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June 20, 2007

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

Re: Draft General Plan, Draft Program Environmental Impact Report; Project No. 104495\_SCH No. 2006091032

Dear Ms. Mirrasoul:

This letter is submitted on behalf of Friends of San Diego, a non-profit public interest organization, in connection with the Draft General Plan ("Project") and Draft Environmental Impact Report ("DEIR").

The Project is intended to guide future growth and development in the City of San Diego, yet DEIR's discussion of the Project's impacts is insufficient. Furthermore, the DEIR fails to consider appropriate mitigation to reduce negative impacts. The DEIR is sufficiently lacking that the only way to fix it is to revise it and recirculate an adequate report.

CC-1

**INTRODUCTION**

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 - 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. CEQA is essentially "an environmental full disclosure statute, and the EIR is the method ... [for] disclosure ..." *Rural Landowners Assn. v. City Council* (1983) 143 Cal. App. 3d 1013, 1020. An EIR's purpose is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." Pub. Res. Code § 21061. The EIR is the "heart of CEQA," CEQA Guidelines § 15003(a), and "protects not only the environment but also informed self-government." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. Its purpose is "to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810 (emphasis added).

CC-1 This PEIR is an analysis of the Draft General Plan, which is by necessity a broad policy level document. Because of this, some degree of forecasting was needed in order to anticipate what types of impacts may be reasonably expected from future implementation of the General Plan policies. However, at the plan level of environmental review, it is not possible to know the details of specific future projects. Therefore, while it is highly likely that plan implementation will result in significant impacts, the impacts of specific future projects cannot be known at this time. For this reason, a mitigation framework is provided in the document to guide the development of mitigation measures for future projects, when their impacts are known and quantified.

An EIR only needs be recirculated when the lead agency adds significant new information to the document. However, "significant new information" is defined as a disclosure that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or the draft "EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (see CEQA Guidelines Section 15088.5). As none of these conditions have occurred with respect to this PEIR, recirculation is not warranted.

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**INADEQUATE DISCUSSION OF PROJECT IMPACTS**

The DEIR's discussion of historic resource impacts is insufficient. Among other things, a resource is considered historic under CEQA if it:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California' history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in pre-history or history.

**CC-2** CEQA Guidelines § 15064.5(a)(3). The DEIR should discuss potential impacts to historical resources consistent with these requirements. *See Architectural Heritage Assoc. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1122.

**CC-3** The DEIR's discussion of land use impacts is insufficient. The DEIR acknowledges about "15,900 acres of land designated for agricultural uses." DEIR at 3.1-1. While the EIR mentions that the San Pasqual Valley should be retained as agricultural land, it fails to address impacts associated with the possible loss of such lands. *Id.* at 3.1-3. The DEIR also fails to adequately consider impacts to affordable housing.

**CC-4** The DEIR fails to provide an adequate discussion of noise impacts. Compliance with existing noise standards is not necessarily sufficient, particularly where a location already suffers noise impacts. *See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1381.

**CC-5** The DEIR fails to discuss the adequacy of water supply for the Project. *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 721-22. There is no showing that an adequate supply of water will be available. The DEIR also fails to analyze the impacts associated with obtaining an adequate supply of water. *See Save Our Peninsula Comm. v. Monterey County Bd. Of Supervisors* (2001) 87 Cal.App.4th 99, 134.

**CC-6** The Project is likely to have growth inducing effects, which are insufficiently addressed in the DEIR. The General Plan is likely to lead to further development in the area. Its growth-inducing effects will be significant on current conditions. *See Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal. App. 4th 144, 153.

**CC-7** "Environmental considerations do not become submerged by chopping a large project into many little ones - which cumulatively may have disastrous consequences." *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283 - 84. The DEIR fails to consider

CC-2 The PEIR does discuss potential impacts consistent with the requirements. Items (A) through (B) are the criteria used to determine a resource's eligibility for the National Register of Historic Places (NRHP). A brief discussion of the NRHP is located in Section 3.6.1 of the PEIR, under the "Regulatory Framework" heading. The analysis in Section 3.6.3 under the "Impact Analysis" heading explains that the demolition or alteration of a National Register eligible resource (among many other types of resources) has the potential to result in impacts to historical resources. (It should be noted that the word "historical" as used in this document, refers to historic and archaeological resources.)

CC-3 Impacts associated with the possible conversion or loss of agricultural land to non-agricultural use is discussed and described as an environmental impact in Section 3.1.3, and in Section 5.1 under the "Agricultural Resources" heading.

Loss of affordable housing through displacement associated with development, redevelopment and infrastructure expansion is addressed in Section 3.12.3 of the PEIR. A detailed discussion of affordable housing can also be found in the City's Housing Element, adopted by the City Council on December 5, 2006. A summary of the Housing Element is presented on page 2-50 of this PEIR, and the Housing Element is available for review at the City Planning and Community Investment offices.

CC-4 The commenter is correct is stating "compliance with existing noise standards is not necessarily sufficient, particularly where a location already suffers noise impacts." However, compliance with standards is not the only criterion used in the PEIR to evaluate noise impacts. In addition to this standard, the PEIR also states that a significant noise impact could occur if implementation of the General Plan results in a substantial increase in the existing ambient noise levels or results in increased land use incompatibilities associated with noise (please refer to Sections 3.10.2-3 of the PEIR).

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- CC-5 The issue of water supply is addressed in Sections 3.14.1, 3.14.2-3, and in the Cumulative and Alternatives Sections of the PEIR. This information clearly identifies the sources of the City's water supply, facilities used to convey that supply, plans to ensure its adequacy for the future population identified in the General Plan, and environmental impacts associated with obtaining an adequate supply of water.
- CC-6 The City's population will increase whether or not the General Plan is adopted. The General Plan goals and policies are intended to provide a framework to manage and plan for future population growth in the City. The General Plan policies encourage redevelopment, infill, and new growth in compact mixed-use areas, rather than development of the remaining four percent of the City's vacant land. In spite of this, the PEIR does acknowledge that the General Plan can be considered growth inducing because the Plan's policies are intended to foster economic expansion, and because future infrastructure improvements could remove obstacles to growth in some locations. This discussion is presented in Section 5.1 of the PEIR.
- CC-7 Pursuant to Section 15130 (b)(1)(B) of the CEQA Guidelines, the analysis of cumulative effects of the General Plan is based on the regional growth projections provided by the San Diego Association of Governments "2003 Regional Growth Forecast Update." The General Plan cumulative impact analysis is presented on pages 5-1 through 5-34 of the PEIR. Within those pages, cumulative impacts associated with implementation of the General Plan are described for the following topics: agricultural resources, air quality, biological resources, geologic conditions, health and safety, historic resources, hydrology, land use, mineral resources, noise, paleontological resources, population and housing, public services and facilities, public utilities (including water supply), traffic, visual effects and neighborhood character, water quality and global warming.

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cumulative impacts associated with the many activities in the area. See *RiverWatch v. County of San Diego* (1999) 76 Cal. App. 4<sup>th</sup> 1428, 1455.

**INADEQUATE MITIGATION AND ALTERNATIVES ANALYSIS**

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 — 51. [T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404.

**CC-8** The DEIR fails to consider mitigation or alternatives for several impacts. Consider, for example, the DEIR' failure to consider mitigation or alternatives to impacts to agricultural resources. DEIR at 3.1-3. There is a similar problem with the DEIR's discussion of impacts from construction. *Id.* at 3.2-16. In this and many other areas, there is no discussion of standards appropriate to reduce or eliminate impacts.<sup>1</sup>

**CC-9** Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. See *Rural Landowners Assoc. v. City Council* (1983) 143 Cal.App.3d 1013, 1024 ("Responsibility for a project cannot be avoided merely by limiting the title or description of the project").

**CC-10** Additionally, CEQA requires that the "no project" alternative "discuss the existing conditions ..., as well as what would be reasonably expected to occur if the project were not approved, based on current plans and consistent with available infrastructure and community services." CEQA Guidelines § 15126.6(e)(2). The DEIR does not consider a "no project" alternative consistent with this requirement.

**NEED TO RECIRCULATE THE EIR**

**CC-11** Recirculation of an EIR is required whenever the lead agency adds significant new information. Pub. Res. Code § 21092.1; *Laurel Heights Improvement Assoc. v. University of California* (1993) 6 Cal.4<sup>th</sup> 1112, 1130. In this instance, the DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

<sup>1</sup> Contrast this with the discussion of mitigation measures identified to reduce impacts associated with criteria pollutants. DEIR at 3.2-17.

**CC-8** The PEIR does consider mitigation for environmental impacts associated with implementing the General Plan. As described on the first page of Section 3.0 of the PEIR, each environmental topic subsection (3.1 through 3.17) includes discussion of a mitigation framework which combined with the General Plan policies provides guidance in the development of project specific mitigation measures. Potential mitigation measures for impacts to agricultural resources are identified on page 3.1-5 under the "Mitigation Framework" heading.

The proposed General Plan and the four "build" alternatives would result in similar impacts on agricultural resources. However, CEQA does not require the inclusion of alternatives to avoid or reduce all of the General Plan potentially significant impacts. In fact, it is unlikely that such an alternative could be developed, as the PEIR identifies the potential for significant and unavoidable impacts in all issue areas. Instead, CEQA requires analysis of a reasonable range of project alternatives that will foster informed decision-making and public participation (CEQA Guidelines section 15126.6 (a)).

The alternatives presented in the PEIR represent a reasonable range alternative to the proposed General Plan and are a result of collaboration between DSD and Planning Department staff and discussion with other environmental professionals with experience in preparing regional level environmental documents.

**CC-9** The General Plan and its objectives were developed through a series of citywide planning efforts which began in 1999. It included five phases of public outreach, four public reviews of the plan and some of the elements, workshops with the Planning Commission and the Land Use and Housing Committee, and over 250 workshops, forums, presentations, and working meetings with community planning groups. Input from this comprehensive outreach program is represented by ten objectives listed on pages 27 and 28 of the PEIR. Rather than being too narrowly defined, these objectives are commensurate with the broad nature of

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subjects addressed in a General Plan and input received during the public outreach program. Regarding the range of alternatives, please see response CC-8.

- CC-10 When the project is the revision of an adopted land use policy, the appropriate No Project alternative is the continuation of the existing plan, policy, or operation into the future (State CEQA Guidelines Section 15126.6(e)(3)(A)). The No Project alternative prepared in accordance with this section of the CEQA Guidelines is presented in Section 7.3.2 of the PEIR.
- CC-11 The commenter is correct in stating that an EIR must be recirculated whenever the lead agency adds significant new information. See response CC-1.
- CC-12 The Friends of San Diego's request is noted and incorporated into the administrative record for this project.

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*CONCLUSION*

For the foregoing reasons, Friends of San Diego requests that the City reject the DEIR as drafted. If you have a question or need additional information, please contact me. Thank you for your consideration of these comments.

Sincerely,



Everett DeLano

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June 25, 2007

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Re: Comments on Draft Program EIR for Draft General Plan  
Project No. 104495, SCH No. 2006091032

Dear Ms. Mirrasoul:

These comments on the Draft Program EIR's treatment of historic resources are submitted on behalf of Save Our Heritage Organisation.

**A. Section 3.6.3 (Impact Analysis)**

***I. Inconsistent Statements Regarding Significant Impacts***

**DD-1**

a. The EIR claims that "[a]lthough future development in accordance with the General Plan could have a significant impact on historical resources, adoption of the Plan would not, in and of itself, have a significant impact." (EIR 3.6-8.) This statement is misleading; the adoption of the Plan leads to impacts and thereby has its own impacts, as reflected in the EIR's conclusions that "the impact to historical resources is considered significant and unavoidable" (EIR 3.6-23) and

[b]ecause the degree of impact and applicability, feasibility, and success of [the General Plan's historic preservation policies, and "historical resource protections" in the Land Development Code and CEQA] cannot be accurately predicted for each specific project at this time, the program level impact related [sic] historical resources is considered significant and unavoidable.

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DD-1

The comment refers to a statement on Page 3.6-8 regarding future development in accordance with the General Plan. Although staff concurs that the paragraph is confusing and as such, it has been deleted, with implementation of the General Plan, potentially significant impacts to historical resources could result. However, conformance with the goals and policies included in the plan and strict compliance with the City's Historical Resources Regulations, Historical Resources Guidelines, and the provisions of CEQA would help to reduce potential future project related impacts, but not necessarily to a level below significance with adoption of this plan because project level impacts cannot be predicted at this time.

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(EIR 3.6-9.) For consistency and accuracy, the confusing statement that "...adoption of the Plan would not, in and of itself, have a significant impact" should simply be deleted. (EIR 3.6-8.)

DD-2

b. The EIR states that "the emphasis placed by the General Plan on conserving historical resources and integrating the protection of historical resources into the broader planning process *would reduce impacts* to historical resources that may have otherwise occurred with future projects." (EIR 3.6-8, italics added.) This statement should be deleted. Because the General Plan does not mandate conservation of historic resources, there is no substantial evidence that its policies will reduce impacts.

**2. Additional Impacts Analysis Needed**

a. The EIR acknowledges that "[b]ecause less than four percent of the City's land remains vacant and available for new development, the [General] Plan's policies represent a shift in focus from how to develop vacant land to how to reinvest in existing communities." (EIR 1.0-2.) The General Plan therefore "direct[s] growth primarily toward village centers..." (EIR 1.0-2.) In documents such as the 2002 Opportunity Areas Map and the General Plan's Village Propensity Map, the City has identified areas likely to be developed with higher-density structures. The Village Propensity Map should identify areas with significant concentrations of potential and designated historic resources, to make the General Plan's likely impacts on historic resources more clear. In EIR Chapter 3.6, please explain that the City of Villages program, with density and intensity increases, is likely to place more development pressure on historic resources, and provide analysis of what can be done to prevent the loss of historic resources.

DD-3

**B. Section 3.6.4 (Mitigation Framework)**

**1. Inadequate Discussion of Current Procedures**

a. At the beginning of the "Mitigation Framework" section, the EIR states that "[i]ncluded here are more detailed measures that are currently applied to projects that could impact historical resources. *It should be noted that at the time of this writing, these measures are generally considered to be adequate mitigation*" (EIR 3.6-9, italics added.) What is the legal basis of the claim that "these measures are generally considered to be adequate mitigation"? Who made that determination?

DD-4

b. The EIR states that if a building or structure does not meet certain criteria (listed in or determined eligible for listing in the National Register, California Register, or San Diego Register; or meeting the CEQA definition of "historical resource") and "substantial alteration of demolition is proposed the following measures are typically

DD-5

DD-2 See response to comment DD-1.

DD-3 It should be noted that the draft General Plan does not change land use designations but sets the framework for future community plan updates. While doing the analysis of the potential future effects of implementing the General Plan policies necessarily involves some degree of forecasting, identifying specific examples of what *could* happen as a result of a future community plan update, amendment, or development proposal is too speculative for detailed evaluation at the General Plan level. Implementation of the General Plan policies would provide mitigation at the program level. The project-specific procedures, as detailed in PEIR Section 3.6-9 (which would be updated as new information becomes available), would be implemented to determine the likelihood for resources to be present, additional investigation required, and the required project-specific mitigation.

DD-4 See response to comment W-10. Public Resources Code Section 21081.6, which took effect on January 1, 1989, requires that a public agency adopt a reporting or monitoring program for the changes made to the project or as conditions of project approval adopted in order to mitigate or avoid significant effects on the environment. The section further required that the reporting or monitoring program be designed to ensure compliance during project implementation, and applies to both public and private projects. As a result, the City of San Diego began development of a Mitigation, Monitoring and Reporting Program (MMRP) Guideline. These guidelines were ultimately adopted by the City Council in 1991, and established a program for developing mitigation measures to be included as conditions of project approval and for monitoring the implementation of such conditions. In addition, the mitigation measures and CEQA project review procedures (Steps) included in the General Plan EIR were developed by qualified environmental staff in consultation with Historical Resources Board staff, as well as the professional historical and archaeological community. These measures provide assurance and accountability before, during and after construction related activities. Although these measures are not static and are based on the results of technical analysis for the effected resource, they are intended to be



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required as a condition of the permit." (EIR 3.6-10.) It then lists fourteen pages of unidentified "measures" for "[h]istorical architectural building alteration, construction, restoration, or relocation." (EIR 3.6-10—3.6-23.) What are the source(s) for the procedures listed on pages 3.6-10 through 23?

c. Why did the EIR selectively quote these procedures and omit other relevant historic preservation procedures followed by the City of San Diego? Please list and discuss all of the procedures listed in San Diego Municipal Code that address or impact historic resources, including without limitation Chapter 12, Article 3, Division 2, Sections 123.0201, *et seq.* (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2, Sections 143.0201, *et seq.* (Historical Resources Regulations). What other San Diego procedures apply to historic resources?

DD-6

d. The EIR states that "if the building/structure has *been previously determined* not to meet any of these four criteria [listed in or determined eligible for listing in the National Register, California Register, or San Diego Register, or meeting the CEQA definition of 'historical resource', no additional action will be required." (EIR 3.6-10, italics added.) Is this an already-adopted San Diego policy, procedure, or regulation? If so, please identify it.

DD-7

The EIR statement that "no additional action will be required" violates CEQA and should be deleted. When CEQA review is conducted for a proposed project, the "environmental setting" (baseline physical conditions) describes the existing environmental conditions when the notice of preparation is published or when environmental analysis begins. (*E.g.*, CEQA Guideline § 15125(a).) The CEQA Guidelines state that "[s]pecial emphasis should be placed on environmental resources that are rare or unique to the region and would be affected by the project." (Guideline § 15125(c).) Potential historic resources are in this category. To provide an accurate environmental setting, the City must assess whether historic resources exist, evaluated at the onset of the environmental review. The City cannot simply rely on previous historic evaluations, because new information or a more complete analysis may determine that the resource is historic at the time CEQA review is conducted. Please revise the EIR to state that current historic evaluations and/or updates will be conducted, as appropriate, as part of the environmental review for every proposed project.

DD-8

### C. Section 3.6.5 (Significance of Impact With Mitigation Framework)

#### 1. Need for Analysis of Feasible Mitigation Measures

As noted above, EIR Chapter 3.6 (Historical Resources) acknowledges that "the impact to historical resources is considered significant and unavoidable." (EIR 3.6-23.) The CEQA Guidelines mandate that "[a]n EIR shall describe feasible measures which

DD-9

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modified when necessary on a case by case basis and when site specific mitigation is required.

DD-5 See response to comment W-10 and DD-4.

DD-6 See response to comment W-10 and DD-4. In addition, the CEQA project review procedures (Steps) included in the General Plan EIR have been revised to clarify the process for determining whether a historical resource is present on the project site and if further analysis is required. These Steps ultimately could lead to project redesign, avoidance, preservation and/or designation of the resource. The mitigation measures included in the General Plan EIR would be incorporated into an environmental; document based on the scope of the project and level of impact to the resource.

DD-7 As noted on Page 9 of the adopted City of San Diego Historical Resources Guidelines (September 2001), historical resource evaluations are required when new resources are identified as a result of the survey, when previously recorded resources that have not been previously evaluated are relocated during the survey, and when previously recorded sites are not relocated during the survey if there is a likelihood that the resource still exists. Evaluations will not be required if the resource has been evaluated for CEQA significance or for National Register eligibility within the last five years if there has been no change in the conditions which contributed to the determination of significance or eligibility. A property should be re-evaluated if its condition or setting has either improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources. As such, the referenced paragraph in Section 3.6.1 of the General Plan EIR has been revised accordingly to be more consistent with the City's Historical Resources Guidelines.

DD-8 See response to comment DD-7.

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DD-9 See response to comments W-10, DD-4 and DD-6. Additionally, because the General Plan is not proposing projects, site specific mitigation cannot be identified at this time. The measures included in the EIR are intended to address direct impacts on the environment when the resource is designated and/or when there is a potential for unknown resources to be encountered during construction related activities. Project level analysis could identify additional measures, consistent with CEQA which would further reduce potential impacts to below a level of significance.

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could minimize significant adverse impacts..." (Guideline § 26.4(a)(1), italics added.) However, the EIR fails to identify and analyze a single mitigation measure to reduce or avoid significant impacts to historic resources.

**DD-10** The EIR states that "[a]lthough significant impacts to historical resources may be mitigated through review of discretionary projects, specific mitigation at the program EIR level is not available since specific development projects are not known. Therefore, the impact to historical resources is considered significant and unavoidable." (EIR 3.6-23.) Isn't this conclusory statement inadequate, as explained below?

**DD-11** Guideline Section 15168 states that an advantage to using a program EIR is that it can "[p]rovide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action," and it can "[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (Guideline § 15168(b)(1) and (5).) Isn't it true that the EIR fails to realize the advantages of program EIRs by refusing to analyze mitigation measures and alternatives that would reduce or avoid historic resource impacts?

**DD-12** The public notice for the EIR states that for each environmental issue, the EIR included a "Mitigation Framework" to identify ways to reduce or avoid potentially significant impacts, and that "[s]tandard existing regulations, requirements, programs, and procedures that are applied to all similar projects were taken into account *in identifying additional project specific mitigation that may be needed to reduce identified significant impacts.*" (Page 2, italics added.) As noted above, the Mitigation Framework selectively quotes a small fraction of existing procedures affecting historic resources *and* fails to identify a single "additional project specific mitigation that may be needed to reduce identified significant impacts."

Please revise the EIR to identify and analyze feasible mitigation measures and alternatives, and to otherwise improve the draft General Plan. For example:

**DD-13** a. The draft Historic Preservation Element includes a policy to "[c]omplete a comprehensive citywide inventory of historical and cultural resources..." (HP-13, Policy HP-A.4(b).) The importance of such a survey cannot be overstated, especially since the General Plan allows intensified development throughout the City. The survey would provide project applicants with information about whether their parcels are historic or potentially historic, and this information will make the development process more efficient and predictable. It will also encourage development to focus on non-historic areas. As noted above, pursuant to CEQA, a historic evaluation or update of an existing evaluation would still occur during the environmental review for each project, but the survey would help guide the process. Therefore, it is critical to prioritize work on the

DD-10 See response to comment W-10, DD-4, DD-6 and DD-9.

DD-11 See response to comment W-15. Staff does not concur with the statement that the EIR fails to realize the advantages of a program level analysis. The General Plan EIR provides a program level Mitigation Framework which establishes a baseline for the methods of identifying, evaluating and recording historical resources. The information contained in these steps should not be seen as inclusive and would be used by Environmental staff in conjunction with the City of San Diego's Historical Resources Guidelines. The program level Mitigation Monitoring and Reporting Programs identified in the EIR would be considered for use after thorough analysis and review of technical reports at the time individual projects are submitted and evaluated in accordance with CEQA and all applicable regulations. The measures would then be incorporated into a project specific CEQA document for public review and consideration by the appropriate decision-making body of the City.

DD-12 See response to comment W-10, DD-4, DD-6 and DD-9.

DD-13 It is anticipated that historical resources surveys will be completed as part of community plan updates, which will be funded in part from development fees. Surveys may be conducted outside of the community plan update work program, if other funding sources are available. Historical resources surveys are included in the Historic Preservation Element section of the General Plan Action Plan.

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survey for areas identified as likely development targets in the General Plan. Please identify those areas, prioritize survey work there, and establish a timeline to perform the survey. Also, shouldn't the City require project applicants to contribute money to help fund the survey?

DD-14

b. Because many historic designations depend, in part, on a structure's age (e.g., the 45-year guideline identified in the EIR at 3.6-9—3.6-10), additional resources become historic every year. Therefore, a historic survey is never really "complete," but is ongoing and requires regular updates. Please change Policy HP-A.4(b) in the Historic Preservation Element to read, in relevant part, "[c]omplete and regularly update a comprehensive citywide inventory of historical and cultural resources... (HP-13, Policy HP-A.4(b).)

DD-15

c. Using historic surveys, the City's Historical Resource Sensitivity Maps, historic district maps, Mills Act contracts, planning documents, and information from Save Our Heritage Organisation, the California Historical Resources Information System, the State Office of Historic Preservation, and all other relevant sources, the City should create a map identifying areas with significant concentrations of potential and designated historic resources (and the greatest potential loss of those resources). Using the Opportunity Areas Map, the Village Propensity Map, and other relevant sources, this new map should also include locations in the City that are likely to be targeted for more intensive development under the General Plan. Areas containing historic resources at increased risk of development pressure should be designated as special historic study or high-risk areas. The City should create a timeline for adopting policies that ensure the maximum preservation of these high-risk areas. For example, the City should prohibit community plan amendments and rezones that would increase allowable intensity until a specific preservation plan is adopted for these areas.

DD-16

d. The draft Preservation Element contains a policy to "[p]ursue the use of identifying conservation areas at the community plan level, based on historical resource surveys, to maintain community character and provide a buffer area between designated historical districts and areas expected to redevelop at higher densities." (HP-12, Policy HP-A.2(d).) It also contains a policy to "[e]stablish historical districts where concentrations of buildings, structures, landscapes, and objects are identified.... (HP-14, Policy HP-A.5(b).) The City should prioritize the evaluation of potential conservation and historic districts before allowing intensified development. The City should also establish an advisory committee or neighborhood group, or contact an established preservation group, to set up monitoring of established districts.

DD-17

e. The draft Preservation Element contains a policy to "[e]ncourage the use of Transfer of Development Rights to preserve historical and cultural resources in site, particularly in areas zoned for high-density development." (HP-17, Policy HP-B-2(e).)

DD-14 The General Plan has been revised as suggested.

DD-15 Creation of a map identifying areas with significant concentrations of potential and designated historical resources has been added to the Historic Preservation Element section of the General Plan Action Plan.

DD-16 Potential conservation areas and historic districts may be identified through the community plan update process. The City agrees with the need to monitor both historic districts and individually designated historical resources to assure compliance with the Land Development Code and any Mills Act agreement conditions.

DD-17 Adoption of a comprehensive TRD program tailored for historical resources is included in the Historic Preservation Element section of the General Plan Action Plan.

## COMMENTS

## RESPONSES

Letter to Marilyn Mirasoul  
June 25, 2007  
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Before development can proceed under the new General Plan, the City should prioritize the adoption of a comprehensive TDR program tailored for historic resources, to provide a valuable incentive to preserve and restore them instead of demolishing them.

**DD-18** These suggestions and other potential mitigation measures are feasible and would help reduce impacts to historic resources. Save Our Heritage Organisation respectfully requests a meeting to discuss these and other ideas with the City before the Final EIR is prepared.

### D. What Feasible Alternatives Would Reduce Historic Resource Impacts?

**DD-19** CEQA Guideline section 15126.6(a) mandates that an EIR "shall describe" a range of reasonable project alternatives "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project... The EIR analyzes four alternatives: "No Project," "Enhanced Sustainability," "Increased Parking Management," and "Concentrated Growth." (E.g., EIR 1.0-4—1.0-6.) The EIR concedes that the "No Project," "Enhanced Sustainability," and "Increased Parking Management" alternatives would have impacts to historic resources similar to those attending the Draft General Plan. (EIR 1.0-4—1.0-6.) Under the "Concentrated Growth" alternative, the EIR projects that environmental impacts would increase in four City subareas<sup>1</sup> — which contain historic resources. How do these alternatives reduce significant impacts to historic resources?

Thank you for your consideration. Please feel free to contact us if we can assist you in any way.

Sincerely yours,

Susan Brandt-Hawley  
Paige J. Swartley

cc: Save Our Heritage Organisation

<sup>1</sup> The four subareas are: Downtown San Diego and Uptown Communities; and Urban Village Centers within the Mission Valley/Morena/Grantville, University/Sorrento Mesa, and Midway-Pacific Highway subareas. (DPEIR 1.0-6.)

DD-18 Comment noted.

DD-19 As stated previously, at the General Plan level what *could* happen as a result of a future community plan update, amendment, or development proposal is too speculative for detailed evaluation at the General Plan level. Therefore, it is difficult to ascertain with certainty which alternatives would result in a significant impact to historical resources. In contrast to the other alternatives, the Concentrated Growth Alternative would focus growth into four subareas that are known to be of high sensitivity for historical resources; therefore, it was anticipated that impacts to historical resources would be greater under that alternative.



June 7, 2007

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

Re: PEIR, Project NO. 104495

Dear Ms. Mirrasoul,

The Mineral Resources paragraph of the draft Program EIR for the General Plan update contains the following language: "No Mitigation Measures are available at the Program EIR level of review that could reduce significant impacts to important mineral resources." I believe that comment is incorrect.

**EE-1**

The State Surface Mining & Reclamation Act (SMARA) requires that lands set aside for mineral extraction should be protected from competing land uses. At the very least, mitigation for lands designated MRZ-2 which have been removed from potential production should include designation of other lands for mineral extraction. The PEIR should address such mitigation measures.

Thank you for the opportunity to comment on the draft PEIR.

Sincerely,

Bruce H. Warren, AICP  
 Principal Planner

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EE-1 The draft Program Environmental Impact Report utilized the Development Services Department's existing Significance Determination Thresholds for the establishment of a mitigation framework for the environmental issue areas. These thresholds do not contain specific mitigation for impacts to mineral resources and call out as significant impacts to mineral resources where mining could be feasible. The City contains few lands not already under production that would be appropriate for the extraction of such resources. Therefore, the City will continue to address this issue and determine mitigation on a case-by-case basis.