Year Action Plan that outlined specific actions needed to implement the new Element. A new Action Plan is being prepared to correspond to implement the policies in the updated General Plan elements. Much of the background information for the policy development is in the Strategic Framework Element and Five-Year Action Plan. Staff had intended to prepare an Action Plan within 60 days subsequent to General Plan adoption. However, given public comments on this topic, a draft of the Action Plan will be prepared for public review prior to General Plan adoption. The EIR evaluates potential impacts of the policies of the General Plan, but does not speculate as to the impacts of future actions designed to implement those policies. In fact, most issues areas were assumed to have significant and unavoidable impacts precisely because it is not possible to clearly define and evaluate future implementation actions. For that reason, future actions will undergo additional environmental review.