

**THE CITY OF SAN DIEGO****MEMORANDUM**

**DATE:** April 10, 2024

**TO:** Heidi Vonblum, Director, City Planning Department

**FROM:** Rebecca Malone, AICP, Program Manager, City Planning Department

**SUBJECT:** CEQA Guidelines Section 15162 Evaluation – General Plan Amendment to Add the Environmental Justice Element.

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The Environmental Review Section of the City Planning Department has completed a California Environmental Quality Act (CEQA) Guidelines Section 15162 consistency evaluation in compliance with Public Resources Code Section 21166 for the amendment of the City of San Diego General Plan to add an Environmental Justice Element.

**Previously Certified CEQA Documents**

This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of a subsequent environmental document. The City Planning Department has determined that the addition of an Environmental Justice Element to the General Plan would not result in new significant impacts over and above those disclosed in the previously certified Final Program Environmental Impact Report (EIR) and Addenda for the 2008 General Plan (EIR No. 104495/SCH No. 2006091032), certified by the City Council on March 10, 2008, Resolution No. R-303473. The proposed addition is also covered under the following documents, all referred to as the "CAP FEIR": Final Program EIR for the City of San Diego Climate Action Plan (CAP) (EIR No. 416603/SCH No. 2015021053), certified by the City Council on December 15, 2015, Resolution R-310176; and the Addenda to the CAP (EIR No. 416603/SCH No. 2015021053), adopted by the City Council on August 10, 2022, Resolution R-314298.

**Background and Scope of the Proposed Action**

The purpose of the Environmental Justice Element is to identify and reduce unique and compounded health risks, increase community assets, and improve overall health. This Environmental Justice Element focuses on reducing pollution exposure, improving air quality, and promoting public facilities, food access, safe and healthy homes, and physical activity. To better address community needs, this Environmental Justice Element also encourages and supports inclusive public engagement in City decisions. Together, these efforts work to advance environmental justice across the city and improve the quality of life for all San Diegans.

Senate Bill 1000 (SB 1000), the Planning for Healthy Communities Act, was adopted in 2016 and requires local governments to address environmental justice issues in their General Plan.

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The Environmental Justice Element is intended to address the imbalances in our communities by including policies and regulations that affect the quality of the environment, such as mobility, parks, open space, public space, public services, and use of land.

The City has made efforts to advance environmental justice and many environmental justice-related policies have already been adopted by the City Council, including recent amendments to the General Plan's Housing; Public Facilities, Services and Safety; and Recreation Elements, as well as the City's Climate Action Plan. This Environmental Justice Element was specifically added into the General Plan to call out its importance but is not intended to replace other environmental justice policies throughout the General Plan and other City plans and policies. This element is rather intended to supplement already existing plans and policies.

Ongoing implementation and ongoing monitoring of the General Plan will be critical to achieving the goals of this Environmental Justice Element. Through regular General Plan monitoring, the City will be able to report on, and make adjustments to policies, objectives, and proposed activities based on ongoing community feedback, availability of new information, or changes in circumstances.

To advance environmental justice issues across the City, this Element sets goals, objectives, and policies categorized by the following topics:

A) Inclusive Public Engagement in City Decisions

- 1) A just and equitable society by increasing public outreach and participation in the planning process.

B) Pollution Exposure and Air Quality

- 1) Green infrastructure that strengthens environmental protection and supports safe and healthy communities.
- 2) Pollution reduction in communities heavily impacted by pollution and poor air quality.

C) Active Play

- 1) Flexible, multifunctional public spaces that are easily accessible by walking/rolling, biking and transit where people of all age groups, genders, and abilities can play and socialize.
- 2) Flexible and reconfigurable recreation facilities to meet emerging recreation needs, including unscheduled recreation and activities geared towards social interaction, health, and wellness.
- 3) Safe spaces for people to walk/roll and bike to allow for active and healthy ways to move around and enjoy communities.

D) Promoting Healthy Food Access

- 1) Healthy food that is available and affordable to all in a manner that generates net-zero waste.

E) Safe and Healthy Homes

- 1) Safe and healthy homes for people of all age groups, genders, and abilities to thrive in their community.

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F) Climate Change and Resilience

- 1) Reduce exposure to climate change and increase climate resilience.

G) Public Facilities and Infrastructure Prioritization Public facilities and infrastructure for people of all age groups and abilities prioritized in areas with the greatest needs.

The Final Program EIR for the General Plan found that, although significant impacts could be mitigated through a review of discretionary projects, implementation of the General Plan would result in significant and unavoidable impacts to Agricultural Resources, Air Quality, Biological Resources, Geologic Conditions, Health and Safety, Historical Resources, Hydrology, Land Use, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Facilities, Public Utilities, Transportation/Traffic/Circulation/Parking, Visual Effects and Neighborhood Character, and Water Quality as site-specific details of future development projects are unknown at this time.

The Final Program EIR for the CAP found that implementation of the CAP would result in significant effects to Land Use, Visual Effects and Neighborhood Character Resources, Air Quality, Greenhouse Gases, Historical Resources, and Traffic and Circulation. While some of these impacts could be mitigated, there would be significant and unavoidable impacts relating to: Visual Effects and Neighborhood Character, Air Quality, Historic Resources, and Transportation and Circulation. The Addenda to the CAP found that adoption of the CAP Update and associated implementing actions would not result in an increase in the severity of the impacts or in new significant impacts beyond those identified in the Final Program EIR for the CAP.

**Existing Conditions**

Environmental Justice Communities (EJ Communities) experience unique challenges, such as proximity to Port of San Diego lands and the international border, as well as other incompatible industrial uses. Certain previously conforming uses, such as wrecking and dismantling motor vehicles, storage, and material scrap yards, as well as specific types of recycling facilities, are in areas that have been more recently rezoned to allow for homes and mixed-use development. This has affected certain areas of the City where people can experience the most adverse impacts from these land use incompatibilities. EJ Communities experience unique challenges, such as proximity to the international border, freeways, maritime industrial uses, and other industrial uses not related to maritime or port facilities. The areas surrounding the Chollas Creek Watershed face distinctive challenges, such as flooding and pollution.

The identification of EJ communities is important in terms of implementing the City's vision of prioritizing investments in the areas of greatest needs. From an environmental justice perspective, EJ communities are the areas of the City with the greatest needs for investments to reverse environmental injustices. EJ Communities are also areas that can be prioritized for federal or state funding.

**CEQA Guidelines Section 15162 Criteria**

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial

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evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the three criteria listed above has occurred, therefore the Environmental Review Section of the City Planning Department determined there is no need to prepare subsequent or supplemental environmental documents for the proposed ordinance.

#### **CEQA Guidelines Section 15162 Consistency Evaluation**

The General Plan includes policies that address pollution exposure and air quality strategies are included throughout the Conservation, Mobility, and Noise Elements. The policies in this Environmental Justice Element build on and provide additional guidance relating to supporting green infrastructure and mobility options that reduce pollution-emitting vehicular travel. The policies in the Environmental Justice Element support and promote improved air quality and health outcomes. The addition of the Environmental Justice Element would not result in new significant environmental effects or substantially increase the severity of significant effects beyond those identified in the 2008 General Plan Program EIR.

The General Plan includes policies in its Mobility Element that promote a balanced, multi-modal transportation network and minimizes environmental and neighborhood impacts. The Public Facilities, Services, and Safety Elements of the General Plan foster safe and connected public facilities, while the Recreation Element provides a similar direction specific to parks and

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open spaces. The Environmental Justice Element provides additional guidance for mobility and walking/rolling, biking, transit connections, and improving opportunities for play in public spaces. The addition of EJ policies related to Active Play support public facilities and promote physical activity and overall well-being while supporting mixed-use, transit-oriented development and minimizing vehicular travel. The addition of the Environmental Justice Element would not result in new significant environmental effects or substantially increase the severity of significant effects beyond those identified in the 2008 General Plan Program EIR.

The General Plan includes the Housing Element which sets goals, policies, and objectives to guide the development of homes and outlines proposed activities to reach overarching goals. The Housing Element addresses EJ housing concerns and sets goals to address environmental justice issues, such as substandard living conditions, affordable housing preservation, or improved access to parks, jobs, and schools. The Safe and Healthy Homes section in the Environmental Justice Element builds on the programs and policies in the Housing Element, which identifies the City's commitments to provide safe and healthy homes for people and communities to thrive, focusing on improving the proximity between homes and jobs, schools, grocery stores, and amenities. The addition of the Environmental Justice Element would increase access to public facilities and decrease resident displacement which will reduce vehicular miles driven. The Environmental Justice Element will also support the improved quality of existing homes, preserving the quality of existing housing stock. Therefore, the Environmental Justice Element will not result in new significant environmental effects or substantially increase the severity of significant effects beyond those identified in the 2008 General Plan Program EIR.

The Environmental Justice Element is also consistent with the CAP FEIR. Section B of the Environmental Justice Element includes goals and policies regarding pollution exposure and air quality that aim to support green infrastructure that strengthens environmental protection, safe and healthy communities, and pollution reduction in heavily impacted communities. This is consistent with Strategy 1 of the CAP which contains measures to decarbonize existing buildings, new building development, and City facilities. Section F of the Environmental Justice Element calls for the reduction of exposure to climate change and increased climate resilience in EJ Communities. This is consistent with Strategy 5 of the CAP which supports resilient infrastructure and healthy ecosystems. Section G of the Environmental Justice Element includes goals and policies regarding public facilities and infrastructure prioritization by supporting public facilities and infrastructure for people of all age groups and abilities prioritized in areas with the greatest needs. This is consistent with Strategy 2 of the CAP which supports citywide renewable energy generation, increases in municipal zero emission vehicles, and increased electric vehicle adoption. Similar to the CAP FEIR, the Environmental Justice Element includes goals and additional policies, such as EJ-B.1, EJ-B.2, EJ-B.4, EJ-B.7, and 5.EJ-G.1; to achieve climate resilience within EJ communities. Therefore, the Environmental Justice Element would not result in significant effects beyond those identified in the CAP FEIR.

The Environmental Review Section of the City Planning Department has reviewed the proposed Environmental Justice Element and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Should the proposed Environmental Justice Element be adopted by City Council, addition of the Environmental Justice Element would not result in new significant

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direct, indirect, or cumulative impacts beyond those identified in the 2008 General Plan Program EIR or the CAP Final Program EIR.

A handwritten signature in black ink that reads "Rebecca Malone". The signature is written in a cursive, flowing style.

Rebecca Malone, AICP, Program Manager  
City Planning Department

RM: gj,vs