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March 11, 2020

Laura Black
Deputy Director
Planning Department
City of San Diego
9485 Aero Drive, M.S. 413
San Diego, CA 92123

Re: Levi-Cushman Specific Plan Rescission

Dear Ms. Black:

I am writing to express San Diego Metropolitan Transit System's (MTS) support and consent for the City of San Diego's efforts to rescind the Levi-Cushman Specific Plan from the MTS South Parcel located at APN 436-610-09.

As you may know, state law provides MTS with intergovernmental immunity rights that exempt it from compliance with the otherwise applicable building and zoning ordinances of a country or city within its territory because MTS is not a "local agency." (Gov't Code Sections 53091 and 53090(a); Pub. Util. Code section 120050(c)(1).)

Because local building and zoning ordinances are not applicable to MTS's ability to develop the MTS South Parcel, a future MTS development at the site would not have greater or lesser environmental impacts by virtue of the Levi-Cushman Specific Plan being in place or being rescinded. Therefore, to the extent the City desires to remove this old specific plan from the Mission Valley Community Plan in a single action concurrent with entitlements for the Riverwalk Project that is actually encumbered by the Levi-Cushman Specific Plan, MTS supports the City's efforts and any application to implement such action.

Please be advised that MTS has no immediate plans to develop the MTS South Parcel. When MTS decides it is appropriate to make use of the property, MTS intends to abide by its existing Memorandum of Understanding with the City dated July 14, 2003 regarding sharing MTS design plans with the City for City comment.

Sincerely,

Karen Landers
General Counsel

cc: Pete Shearer
Ted Shaw
Jeff Petersen
Sharon Cooney

