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June 25, 2007

Via Hand-Delivery

Marilyn Mirrasoul
City of San Diego
1222 First Avenue, MS 501
San Diego, California 92101

Re: Comments to Draft Program Environmental Impact Report (SCH No. 2006091032) ("PEIR")

Dear Ms. Mirrasoul:

We represent the Otay Mesa Planning Coalition ("Coalition") with respect to certain projects in Otay Mesa that are included in the ongoing Otay Mesa Community Plan Update ("OMCPU"). We are submitting these comments on behalf of the Coalition to the Draft Program Environmental Impact Report, Project No. 104495, SCH No. 2006091032 ("PEIR") prepared for the City of San Diego General Plan Update ("GPU"). Please note that we also are submitting a separate letter focused solely on comments to the global warming/climate change sections of the PEIR.

AA-1 As an initial matter, we request that the PEIR's conclusion that, at a program level, all impacts remain "significant and unavoidable," be clarified. "Unavoidable" impacts generally are those for which no feasible mitigation measure or alternative is available to reduce impacts to less than significant levels. *See* Pub. Res. Code § 21100(b)(2). In contrast, there are feasible mitigation measures available to reduce many of the potentially significant impacts discussed in the PEIR. Presumably, it is not that mitigation measures are unavailable and impacts unavoidable, but that the projects themselves are unknown at this stage, as are the impacts from those projects, that results in the PEIR's conclusion that all impacts are significant and unavoidable. We request that the PEIR clarify that, despite its conclusions of unavoidable significant impacts for all impacts, future community plan or project-level CEQA analysis may nonetheless be able to conclude that otherwise significant impacts resulting from the proposed projects are fully mitigated or avoided by implementation of the same mitigation measures that are described in the PEIR.

PROJECT DESCRIPTION

The Coalition has been working with the City on an update to the 1981 Otay Mesa Community Plan. The draft OMCPU is not yet complete, but is focused on implementing the City's Strategic Framework Plan, including the City of Villages concept. As recognized by

AA-1 The impacts are considered "unavoidable" at the program level because the scope of the Draft General Plan project does not provide the means to mitigate future impacts. This conclusion does not preclude the opportunity to mitigate impacts to less than significant at the future community plan update or project level CEQA analyses. In fact, based on the CEQA analysis of projects that have been done by the City over the last 36 years, staff believes that the majority of future projects can be mitigated to below a level of significance.

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AA-2 the GPU, it is at the community plan level that the City can best determine the appropriate location for development, the correct mix of land uses and the most appropriate densities and intensities. As a result, we believe the PEIR should recognize that even those areas not identified as having a high propensity for village development in the 2002 Strategic Framework Plan may nonetheless be appropriate and even desirable locations for implementation of the City of Villages strategy. Thus, while Figure 2.4-1 of the PEIR may identify certain areas that, based on historic development patterns, should be considered for mixed-use villages, it also should recognize that other areas may also have a propensity to develop as village areas, regardless of their past use. While the PEIR at 2-28 recognizes that Figure 2.4-1 is an "illustrative tool, not a land use map," it should recognize that the figure is not meant to prohibit or constrain development of villages in other areas of the City, where found to be appropriate as part of a community plan update, or otherwise.

AA-3 The PEIR states the Economic Prosperity Element is aimed at supporting businesses that "reflect the changing nature of industry…", but many of its policies instead seem aimed at protecting older technologies and types of employment uses. *See* PEIR at 2-35. Similarly, the PEIR at 2-36 repeats one of the Economic Prosperity Element's goals as being "No loss of employment land for base sector industries *that contribute significantly* to the regional or local economy" (emphasis added). Yet, the Element seems designed to protect base sector industries regardless of those industries' contribution to today's (or the anticipated future) economy, at a cost to other types of employment uses, as well as a loss of that could be put to alternative uses that are more responsive to the marketplace.

AGRICULTURAL RESOURCES

AA-4 The PEIR at 3.1-4 states that nonagricultural land in Otay Mesa is the only area outside of the San Pasqual Valley that has the potential to be converted to agricultural uses. This fails to recognize that agricultural uses occur only sporadically in the Otay Mesa area, and then only on an interim basis until the land can be put to its intended use. The agricultural uses that do exist in Otay Mesa are not contiguous, are surrounded by urban uses, and are not a primary source of economics in the community. Moreover, soils in the Otay Mesa area are of relatively poor quality. The existing community plan, in place since , has as its only objective regarding agricultural use that agricultural use be retailed "until development is warranted."

BIOLOGICAL RESOURCES

AA-5 The PEIR at page 3.3-29 should clarify that the Coastal California Gnatcatcher mitigation is only required for grading and clearing activities that are to take place in areas within a certain distance of potential habitat, and not for all grading or clearing activities in any location, regardless of the potential presence of the Coastal California Gnatcatcher.

AA-2 The PEIR has been revised to clarify that the Village Propensity map does not require, prohibit, or constrain the identification or development of village sites.

AA-3 The Draft General Plan generally defines base sector industries as those which import wealth to the local economy. Discussion in the Economic Prosperity Element acknowledges that there has been a shift from the production of goods to the development of intellectual products and processes. Both manufacturing and research and development functions support base sector industry in San Diego. The importance of base sector industries is emphasized over other types of businesses because they benefit City residents in two primary ways; wealth creation resulting in an increased standard of living for San Diegans, and fiscal benefits resulting in enhanced public services and facilities.

AA-4 Staff believes that the statement in the PEIR regarding potential agricultural land in Otay Mesa is appropriate. The Otay Mesa Community Plan does state the objective of retaining agricultural uses until development is warranted. There are also several statements about preserving agricultural uses east of Brown Field, in county lands identified as an “area for future growth.” However, the plan also includes an option (Option 5, Agricultural Conservation) that designates all Class I-IV soils for agricultural uses. There are still properties that are zoned for agriculture but designated as other uses, thus ensuring that any future project will be analyzed for appropriate land use and zoning.

AA-5 The Mitigation Framework of the PEIR has been revised to reflect that noise mitigation requirements for avian species would be implemented “in areas where there is potential to impact these species (Coastal California Gnatcatcher MHPA only).”

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TRANSPORTATION/TRAFFIC/CIRCULATION/PARKING

AA-6 Section 3. of the PEER indicates that the GPU anticipates only "lower frequency bus service" along 1-905, north/south on Heritage, east/west along Airway Road from Heritage to east of La Media, then generally southerly on the unnamed road to Sempre Viva and then east along Sempre Viva to 1-905. This is based on existing conditions and does not take into consideration the proposed CPU for Otay Mesa, which would provide additional transit opportunities in the area.

VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

AA-7 Add Otay Mesa to Table 3.16-1, noting that views are not in the current community plan.

ALTERNATIVES ANALYSIS

AA-8 Page 7-5 of the PEIR analyzes the "Reduced Industrial Lands Protection Alternative," which would not identify Prime Industrial Lands or policies intended to protect the industries located on such lands. The PEIR errs in only analyzing this alternative for conformance with project objectives associated with industrial lands. Protecting industrial lands at the expense of other land uses has impacts on more than just industrial lands, and all of the project objectives are relevant. The basis for rejecting this alternative from further analysis is unsupported. Moreover, it is not clear from the PEIR that the goal of having sufficient employment land for a strong economic base would not be met from this alternative, since the city may have sufficient employment land for future employment needs without the protectionist Prime Industrial policy. The PEIR gives no evidence supporting its conclusion that the objective would not be met. Similarly, there is no evidence supporting the conclusion that the "no loss of employment land for base sector industries that contribute significantly to the regional or local economy" objective would not be met by this alternative. Industrial land in the City has not previously been protected by a special designation as "prime" land, yet, in part because the City has been able to rezone and/or redesignate land as circumstances warrant, the city has been able to have land available for the employment uses that best contribute to the local and regional economy. Devoting only one-half of a page to a discussion of the impacts and benefits of this alternative does not provide sufficient detail for adequate review and analysis of the environmental impacts and/or benefits of this alternative and the evidence does not support its rejection from further analysis.

AA-9 On page 7-21, the PEIR discusses a "Concentrated Growth" alternative, which would focus growth into only four subareas of the City and discourages growth in the remainder of the City. This alternative is not consistent with the GPU goal of allowing communities to plan the type of land uses and densities desired in their area through the community plan update process. Moreover, it fails to recognize that transit will in the future extend into other areas of

AA-6 The transportation analysis was based on the currently adopted community plans throughout the City and region. The transit assumptions for the future were based on SANDAG's approved transit plans at that time. The City agrees there will likely be changes to the transit plans in Otay Mesa, however, potential changes are currently being discussed between the City and SANDAG and should not be assumed until the update to the Otay Mesa Community Plan is adopted.

AA-7 Comment noted. Otay Mesa has been included on Table 3.16-1. The adopted community plan for Otay Mesa contains a community-wide policy to preserve privacy and views.

AA-8 The City believes that the objective of having sufficient employment land for a strong economic base is directly related to the proposed goals of the Economic Prosperity Element and Policies EP-A.1 through EP-A.5 for Base Sector Industrial Uses. The Draft General Plan needs to make clear statements of City policy so that future misinterpretations of intent are not made. While the commenter believes that "the city may have sufficient employment land for employment needs" and does not need to have a map of Prime Industrial Land (on Figure EP-1 of the Economic Prosperity Element), this comment is speculative of a future condition. This alternative was considered and rejected during the PEIR scoping process, and requires only a brief explanation of the reasons it was excluded from more detailed analysis. Please refer to CEQA Section 15126 (c).

AA-9 The commenter's statement that the Draft General Plan has a "goal of allowing communities to plan the type of land uses and densities desired in their area through the community plan update process" is not a statement that is contained in the Draft General Plan. Instead, it states: "The [Land Use and Community Planning] Element addresses land use issues that apply to the City as a whole and identifies the community planning program as the mechanism to designate land uses, identify site-specific recommendations, and refine citywide policies as needed." If the Concentrated Growth alternative were adopted, community plans would be required to be consistent with the Land Use and Community Planning Element.

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the City. It also would only partially meet project objective 2, to create diverse residential communities formed by the open space network. Outside of the four subareas, the communities may not be diverse, because higher density and mixed-use development would not be allowed in those areas, and lower density development would not be allowed in the chosen four subareas. While overall it may allow for both types of development in the City as a whole, it would not the objective of creating "diverse residential communities formed by the open space network" to be met.

CONCLUSION

AA-10 On behalf of the Coalition, we request that the above comments be incorporated into the Final PEIR. We appreciate your cooperation and assistance throughout this process, and would be happy to discuss any of the above concerns and mitigation measures with you further.

Please feel free to call me with any questions. Thank you.

Very Verytrulyyours,

Donna D. Jones

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: David C. Nielsen, MNA Consulting
James T. Waring, Deputy Chief, Land Use and Economic Development
Bill Anderson, Director, Planning and Community Investment
Nancy Brogado, Project Manager, General Plan Update

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The analysis on page 7-21 also states: "Objective Number 5 [regarding an integrated regional transportation network of transit, roadways, and freeways] could potentially be met, but would reduce the transit connectivity among communities as fewer communities would have villages, and may require some redesign of the regional transportation network to add more capacity to the concentrated growth areas." It is incorrect to state that the objective of diverse residential communities could not be met under this alternative, since existing zoning and community plans would continue to allow mixed-use forms of development, relatively high densities, and social and economic diversity, and only the higher density forms of development (typically greater than 43 dwelling units per acre) would likely be limited to the four subareas and all multifamily (RM) zones permit single-family residences and lower density attached housing.

AA-10 The comments have been incorporated into the final PEIR and have therefore, been made a part of the administrative record.