

**From:** [Anne Escaron](#)  
**To:** [PLN PlanningCEQA](#)  
**Subject:** [EXTERNAL] comments related to the Draft PEIR  
**Date:** Thursday, October 20, 2022 7:28:26 PM

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Hello Planning,

Comments related to the Draft PEIR:

- As a resident of Mira Mesa since 2021,
  - I am supportive of the 3roots community as it has the potential to build and indeed model active transportation friendly built environment
  - I look forward to 3roots bike paths, other cycling infrastructure, and transit options (shuttles etc) in the community that will link to public transportation and regional services including the train
  - I am curious whether there are any plans to build a Mira Mesa pump track- the closest pump track is in Pacific Highlands Ranch. Seems like there is possibility to offer Mira Mesa residents of all ages bicycle friendly infrastructure that promotes outdoor recreation
  - I am also curious whether 3roots will offer commercial outlet including grocery store as the community seemed to include commercial zoning

Thank you,  
Anne Escaron

**From:** [Dodson, Kimberly@DOT](mailto:Dodson, Kimberly@DOT)  
**To:** [Pascual, Elena](#)  
**Cc:** [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov); [Eaton, Maurice A@DOT](mailto:Eaton, Maurice A@DOT)  
**Subject:** [EXTERNAL] Mira Mesa Community Plan Update DEIR SCH # 2022090061  
**Date:** Thursday, October 20, 2022 4:49:30 PM  
**Attachments:** [SD\\_VAR\\_Mira Mesa Community Plan Update DEIR\\_10-20-2022.pdf](#)

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Hi Elena,

Please see the attached comment letter for the Mira Mesa Community Plan Update Draft Environmental Impact Report SCH# 2022090061.

Thank you,

Kimberly D. Dodson, GISP, M. Eng.  
Associate Transportation Planner  
Caltrans District 11 LDR Branch  
4050 Taylor St., MS-240  
San Diego, CA 92110  
[Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov)  
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## California Department of Transportation

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October 20, 2022

11-SD-VAR

PM VAR

Mira Mesa Community Plan Update

DEIR/SCH#2022090061

Ms. Elena Pascual  
Senior Planner  
City of San Diego  
9485 Aero Drive  
San Diego, CA 92123

Dear Ms. Pascual:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report for the Mira Mesa Community Plan Update located near Interstate 5 (I-5), Interstate 15 (I-15), State Route 52 (SR-52), State Route 56 (SR-56) and Interstate 805 (I-805). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of San Diego in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

### **Traffic Impact Study**

- Results in vehicle miles traveled (VMT) exceeding thresholds for City of San Diego's compliance with SB 743 statutes.
- The following locations are proposed for future pedestrian bridges in Mira Mesa:
  - Across I-15 near the Hillery Drive Bridge: A pedestrian bridge connecting Mira Mesa to Scripps Miramar Ranch across I-15 would provide an essential low-stress east-west connection from high residential redevelopment areas in both communities to schools, transit centers, and recreational facilities from both communities. A feasibility study would need to be performed to determine the best location for a structure across the I-15 freeway. Options would include extending the existing Hillery Drive bridge Direct Access Ramp bridge all the way across the freeway, connecting Scripps Lake Drive to North Campus Drive, connecting South Campus Drive to Scripps Ranch High School, or connecting Gold Coast Drive to Scripps Ranch Court. This will require a possible full capital project funded by the City of San Diego and encroachment permits and maintenance agreements to be filed with and approved by Caltrans.
- The following bicycle facilities are planned for the Mira Mesa community as part of the Proposed Project, City's Bicycle Master Plan, and/or the San Diego Regional Bike Plan, Riding to 2050.
  - Class I Multi Use Path : Mira Mesa Boulevard from Greenford Drive to I-15 (one-way, both sides). There are no current bike lanes striped within Caltrans' Right-of-Way (R/W) and none approaching this intersection. This will require early coordination with Caltrans by the City of San Diego. City will need to obtain an approved encroachment permits and maintenance agreements after early coordination. EB Mira Mesa Boulevard consist of a free dual right turn lanes into the SB I-15 entrance ramp, which makes it difficult to implement a Class 1 path. Caltrans Planning, Design, Traffic Operations, and Multi-Modal branches will need to be involved since early on.
  - Class IV Cycle Track (Two-Way Bikeway): Miramar Road from Commerce Avenue/Milch Road to I-15 (south side). There are no current bike lanes striped within Caltrans R/W and none approaching this intersection. This will require early coordination with Caltrans by the City of San Diego. City will need to obtain an approved encroachment permits and maintenance agreements after early coordination. EB Miramar Road

consist of a free right turn lane into the SB I-15 entrance ramp, which makes it difficult to implement a Class IV Cycle Track. Caltrans Planning, Design, Traffic Operations, and Multi-Modal branches will need to be involved since early on.

- The City of San Diego will have to consult with Caltrans on any proposed improvements that affect Caltrans' R/W, facilities, freeways, and ramp operations & safety.

## **Planning**

- Planning activities: Caltrans District 11 and SANDAG are developing a comprehensive multimodal corridor plan (CMCP) for State Route 56. The scope of this plan may include the Mira Mesa CPU boundaries and will require coordination with the City of San Diego, Caltrans, and SANDAG.
- VMT reduction: Caltrans supports Plan's efforts to bring more housing near transit, expand mobility choices, and enhance multimodal options to reduce VMT. Page 45 (ES-17) identifies employee VMT as significant. For residential and office projects, OPR's Technical Advisory recommends VMT per capita or per employee thresholds 15% below existing city or regional VMT per capita. Please coordinate with Caltrans and SANDAG on future CMCP efforts for potential future mitigation strategies that may further reduce employee generated VMT in the Mira Mesa CPU limits.
- Pedestrian bridge location: Please inform Caltrans of the feasibility study results for the location of the second pedestrian bridge over I-15 connecting Mira Mesa to Scripps Miramar Ranch.
- A feasibility study would need to be performed to determine the best location for a structure across the I-15 freeway.

## **Hydrology and Drainage Studies**

- Draft PEIR, Section 5.7.1:
  - Paragraph 1: the future developments included in the CPU have potential impacts to change runoff characteristics including volume of runoff, rate of runoff, and drainage patterns. Paragraph 3 states that development would not result in alterations in a manner that would result in a flooding on- or off-site. This does not address adverse impacts to Department infrastructure regarding changes to existing drainage patterns, post-development flow rates exceeding pre-development flow rates, and increases in water volumes to Department facilities. Confirm how will these potential adverse impacts be avoided.

- The proposed developments included in the CPU may significantly alter the FEMA defined Floodplain and associated water surface elevations through the project area and have potential adverse impacts to the Caltrans' facilities. Caltrans requests that the City of San Diego, acting as the Local FEMA Administrator, include Caltrans in reviews of all submittals to the City's Development Services Department regarding floodplain administration and allow for Caltrans to comment prior to the Conditional Letter of Map Revision (CLOMR) application or the Permit issue, to assure that Caltrans' assets are not adversely impacted by any change in the water surface elevation resulting from any proposed developments in this CPU.
- Per 44 CFR §65.12, Caltrans requests that a formal notification be sent to Caltrans when the City of San Diego approves the permit to alter the floodplain and/or when the Developer applies for the Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR).

### **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

### **Land Use and Smart Growth**

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable “smart growth” type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

### **Noise**

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of Routes I-5, I-15, SR-52, SR-56 and I-805.

### **Environmental**

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Draft and Final Environmental Document. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for work within Caltrans' R/W. We would appreciate meeting with you to discuss the elements of the Environmental Impact Report (EIR) that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' Right-of-Way prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project that include the work in Caltrans' Right-of-Way, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, any California Environmental Quality Act (CEQA) determinations or exemptions. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans'

R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in the analysis for any work identified in Caltrans' R/W and any additional mitigation measures identified for the Draft and Final Environmental Document.

### **Broadband**

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

### **Right-of-Way**

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.
- Any proposed structures in Caltrans' R/W or impact to Caltrans' structures will need to be reviewed by Caltrans Headquarters Structure Maintenance and Investigations prior to Encroachment Permit.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing [D11.Permits@dot.ca.gov](mailto:D11.Permits@dot.ca.gov) or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, LDR Coordinator, at (619) 985-1587 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

MAURICE EATON  
Branch Chief  
Local Development Review



**From:** [Ludovissy, Jennifer@Wildlife](mailto:Ludovissy, Jennifer@Wildlife)  
**To:** [Pascual, Elena](mailto:Pascual, Elena)  
**Cc:** [Mayer, David@Wildlife](mailto:Mayer, David@Wildlife); [Lane, Jessie@Wildlife](mailto:Lane, Jessie@Wildlife); [Drewe, Karen@Wildlife](mailto:Drewe, Karen@Wildlife); [Turner, Jennifer@Wildlife](mailto:Turner, Jennifer@Wildlife); [Hailey, Cindy@Wildlife](mailto:Hailey, Cindy@Wildlife); [Snyder, Jonathan](mailto:Snyder, Jonathan); [OPR State Clearinghouse](#)  
**Subject:** [EXTERNAL] Copy of letter re: Mira Mesa Community Plan Update  
**Date:** Thursday, October 20, 2022 8:27:17 AM  
**Attachments:** [image001.png](#)  
[image004.png](#)  
[2022090061 Mira Mesa Community Plan Update DPEIR.pdf](#)

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Ms. Pascual,

Please see attached copy for your records. If you have any questions, please contact Jessie Lane at [Jessie.Lane@wildlife.ca.gov](mailto:Jessie.Lane@wildlife.ca.gov).

Thank you,  
Jenny

**JENNY LUDOVISSY** | Staff Services Analyst

She/Her/Hers

[Create Account](#)



**South Coast Region 5**

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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 20, 2022

Elena Pascual  
Senior Planner  
City of San Diego  
9485 Aero Drive  
San Diego, CA 92123  
[EPascual@sandiego.gov](mailto:EPascual@sandiego.gov)

**Subject: Mira Mesa Community Plan Update (Project), Draft Program Environmental Impact Report (DPEIR), SCH #2022090061**

Dear Ms. Pascual:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DPEIR from The City of San Diego for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Additionally, CDFW oversees implementation of the Natural Community Conservation Planning (NCCP) program. The City of San Diego participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP). This affords the City "take" of MSCP covered species that are listed under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). If any CESA-listed species may

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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be impacted by the Project that are not covered by the MSCP, the project proponent may seek related take authorization as provided by the Fish and Game Code.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of San Diego (City)

**Objective:** The objective of the Project is to update the Mira Mesa Community Plan, to guide future development within the Community Plan area. The Community Plan will implement specific policies regarding land uses, street and transit networks, urban design, open space areas, historic and cultural resources, and public facilities. Additionally, the Community Plan Update identifies areas proposed for future trail improvements and extensions, parks, and scenic overlooks.

**Location:** The Community Plan area encompasses 10,729 acres in the north-central portion of the City of San Diego. The Project area is bounded to the west by Interstate-805, to the east by Interstate-15, to the south by Marine Corps Air Station Miramar, and to the north by Los Peñasquitos Canyon.

**Biological Setting:** The Community Plan contains several areas identified within the City's MSCP Multi-Habitat Planning Area (MHPA), including Carroll Canyon, Lopez Canyon, and Los Peñasquitos Canyon. The MHPA designation essentially identifies areas of higher biological value and for which on-site avoidance and conservation are necessary to comply with the provisions of the MSCP. The MSCP further requires that Area Specific Management Directives (ASMDs) be prepared for many of the covered species to ensure measures are enacted to protect these species from direct and indirect adverse effects of City-approved projects or activities. The Community Plan area contains 12 upland vegetation communities, including: native grassland, oak woodlands, coastal sage scrub, coastal sage scrub/chaparral, mixed chaparral, chamise chaparral, non-native grasslands, Disturbed Land, eucalyptus woodland, ornamental plantings, agriculture, and urban/developed. Wetland communities within the Community Plan area include: forest and woodland, riparian scrub, freshwater marsh, open water, natural flood channel, disturbed wetland, vernal pool, wetland/riparian enhancement/restoration, and concrete channel.

The PEIR assesses the potential occurrence of sensitive species based upon literature and database review, including the California Natural Diversity Database (CNDDB) database. The Project site contains suitable habitat to support a variety of sensitive wildlife species, including those covered under the MSCP, CESA-listed species, federal Endangered Species Act (ESA)-listed species; and designations of State Fully Protected (FP), California Species of Special Concern (SSC), and CDFW Watch List Species (WL). The Project site also contains suitable habitat to support a variety of sensitive plant species, including Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*, ESA-list threatened, CNPS List 1B.1, MSCP-covered) and others with Rare Plant Ranks from the California Native Plant Society. Vernal pool habitats and their species which are present within the Project area are covered by CDFW under the MSCP and by the U.S. Fish and Wildlife Service (USFWS) under the federal Vernal Pool Habitat Conservation Plan (VPHCP). These include but are not limited to: San Diego fairy shrimp (*Branchinecta sandiegonensis*; ESA-endangered, MSCP-covered, VPHCP-covered species); Riverside fairy shrimp (*Streptocephalus woottoni*; ESA-listed endangered, MSCP-covered, VPHCP-covered species), western spadefoot (*Spea hammondi*; SSC); southwestern pond turtle (*Emys marmorata*; southern California legless lizard (*Anniella stebbinsi*; SSC); coast horned lizard (*Phrynosoma blainvillii*; SSC, MSCP-covered); Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*; WL, MSCP-covered); coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC); two-striped garter snake (*Thamnophis hammondi*; SSC); coast patch-nosed snake (*Salvadora hexalepis virgulata*; SSC); red diamond rattlesnake (*Crotalus ruber*; SSC); white-tailed kite (*Elanus leucurus*;

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FP, SSC); northern harrier (*Circus cyaneus*; SSC, MSCP-covered); light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA-listed endangered; CESA-listed endangered, FP, MSCP-covered); burrowing owl (*Athene cunicularia*; SSC, MSCP-covered); southwestern willow flycatcher (*Empidonax traillii extimus*; ESA- and CESA- listed endangered, MSCP-covered); least Bell's vireo (*Vireo bellii pusillus*; ESA- and CESA-listed endangered, MSCP-covered); coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, SSC, MSCP-covered); San Diego black-tailed jackrabbit (*Lepus californicus bennettii*; SSC); Mexican long-tongued bat (*Choeronycteris mexicana*; SSC); western mastiff bat (*Eumops perotis californicus*; SSC); big free-tailed bat (*Nyctinomops macrotis*; SSC); western red bat (*Lasiurus blossevillei*; SSC); Townsend's big-eared bat (*Corynorhinus townsendii*; SSC); spotted bat (*Euderma maculatum*; SSC); and pallid bat (*Antrozous pallidus*; SSC).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### I. General Comments

#### COMMENT #1: Trails

##### PEIR, Table ES-1, p. ES-18 and Figure 2-19

The Community Plan Update identifies areas proposed for future trail improvements and extensions, parks, and scenic overlooks (Figure 2-19). Many of the proposed public trails identified in the PEIR are newly proposed and were not previously analyzed in the 1994 Community Plan (comparison in Attachment A). For future trail developments within the Mira Mesa Community Plan Update area, ASMDs or a Natural Resources Management Plan (NRMP) that addresses known or potentially occurring covered species needs to be prepared and approved prior to approval of new trails or other activities that could be detrimental to those species. The ASMD/NRMP should discuss the development of trails within the canyons and open space areas of Mira Mesa, and should be completed either prior to, or concurrent with, any trail realignment or new trail development within the Community Plan area. The plan should be reviewed and approved by CDFW and the United States Fish and Wildlife Service (USFWS; collectively, the Wildlife Agencies) prior to implementation. CDFW strongly recommends that a mitigation measure calling for the ASMD/NRMP development be included in the PEIR.

Additionally, trails should be analyzed for potential habitat edge effects associated with the permanent vegetation clearing necessary for a new trail alignment. Increased foot traffic, which will occur from increased access, should also be analyzed and discussed in the PEIR. This discussion should include analysis of impacts associated with development in the MHPA, if applicable, per City Guidelines Section II.A.2.

#### COMMENT #2: Multi-Habitat Planning Area Boundary Line Adjustments

##### PEIR Section 4.2.3, p. 4-12; Biological Resources Report 2.3.2, p. 13

The PEIR indicates that, per the MSCP, areas within areas designated as MHPA will be developed at a maximum of 25 percent, in the least biologically sensitive area. If more than 25 percent is required, an MHPA Boundary Line Adjustment (BLA) would be required for the

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portion that exceeds the 25 percent allowable development area. CDFW recommends that the City consult with the Wildlife Agencies early in the CEQA process to resolve a Project's proposed BLA prior to the circulation of each project-specific CEQA Draft Environmental Impact Report (DEIR). To ensure consistency with the MSCP's conservation goals and objectives, any project-specific DEIRs should provide full disclosure and functional equivalency analysis of the proposed BLA per Sections 1.1.1 and 5.4.2 of the MSCP SAP (City of San Diego 1997). The Wildlife Agencies will need to agree and provide written concurrence for the requested BLA after we have had the opportunity to review all information provided by the City. When evaluating a proposed BLA and habitat equivalency assessment, the Wildlife Agencies generally consider the following biological goals:

- a. no net loss of MHPA acreage;
- b. no net reduction of higher sensitivity vegetation communities (i.e., Tier I, II, IIIa and IIIb);
- c. net impacts/conservation of covered listed species resulting from the BLA;
- d. net impacts/conservation of covered non-listed sensitive species resulting from the BLA;
- e. net impacts/conservation of non-covered sensitive species; and,
- f. landscape configuration to maintain connectivity of the MHPA (i.e., net effects to 'Preserve Design').

### **COMMENT #3: State Fully Protected Species**

Future Projects considered under the Mira Mesa Community Plan Update should include measures to fully avoid impacts to species designated by the State of California as Fully Protected, including those that are MSCP-covered. Per Fish & Game Code, a Fully Protected species may not be taken or possessed at any time. 'Take' is defined by Fish and Game code as, "hunt, pursue, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Given that Fully Protected species are afforded protections beyond State or Federal listing status, minimization of significant impacts is not sufficient for Fully Protected species, and impacts must be avoided to avoid take of any individuals.

## **II. Mitigation Measure or Alternative and Related Impact Shortcoming**

### **COMMENT #4: Nesting Birds**

#### **Biological Resources Report, Section 6.1.1.4, p. 100**

The Avian Protection Requirements outlined in the Avoidance and Minimization Measures Section (6.1) of the Biological Resources Report do not adequately avoid or minimize impacts to nesting birds. The Avian Protection Requirements indicate that removal of habitat that supports coastal California gnatcatcher or any species identified as listed, candidate, sensitive, or special status in the MSCP should occur outside of avian breeding season (February 1 to September 15). If removal of habitat occurs during breeding season, the Biological Resources Report indicates that a pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities. A 10-day survey window may be insufficient to detect nest activity, as birds may locate onto the project site and begin nesting during that large span of time. Per California Fish and Game Code Sections 3503, 3503.5, and 3513 the Proposed Project is required to avoid the incidental loss of fertile eggs or nestlings or activities that lead to nest abandonment.

Nesting bird surveys should be conducted as close to the time of potential disruption as possible, no more than 3 days prior to ground disturbance, vegetation removal, or construction

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activities. CDFW recommends that nesting bird surveys be conducted a maximum of 3 days prior to construction-related activities.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)


## CONCLUSION

CDFW appreciates the opportunity to comment on the DPEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessie Lane, Environmental Scientist, at [Jessie.Lane@wildlife.ca.gov](mailto:Jessie.Lane@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
D700B4520375406...

David Mayer  
Environmental Program Manager  
South Coast Region

cc: CDFW

Karen Drewe, San Diego – [Karen.Drewe@wildlife.ca.gov](mailto:Karen.Drewe@wildlife.ca.gov)  
Jennifer Turner, San Diego – [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)  
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USFWS

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Ms. Elena Pascual  
City of San Diego  
October 20, 2022  
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## REFERENCES

California Natural Diversity Database (CNDDB). 2022. RareFind 5 [Internet]. California Department of Fish and Wildlife, Government Version.

City of San Diego, Land Development Code Biology Guidelines, 2018.

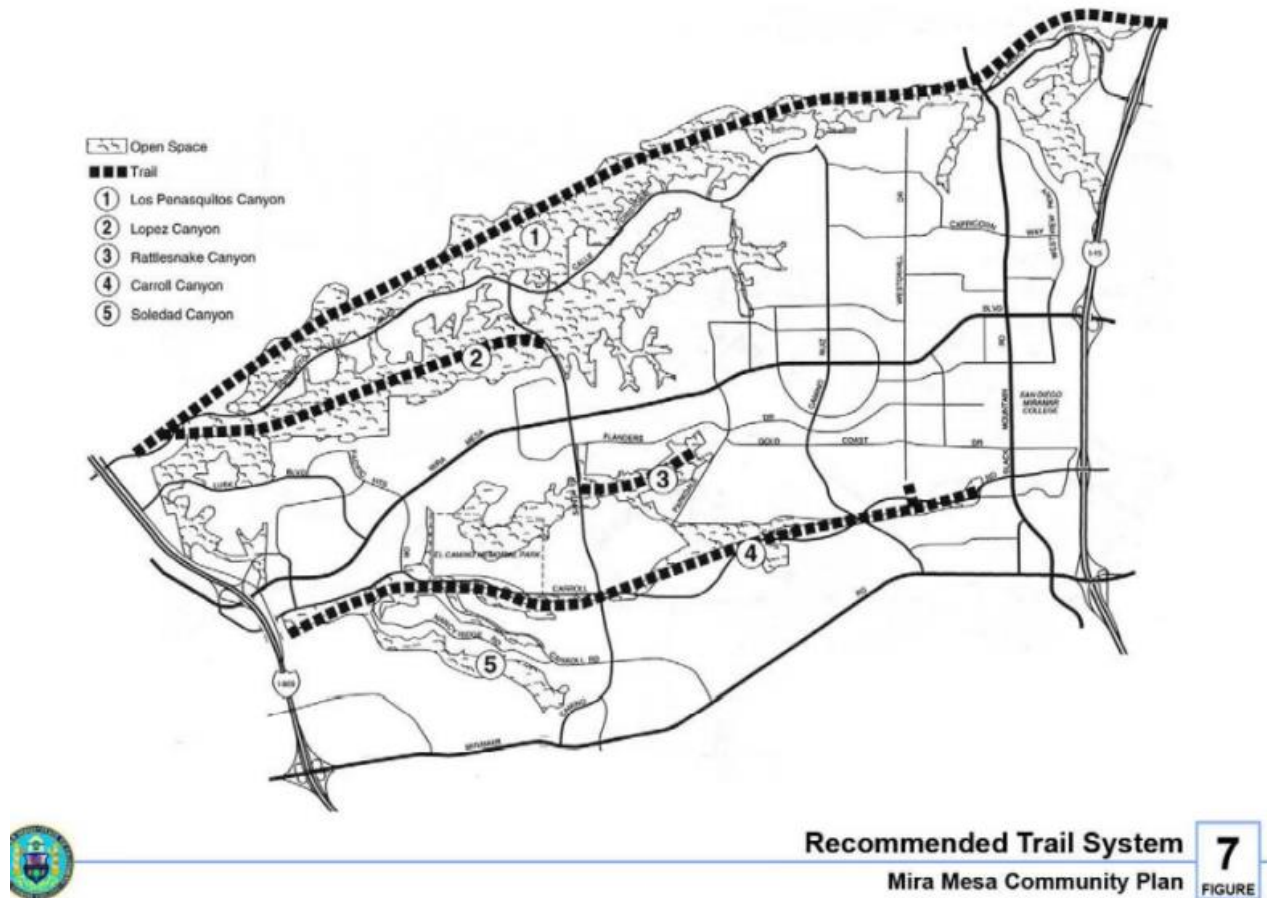
City of San Diego, Mira Mesa Community Plan, 1994. [miramesa042611c.pdf \(sandiego.gov\)](#)

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997.

Figure 1. Mira Mesa Community Plan Update PEIR, Figure 2-19



Ms. Elena Pascual  
City of San Diego  
October 20, 2022  
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Figure 2. Mira Mesa Community Plan, 1994, Figure 7

**From:** [Madison Coleman](#)  
**To:** [Frost, Alexander](#)  
**Cc:** [PLN PlanningCEQA](#); [Vonblum, Heidi](#); [CouncilMember Chris Cate](#)  
**Subject:** [EXTERNAL] Mira Mesa Community Plan Update: CAC Recommendation Letter  
**Date:** Thursday, October 20, 2022 1:53:39 PM  
**Attachments:** [Climate Action Campaign recommendations for the Mira Mesa Community Plan Update.pdf](#)

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**\*\*This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.\*\***

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Hello Alex,

On behalf of [Climate Action Campaign](#), please accept the attached letter with our recommendations for the draft Mira Mesa Community Plan Update.

Please let us know if you have any questions. We look forward to continuing to engage in the Mira Mesa CPU process. Thank you.

**Madison Coleman** (she/her)  
Policy Advocate  
*Climate Action Campaign*  
[3900 Cleveland Ave. Suite 208](#)  
[San Diego, CA 92103](#)  
(619)419-1222 ext. #711

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**Like what we do? [Support Climate Action Campaign today.](#)**

*Our Mission is Simple: Stop the Climate Crisis*



Date: October 20, 2022

City of San Diego  
Planning Department  
9485 Aero Drive, M.S. 413  
San Diego, CA 92123  
Via Email: [planning@sandiego.gov](mailto:planning@sandiego.gov)

**Subject: Climate Action Campaign recommendations for the Mira Mesa Update**

Dear Alexander Frost and Planning Department,

Climate Action Campaign (CAC) is a non-profit organization, based in San Diego and Orange County, with a simple mission: stop the climate crisis through effective and equitable policy action.

At the bare minimum, everyone deserves quality housing that is affordable, healthy, safe and in close proximity to life's essential goods and services such as public transit, good schools, family-sustaining jobs, green open spaces, and grocery stores.

This is the exact land use growth pattern framework that CAC has advocated for since its founding. CAC has been at the frontlines of fighting for Community Plan Updates (CPUs) that couple climate strategies and specific plans to help the City meet and exceed its Climate Action Plan (CAP) mode shift goals and RHNA targets.

Unfortunately, no CPU has been approved with mode share targets that comply with overall CAP modeshift goals. Specifically, the City has failed to use the Golden Hill, North Park, San Ysidro, and Uptown CPUs as tools to implement the 2015 Climate Action Plan (CAP) Strategy 3: Bicycling, Walking, Transit & Land Use. We have attached our 2016 letter addressed to the City regarding our concerns over the CPUs in San Ysidro, North Park, Uptown and Golden Hill, which EIR's failed to ensure the necessary CAP consistency.

The lack of CPU and CAP goal alignment has significantly delayed new transportation strategies from being deployed, putting San Diego farther behind on meeting legally-binding

targets. If the City continues its long pattern and practice of not disclosing community specific mode shift projections, we will never meet and exceed our legally binding CAP modeshift goals.

We hope that the City will use the Mira Mesa CPU as a tool to bring clean air, safe streets, affordable housing, economic benefits, and overall improved quality of life to families and businesses in the College Area for the next 20-30 years.

Below are our recommendations for the Mira Mesa CPU:

### ***Sharing Existing and Projected Mode Share Data for the CPU***

Unfortunately, the City provided Mira Mesa specific current and projected modeshift data to the public at the end of the CPU process. We want to emphasize how critical mode share data is to ensure the City can plan and meet its legally binding CAP modeshift goals. The City must end its long practice of withholding mode share data from the community until the very end of the CPU process. Communities must have this information early on in the planning process to make informed and fact-based decisions on the land use scenarios that will directly impact their quality of life.

### ***Existing and Projected Mode Share Data for the CPU***

As a long range planning document, the City needs to ensure the Mira Mesa CPU plans accordingly to achieve modeshift targets in alignment with the CAP. The City simply cannot meet its CAP mode share target goals if each CPU fails to meet its own.

We are concerned that the Single Occupancy Vehicle (SOV) projected mode share percentages for peak hour trips do not go far enough in helping the City meet its overall CAP modeshift goals. The Mira Mesa CPU should integrate MTS programs and SANDAG's Regional Transportation Plan (RTP) to set more aggressive mode share targets for SOVs. This is a key strategy to ensuring individuals take other modes of transportation such as biking, walking, and transit during peak hours. We also recommend setting higher overall targets for pedestrian, bicycle, and mass transit mode shares, and include strategies, timelines, and benchmarks to meet them.

Additionally, the Mira Mesa CPU must promote transit oriented development coupled with the proposed 24,000 additional housing unit capacity in order to create bikeable, walkable, neighborhoods. The City should deploy strategies that will actually induce mode shift from driving to biking and walking. We are pleased that the CPU's proposed bicycle network will add 31.97 miles of class IV facilities and 7.41 miles of class I facilities. However, the proposed bicycle network will also add 25 miles of class III facilities, which are shared-use between bicycles and motor vehicles within the same travel lane and are designated by shared-lane pavement markings (e.g., "sharrow") and signage. Research shows that better safety outcomes for all road users, especially bicyclists, are associated with a greater prevalence of bike facilities—particularly protected and separated bike facilities—and that high-bicycling-mode-

share cities are safer for all road users.<sup>1</sup>

To increase bike ridership, and secure safer streets for all, we recommend prioritizing protected and/or separated bike infrastructure. That means only installing Class I or Class IV bike facilities.

Lastly, we recommend that each planned roadway street reconfiguration illustrated in Chapter 3 of this CPU prioritizes pedestrian, protected bicycle, and public transportation infrastructure first.

### ***Include Smart Land Use Policies with Affordable Housing Near Transit***

We cannot solve the climate crisis without simultaneously solving the housing crisis. It is critical that the CPU incentivises the development of a high percentage of deed restricted and naturally affordable housing. Infill, upzoning, and affordable housing development in smart growth areas need to be incorporated into every aspect of Chapter 2 of this CPU. An increase of affordable housing will help desegregate communities and provide more access to opportunities and upward social mobility.

Currently, sections 2.9 and 2.10 of Chapter 2 read respectively, “Variety of Housing Types. Encourage the development of a variety of building types, unit types, and densities to support a diversity of housing options” and “Affordability. Encourage a variety of housing types that are affordable to a range of job and household income levels.” We recommend that the CPU specifically promote the inclusion of affordable housing in a variety of building designs (e.g. townhomes, duplexes, apartments, rowhomes, etc.) with market rate housing for multi-family and mixed-use development. We also recommend that the CPU clearly define the term “affordable” in alignment with California Department of Housing and Community Development income categories.

Building affordable housing near transit is a key climate and equity strategy to reduce VMT and GHG emissions. We recommend the Mira Mesa CPU include more strategies to increase affordable housing development near the City’s transit priority areas, high-frequency bus lines, and employment centers.

### ***Set a CPU-Specific Affordable Housing Requirement***

It is essential that the City’s CAP goals align with its density and affordable housing programs. Currently, the Mira Mesa CPU does not address the need for inclusionary housing development.

A robust Mira Mesa-specific Inclusionary Housing Program is a strategy that can address affordable housing and achieve balanced communities with housing available for households of all income levels. We recommend that the Mira Mesa CPU set robust density targets and

---

<sup>1</sup> Wesley E. Marshall, Nicholas N. Ferencak, “Why cities with high bicycling rates are safer for all road users,” *Journal of Transport & Health*, Volume 13, 2019, <https://www.sciencedirect.com/science/article/abs/pii/S2214140518301488?via%3Dihub>

inclusionary housing requirements in different neighborhoods to increase affordable housing development.

Another strategy to increase the development of affordable housing is the use of Community Land Trusts (CLTs). CLTs are non-profit organizations that work with many community partners, including city governments, housing developers, and other non-profits to buy market-rate properties and then rent or sell them to residents as permanently affordable housing. The goal of CLTs is to secure land in which affordable housing can be built and preserved for generations. We recommend the CPU explore CLT as a housing strategy.

### ***Adopt More Robust Carbon Sequestration Measures and Green Infrastructure Strategies***

The Mira Mesa CPU has an opportunity to help the City of San Diego reach its commitment to a 35% urban tree canopy cover by 2035.

Currently, section 7.7 after Chapter 7 reads “Shade. Provide shade primarily using broad canopy trees, in addition to other elements such as umbrellas, awnings, canopies, and/or other structures.” We recommend that the CPU also include robust green infrastructure strategies to sequester carbon and deliver environmental, social, and economic benefits to Mira Mesa. This includes committing to a quantifiable tree canopy coverage target by planting and caring for drought-tolerant shade trees.

Additionally, the CPU should prioritize designing green streets to enhance pedestrian and bicycle facilities; canopy street trees; and storm water features that increase absorption of storm water, urban runoff, pollutants, and carbon dioxide, suitable to each green street type.

### ***Conclusion***

Thank you for the opportunity to weigh in on the development of this critically important document. The Mira Mesa CPU presents an opportunity to help protect the health and safety of future generations from the worst impacts of climate change. We urge the Planning Department to incorporate the recommendations above to maximize emissions reductions, and deliver economic, safety, and health benefits to Mira Mesa’s families and businesses.

Sincerely,

*Madison Coleman*

Madison Coleman

Policy Advocate

Climate Action Campaign



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**July 8, 2016**

Rebecca Malone  
Associate Planner  
City of San Diego Planning Department  
1010 Second Avenue MS 413  
San Diego CA 92101

**Via Email**

[RMalone@sandiego.gov](mailto:RMalone@sandiego.gov)  
[PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov)

**Re: San Ysidro, North Park, Uptown, and Golden Hill Community Plan Updates**  
*Climate Action Campaign CEQA Comments*  
*Project Nos. 21002568, 380611, and 310690*

Dear Ms. Malone:

Please accept the following comments on behalf of our client Climate Action Campaign regarding the Environmental Impact Reports (EIRs) for the San Ysidro, North Park and Golden Hill, and Uptown Community Plan Updates. Climate Action Campaign's mission is to stop climate change. To achieve this goal, Climate Action Campaign has been actively engaged in the development and passage of the City's Climate Action Plan. Now, Climate Action Campaign's focus is to ensure the Climate Action Plan is implemented, and its goals are achieved.

The City has an opportunity to make great strides in implementing Climate Action Plan goals with the adopted of Community Plan Updates. As noted below, however, each of the Community Plan Update EIRs fails to comply with the California Environmental Quality Act (CEQA) with respect to greenhouse gas (GHG) emissions. Until and unless these deficiencies are addressed, the EIRs will not withstand judicial scrutiny.

**I. The Climate Action Plan Is the City's Central Climate Plan**

The City's Climate Action Plan plays a pivotal and important role in not only reducing GHG emissions Citywide, but also mitigating the impacts of the City's General Plan. (CAP, p. 5). Eventually, this document will serve as a CEQA Qualified GHG Reduction Plan. In the interim, however, a project-level CAP consistency determination is an essential component of CEQA GHG impacts assessment. Inconsistency with a land use plan or policy intended to mitigate environmental impacts is likely to result in a finding of significant environmental impact. (See *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 934 ["Because the land use policies at issue were adopted at least in part to avoid or mitigate environmental effects, we consider their applicability under the fair argument test with no presumption in favor of the City."]).



As the mechanism to achieve compliance with State reduction goals, the CAP requires vigilance and, in light of the looming 2020 reduction target, immediate implementation. Such implementation is especially important in the context of long-term land use plans such as Community Plan Updates (CPU). Unfortunately, the CPU EIRs fail to ensure the necessary CAP consistency in 2020 and beyond. As detailed below, the EIRs therefore reveal a significant environmental impact with respect to GHGs.

## II. The EIRs Fail to Demonstrate Compliance with the Climate Action Plan

To determine whether impacts are significant under CEQA, all of the CPUs rely on a quantitative comparison of future buildout of current Community Plans with future buildout of the proposed CPUs. (See San Ysidro EIR, p. 5.4-16; North Park EIR, pp. 6.5-8-9; Golden Hill EIR, p. 7.5-8; Uptown EIR, pp. 6.5-7-8). Fundamentally, this analysis is improper.

First, the EIRs fail to address, much less analyze, environmental impacts pursuant to CEQA Guideline Section 15064.4(b). A lead agency should assess the significance of GHG emissions by considering the extent to which a project increases emissions compared to the *existing environmental setting*. (CEQA Guidelines §15064.4(b)(1)). All three Community Plan Update EIRs quantify existing emissions, as well as anticipated emissions for existing Community Plans at buildout, and emissions expected at buildout under the proposed CPUs.<sup>1</sup> (See Helix GHG Technical Report for San Ysidro CPU March 2016, pp. 15 and 27; RECON Supplemental Analysis to GHG Analysis for Uptown, North Park, and Golden Hill CPUs, May 16, 2016, pp. 6-8). Nonetheless, the EIRs fail to address the increase in emissions associated with the CPUs – especially in 2020 and 2035 when compared with the existing emissions – or explain why such increases are not significant.

Perhaps more importantly, the CPU EIRs and appendices do not put such increased emissions in context considering the Climate Action Plan reduction goals. The Climate Action Plan requires a **15 percent reduction from 2010 baseline emissions** by 2020, a **40 percent** reduction by 2030, and a **50 percent** reduction by 2035. (CAP, p. 21). Notwithstanding these ambitious CAP GHG reduction goals, and the CPUs' *quantitative* inconsistency with the CAP, the EIRs simply presume CAP consistency based on a *qualitative* analysis. The CPUs make this determination, in part, by claiming the CAP assumes growth based on the Community Plans in effect at the time the CAP was being developed. (See San Ysidro EIR, p. 5.4-8; Uptown EIR, p. 6.5-6; North Park EIR, p. 6.5-5; Golden Hill EIR, p. 7.5-5 ["The CAP assumes future population and economic growth based on the community plans that were in effect at the time the CAP was being developed. Therefore, community plan updates that would result in a

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<sup>1</sup> The Helix GHG Technical Report for the San Ysidro CPU does not indicate in which year buildout occurs. Because construction emissions are annualized for thirty years, presumably buildout occurs in the next 30 years. (See Helix GHG Technical Report for San Ysidro CPU March 2016, p. 24).



reduction in GHG at build-out compared to GHG emissions at build-out under the adopted Community Plan would result in further GHG reductions.”]). However, the phrase “2010 baseline emissions” cannot be read to mean a baseline defined by “emissions at buildout of Community Plans as they existed in 2010.” This approach fails under the CAP and under CEQA.

Though the CAP assumed population growth in calculating *business-as-usual* emissions, nothing in the CAP or CAP appendices indicates GHG reduction modelling relied on existing Community Plans ever actually achieving this buildout. As such, the CPUs’ reliance on full buildout at plan levels as a baseline is speculation and does not amount to substantial evidence. (Pub. Res. Code § 21082.2(c); CEQA Guidelines, § 15384(a) [“Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”]).

Rather, the CAP’s narrative goals and modelling appendices indicate the exact opposite is true: the CAP expects, and indeed relies on, Community Plan updates that will alter land-use patterns and shift density to Transit Priority Areas. The CAP includes goals to implement the City of Villages Strategy in Transit Priority Areas and promote effective land use to reduce vehicle miles traveled. (CAP, pp. 37-39). Specifically, a CAP supporting measure requires achievement of better walkability and transit-supportive densities “by locating a majority of all new residential development within Transit Priority Areas.” (CAP, p. 39).

Parts of San Ysidro and the majority of Uptown, North Park, and Golden Hill are within Transit Priority Areas, but the EIRs and associated GHG analysis appendices fail to quantify: (i) how the CPUs implement the GHG emission reductions associated with CAP strategies, particularly increased density in TPAs; and, (ii) if such reductions meet the CAP 2020, 2030 and 2035 goals. Such quantitative consistency is particularly important here because to achieve the requisite reductions, the CAP relies heavily on Strategy 3, Bicycling, Walking, Transit and Land Use. Strategy 3 comprises one of the largest shares of local reduction actions. (CAP, p. 30). In the earlier years of the CAP, Strategy 3 is responsible for 36 percent of GHG emission reductions Citywide. Within Strategy 3, “Mass Transit” and “Promote Effective Land Use to Reduce Vehicle Miles Traveled” are two of the largest reduction sub-strategies. (*Id.*).

Such modeling is achievable. The CAP models VMT (and associated GHG) reductions associated with each CAP strategy. (See CAP Appendix A, pp. A-31-A-38). Further, VMT reduction modeling was conducted as part of the CPU EIRs. Nonetheless, the EIRs fail to quantitatively bridge the analytical gap between: (i) the CPU VMT and associated GHG

reductions; and, (ii) the correlating CAP GHG reductions. (See, for example, Uptown, North Park and Golden Hill CPU Appendix E.2. Attachment 1).<sup>2</sup>

This data is also a critical component of demonstrating CAP compliance. Without such data and analysis, numerous questions remain regarding CAP reduction measures. For example, if these four CPUs result in a net increase in emissions in both 2020 and 2035 compared to the 2010 baseline, and all other CPUs are similarly evaluated based only on an expected reduction in emissions compared to full buildout of adopted Community Plans – *despite an increase from existing emissions* – where will the reductions come from? If these four CPUs result in an increase in GHG emissions in 2020 and 2035, reductions from other future land use decisions will have to be even greater to make up for such increases, and it is unclear where such opportunities exist.

As the California Supreme Court recently found in *Center for Biological Diversity v. Department of Fish & Wildlife* (“*Newhall Ranch*”) (2015) 62 Cal.4th 204, the EIRs here fail to bridge the analytical gap between the increase in CPU emissions and consistency with the CAP:

The analytical gap left by the EIR's failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan's statewide comparison and the EIR's own project-level comparison deprived the EIR of its “sufficiency as an informative document.” (*Newhall Ranch, supra*, 62 Cal.4th at 227, citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392).

As the planning mechanism to shape future development in these planning areas, the CPUs must result in CAP-mandated reductions *now*.<sup>3</sup> Nevertheless, the EIRs contain no mention of the appropriate allocation of reduction measures attributable to CPU implementation. The CPUs' increase in GHG emissions is counterfactual to a CAP consistency determination. Because the EIRs fail to adequately address the “quantitative equivalence” between the City's CAP and the CPUs, the EIRs are insufficient and the CPUs will result in significant GHG impacts.

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<sup>2</sup> See also, Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan, SCH #2014121002, April 26, 2016, p.E-8,9 (reflecting achievement of active transportation mode share increases based on quantitative modeling).

<sup>3</sup> The Supreme Court also posited that “a greater degree of reduction may be needed from new land use projects than from the economy as a whole” in light of the fact that new development is more easily designed to reduce GHG emissions. (*Newhall Ranch, supra*, 62 Cal.4th at 226).

### III. Conclusion

The current CPU EIRs fail to meet applicable CEQA mandates. The CPU EIRs must assess quantitative compliance with the Climate Action Plan, its reduction targets and goals. As drafted, the EIRs demonstrate a lack of compliance with Climate Action Plan goals because all four CPUs result in an increase in GHG emissions compared to baseline rather than a decrease of 15 percent by 2020, 40 percent by 2030, and 50 percent by 2035. Climate Action Campaign urges the City to conduct the requisite analysis and recirculate the EIRs for further public comment.

Thank you in advance for your consideration of our comments.

Sincerely,

**COAST LAW GROUP, LLP**



Marco Gonzalez  
Livia Borak  
Attorneys for Climate Action Campaign

cc: Client

**From:** [Frank Landis](#)  
**To:** [PLN PlanningCEQA](#)  
**Subject:** [EXTERNAL] Mira Mesa Community Plan Update, CNPSSD comment on DPEIR  
**Date:** Friday, October 21, 2022 2:12:31 PM  
**Attachments:** [CNPSSD comment on Mira Mesa CPU DPEIR 20221021.pdf](#)

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Dear Ms. Pascual,

Please find attached CNPSSD's comments on the DPEIR for the Mira Mesa CPU. Please let me know if you received this and can open it.

Please also keep us informed of updates on this project, at this email and [conservation@cnpssd.org](mailto:conservation@cnpssd.org).

Thank you and have a good weekend.

Frank Landis, PhD  
Conservation Chair,  
CNPSSD

# California Native Plant Society

San Diego Chapter of the California Native Plant Society  
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October 21, 2022

City of San Diego Planning Department  
Attn: Elena Pascual  
Senior Planner  
9485 Aero Drive, MS 413  
San Diego, CA 92123 or  
By e-mail to PlanningCEQA@sandiego.gov

## **RE: Mira Mesa Community Plan Update**

Dear Ms. Pascual,

Thank you for the opportunity to comment on the draft of the Draft Programmatic EIR (“DPEIR”) for the Mira Mesa Community Plan Update (“Project”). CNPS promotes sound plant science as the backbone of effective natural areas protection. We work closely with decision-makers, scientists, and local planners to advocate for well informed and environmentally friendly policies, regulations, and land management practices. Our focus is on California's native plants, the vegetation they form, and climate change as it affects both.

In our experience, a programmatic EIR ideally exists to solve particular problems. It exists to analyze site-wide impacts, and mitigate them site-wide, so that subsequent EIRs can tier off the original analysis and save on effort. It exists to deal with cumulative impacts of multiple projects within the site. And it exists to deal with indirect impacts. This last category includes impacts across CEQA checklist categories, so it is where planners might, for instance include a mitigation to prevent the new street trees mandated by the urban forestry section of the plan from shading the solar panels mandated by the greenhouse gas reduction section of the plan.

It is critical that San Diego successfully grapple with climate change, affordable housing, population growth, and the extinction crisis simultaneously. A big part of that requires City Planning to figure out how the complex solutions to each problem conflict with each other and to deal with those conflicts, because that is what planners are supposed to do. That’s not exactly what is in the DPEIR, unfortunately. Instead, the DPEIR is a document that too often says, in essence, “the City has policies and program in place to deal with [Problem as defined in the standard CEQA checklist], therefore there will be no significant impact.” Occasionally it says (as in air pollution) that there will be more air pollution, which is an unavoidable impact. There are a few, like greenhouse gas emissions, that say at there will be more GHG emissions, but that’s okay because this is consistent with the Climate Action Plan, so there’s no significant impact. The DPEIR thus represents a failure by the City to plan. That is what the DPEIR needs to actually do.



*Dedicated to the preservation of California native flora*

The comments below cover issues with native plants, climate change, wildfire, and project alternatives. The comments are not just a critique, but also include suggestions to try to mitigate the DPEIR's shortcomings. San Diego needs become carbon neutral and to house everyone. Some of the strategies embodied in this document have been successfully litigated against multiple times in recent years. Rather than see the litigation cycle repeat itself, we hope that the City will take these suggestions seriously as a way to move forward.

## **Plant Conservation Issues**

### ***Lack of Cumulative and Indirect Impact Analysis and Mitigation***

The biological resources section of the Cumulative Impacts chapter concludes that compliance with the CPU Policies, City's MSCP SAP, VPHCP, ESL Regulations, and Bio Guidelines would "ensure that cumulative impacts from future development would be less than significant." (Section 6.2.2) This is a misleading conclusion, if not an incorrect one.

Section 6.2.2 correctly states that compliance with the MSCP is supposed to prevent significant cumulative impacts to those MSCP-covered species. However, the listed regulations would not prevent significant cumulative impacts to species not covered by the MSCP. Species, such as Nuttall's scrub oak (*Quercus dumosa*) and Campbell's liverwort (*Geothallus tuberosus*) (both CRPR List 1B plant species found within the Project area) are not covered by the MSCP or the VPHCP, and City Bio Guidelines say that significant cumulative impacts may occur to species not covered by the MSCP. For them and others, the CPU policies do not discuss measures to prevent cumulative impacts; the ESL regulations don't address cumulative impacts, aside from saying projects must comply with the MSCP.

The Bio Guidelines do not provide specific measures to reduce significant cumulative impacts below a level of significance. Rather, they state that those impacts need to be addressed on a case-by-case basis, which is incompatible with mitigating cumulative and indirect impacts resulting from the Project as a whole.

Furthermore, the Bio Guidelines state that "[a] rare circumstance may arise, however, where impacts to a particular species may still result in a cumulatively significant impact. The project-level biological survey report would identify those species and describe why a cumulative impact still exists in light of the habitat level of protection provided by the MSCP. Depending on the size of the impact, the salt marsh daisy (*Lasthenia glabrata* ssp. *coulteri*) found in salt pannes, and the little mouse tail (*Myosurus minimus*) found in vernal pools, would be examples of non-covered species that might be considered rare enough to conclude cumulatively significant impacts."

Nuttall's scrub oak and Campbell's liverwort were chosen because both are quite rare. Both appear to have their biggest global populations in the Project vicinity. And both are under active research by CNPS and other groups to determine if we should petition to list them under the California Endangered Species Act, due to the impacts from loss of habitat, increased recreation and other disturbance in preserved sites, and uncontrolled spread of weeds. We hope for the City's active cooperation in protecting these species.

The DPEIR needs to revise this section to include analysis and avoidance or mitigation for cumulative impacts to sensitive species. Since some of these, like Nuttall's scrub oak, actually sequester significant amounts of carbon, we strongly suggest including protections for them in the DPEIR.

A major cumulative and indirect impact of the Project is increased recreation in the open spaces within the Project area. This causes both direct impact to sensitive species (Nuttall's scrub oaks chainsawed, Campbell's liverworts destroyed by unauthorized bike trails), and indirect effects (increased defecation along Peñasquitos Creek, due to increased visitation and five miles between portable toilets), among many others. It has gotten so bad that even the San Diego Mountain Bike Association has become involved in trying to protect Nuttall's scrub oaks.<sup>1</sup>

Since this is a problem exacerbated by projects tiering off the DPEIR, it properly should be analyzed and mitigated within the DPEIR. That way subsidiary projects can tier off the DPEIR.

One obvious mitigation is to raise fees, perhaps through Mello Roos, from single-family homes and businesses, to fund additional open space rangers. As a long-time member of the Los Peñasquitos Canyon Preserve Citizen's Advisory Committee (LPCPCAC) and park volunteer I (Landis) can testify that ranger and manpower shortages are a chronic problem in Peñasquitos, even though it is regarded as one of the best parks in San Diego. In the last year, these shortages have been exacerbated by rangers having to take up temporary assignments in other parks to make up for short staffs there. By our calculation, a \$10 annual fee on all 17,000 proposed single-family homes should fund at least one ranger position, and it's a win-win. If the Project is designed to encourage people to use open spaces, it needs to analyze and mitigate their impacts.

In this context, it must be noted that complying with the City's Parks Master Plan is in no way a mitigation. The plan mentions staffing fourteen times by our count, and a majority of mentions are about finding ways to fund and increase staffing in parks throughout the City. By itself, the Parks Master Plan does nothing to mitigate Project impacts on parkland.

Another unaddressed cumulative impact appears in the Project CPU on page 116: "Conversion of existing trails to official trails at Canyon Hills." Canyon Hills appears to be Open Space. We found nothing in the DPEIR addressing the impact to Canyon Hills Open Space by the proposed trail changes, along with increased use in this space. These, and similar trail intensifications, need to be analyzed and mitigated.

### ***Technical Botanical Issues***

We take issue with parts of the sensitive plant species list, as described below.

Bottle liverwort (*Sphaerocarpos drewei*, CRPR List 1-B) has its potential for occurrence described in the DPEIR (p. 2-31) as: "Not Expected. No historical populations known from the CPU area. One historical population known from the 1-mile buffer, southwest of the CPU area, north of Miramar Road."

On October 18, 2022, I (Landis) talked with the local expert on Campbell's liverwort and the bottle liverwort. These are close relatives that prefer the same habitat and often co-occur. He has found bottle liverwort on Lopez Ridge and on the eastern edge of UTC, and he felt sure they occur in the project area. Campbell's liverwort does occur in the Project area.

Therefore, we advocate upgrading the potential for occurrence to "Potential" and noting that has similar habitat preferences to, and often co-occurs with, Campbell's liverwort.

Little mouseltail (*Myosurus minimus*) should be added to the list of sensitive plants with potential to occur. The rare subspecies (*M. minimus* ssp. *apus*) is no longer listed as an active name in Jepson, but is still considered CRPR 3.1 by CDFW. I (Landis) checked on the

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<sup>1</sup> <https://www.cbs8.com/article/news/local/multiple-trees-chopped-down-del-mar-mesa-preserve/509-53161bd7-6d7b-4221-85a1-cf28c48d808b>

taxonomic status of *ssp. apus*. It appears that a researcher opined that it was likely a hybrid, based on morphological evidence, in the late 1990s, but I was unable to find any subsequent, DNA-based work confirming or refuting this opinion.

Based on the precautionary principle, this species should be added to the monitoring list, as future research could easily resurrect it. Moreover, it is a vernal pool species, so adding it does not create undue hardship for biologists. The species in MCAS Miramar, Carmel Valley, and Del Mar Mesa, and it could occur in the vernal pools in Mira Mesa. It should be addressed.

### **Greenhouse Gas Emissions**

Pinning the DPEIR's mitigation for greenhouse gas emissions to the City Climate Action Plan ("CAP"), while planning for increased emissions, is a strategy that could easily backfire. Here we describe the issue, and propose workable alternatives.

The City of San Diego is being sued over non-compliance with their CAP by the Climate Action Campaign and the Coastal Environmental Rights Foundation, which seeks "A. To vacate and set aside approvals of the Project, Addendum, and all related approvals; [and] B. To prepare and certify a legally adequate environmental document for the project so that Respondent will have a complete disclosure document before it that identifies for the decision-makers and public the potential significant impacts of the Project, and that enables them to formulate alternatives and mitigation measures to avoid those impacts."<sup>2</sup>

CNPS is not involved in this litigation, but we have been involved with other projects that invoked the County Climate Action Plan. These projects had their permits invalidated and their GHG mitigations thrown out in court after a judge decertified the County Climate Action Plan. These included Newland Sierra, Otay Village 13, and Otay Village 14 (Adara). After four years of negotiation, the County and the environmental groups have not settled on a suitable CAP that can be approved, and each remaining project is trying to come up with GHG mitigation strategies that are acceptable to all parties and likely to be permitted under a future County CAP.

That is one risk with this Project. If a judge decertifies the City CAP, the Project will also lose certification. Based on past litigation, hypothetical attempts to convince a judge otherwise will most likely add one-two years to the Project, in addition to redoing and reapproving this part of the DPEIR.

The second risk is the potential use of carbon offsets, which will be required by the GHG emissions increase. When the comedian John Oliver sets up his own carbon offset company to skewer the industry, that industry may not be a great mitigation option<sup>3</sup>. More importantly, researchers recently calculated that the 2020 California wildfires alone could have produced enough GHGs to negate the previous 18 years of carbon sequestered by the vegetation burned.<sup>4</sup> This emphasizes the likelihood that California's forests are unlikely to be able to reliably sequester carbon for the lifetime of any multi-decade project, and should not be relied upon for this service.

What we suggest is the following. Rely on the City CAP, but in addition, include the following mitigations:

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<sup>2</sup> <http://climatecasechart.com/case/climate-action-campaign-v-city-of-san-diego/> , accessed 10/19/2022. 20220912\_docket-37-2022-00036430-CU-TT-CTL

<sup>3</sup> <https://www.youtube.com/watch?v=6p8zAbFKpW0>

<sup>4</sup> <https://www.sciencedirect.com/science/article/pii/S026974912201102>, accessed October 22, 2022.



1. Projects under the CPU should invest in emissions reductions within the community. We know from experience that this idea is acceptable in principle to both developers and environmental groups. A non-profit such as the San Diego Foundation might serve as the intermediary. GHG mitigation payments could be based on mitigating emissions from construction and possibly operation, would go to the intermediary, and would be used to pay for emissions reductions by other parties within the Mira Mesa community. These payments could fund such things as installing solar panels on existing, lower-income housing, converting existing natural gas systems to electricity, and investing in battery storage in existing buildings. While this is compatible with Strategy 6 in the City CAP, it is likely important to not explicitly tie it to the CAP, in case that plan gets invalidated.
2. Mandate that all buildings created on the Project should be able to power themselves on their own solar panels, with the suggestion to architects that buildings and building complexes should be designed as much as possible to be powered off their own roofs, both through roof design and through passive heating and cooling design to minimize power needs.
3. As in the City CAP, mandate that every project tiering off the CPU have no natural gas or piped access to it, period. This is part of the City CAP as well, but it should be spelled out independently. Not using the language of the City CAP, for reasons noted above.
4. Have the urban forestry program comply with the California Solar Shade Control Act on 1978<sup>5</sup>, meaning basically that trees should not be planted to block existing or planned-for solar panels. This is something we understand that all landscape architects are trained to do. In our experience, they do not plan for this unless explicitly instructed.
5. Similarly to #4, mandate that architects shall design their buildings so that they do not shade other buildings' solar arrays. This is also something architects are trained to do, but something with they do not do unless explicitly instructed.
6. Mandate that all single family homes and commercial buildings built under the CPU should be wired for house scale or larger batteries as appropriate. Mandate that new single-family homes should either come with batteries, or allow the homeowner to buy a battery to be installed at the time of construction. As I (Landis) am finding, adding a battery to a new home costs \$8000-14,000, while retrofitting an existing home with a battery is closer to \$22,000. There should be a push to get batteries installed as cheaply as possible.
7. Mandate that all single-family home garages, multi-family garages, and commercial lots, should be wired properly for electric vehicle chargers.
8. Work with commercial developers in the CPU to install as many EV chargers as possible. The reason is that San Diego generally has a surplus of sunlight during the day, but a dearth of sunlight during peak use hours of 4-9 pm. EV cars use at least twice as much energy as do other household functions, so having people charge cars at home puts an unnecessary strain on the local grid. We want to make it as easy as possible to charge EVs during daylight, to minimize both the need for electrical storage for peak times and strain on the electrical grid.
9. Preserve native vegetation, especially large trees, to sequester carbon. This is a minor part of the panoply, but both emissions reduction and local sequestration will be needed.

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<sup>5</sup> [https://en.wikipedia.org/wiki/Solar\\_Shade\\_Control\\_Act](https://en.wikipedia.org/wiki/Solar_Shade_Control_Act), accessed 10/19/2022

Most of these suggestions have been part of negotiated settlements in other developments. The details need to be negotiated, which is the responsibility of City Planning. However, the critical point is that this is a minimally controversial set of mitigations that can be incorporated into the DPEIR to avoid having the document invalidated if the City CAP is thrown out by a judge.

As a separate GHG cumulative impacts issue, the City needs to solicit comment from both the Department of Defense (DoD) and the Federal Aviation Administration (FAA) over whether and how mass installation of solar panels in the Project footprint might affect flight operations at MCAS Miramar and Montgomery Field. The problem is that solar panels reflect sunlight, and flying over a massive field of mirrors may be hard on pilots, especially those landing at MCAS Miramar. These consultations, and any design requirements by DoD or FAA, should be included in the DPEIR for subsequent projects to tier off of.

In my (Landis) experience, DoD and FAA have the unilateral power to stop or modify projects that will imperil flight safety, and we do not want aircraft crashing as the result of reflections off solar panels. It is rational for the City to consult each agency once and come to a high level agreement, rather than pushing the issue off on individual project proponents.

## **Wildfire**

As noted in the DPEIR, parts of the Project area are mapped by CalFire as Very High Fire Hazard Severity Zones.<sup>6</sup> However, the DPEIR fails where fire mitigations span multiple projects, or extend past project boundaries onto others' lands. As such, these are cumulative problems that must be addressed in the DPEIR, rather than issues mitigated by existing programs.

The City faces problems similar to those faced by Fanita Ranch, Otay Ranch Village 14, and Guenoc Valley in Lake County, and to Newland Sierra and Lilac Hills Ranch in San Diego County. The former were thrown out by judges, the latter by voters, and Fanita Ranch by both.

CNPS has allied with the California Attorney General in opposing several of these developments. We strongly advocate following AG Bonta's recommendations to avoid wildfire issues in the very high fire hazard severity zones, and we strongly suggest these be incorporated into the DPEIR. These suggestions are (in summary, available in full at the link in the footnote):<sup>7</sup>

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Local governments should strive to increase housing density and consolidate design, relying on higher density infill developments as much as possible.
- **Project Location:** Project placement in the landscape relative to fire history, topography, and wind patterns also influences wildfire risk. Local governments should limit development along steep slopes and amidst rugged terrain to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.

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<sup>6</sup> <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/?lang=eng>, accessed 10/19/2022

<sup>7</sup> <https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-guidance-local-governments-mitigate-wildfire-risk>

- **Water Supply and Infrastructure:** As part of evaluating a project's wildfire risk impacts, local governments should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site. Local governments should consider requiring on-site water supply or storage to augment ordinary supplies that may be lost during a wildfire.
- **Evacuation and Emergency Access:** Evacuation modeling and analysis should be completed prior to the development's approval and include evaluation of the capacity of surrounding roadways, project impacts on existing evacuation plans, and proximity to existing fire services, among other factors. Local governments should consider placing developments close to existing road and evacuation infrastructure, and where appropriate, constructing additional roads to facilitate evacuations.
- **Fire Hardening Structures and Homes:** Home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. Local governments should require developers to upgrade building materials and use installation techniques to increase the development's resistance to heat, flames, and embers beyond what is required in applicable building codes.

Again, or strong suggestion on complying with this advice is to avoid language in the DPEIR that has resulted in the decertification of other CEQA documents.

Areas of particular concern within the CPU are:

- the Sorrento Mesa Rim Trail, which also serves as fire access and a fire break for the buildings south of it.
- The proposed "Urban Village" south of the Sorrento Mesa Rim Trail.
- Calle Cristobal and Sorrento Boulevard, which are included in the Urban Forestry program and in road improvements, but which also needs to function for evacuation and emergency access.
- Lusk Boulevard, which is included in the Urban Forestry program and in road improvements, but which also needs to function for evacuation and emergency access.
- Black Mountain Road, which is slated for reconfigured cross sections but also must function for evacuation and emergency access to Rancho Peñasquitos and Los Peñasquitos Canyon.

The Urban Forestry Tree Palette probably should be modified for the road segments listed above. CNPS advocates for certain native tree species along evacuation routes. From a fire safety perspective, the advantage of these trees is that they rehydrate with much less water than most non-native species do. In a fire situation, where the weather is hot and dry and water is scarce, this means it takes proportionately less water to make the trees much less flammable. No one wants a flaming tree blocking an evacuation path, and we are happy to work with the City to try to minimize that risk while supporting the urban forestry program.

Native street trees that might work in this context are:

- *Forestiera pubescens* (small multi-trunked tree, males are typically sold, may or may not be appropriate for the site, but beautiful fall color, white bark, and heat resistant).
- *Chilopsis linearis* (either multi- or standard Great flowers that are fragrant; heat resistant).
- *Quercus agrifolia* or *tomentella* (the last is really not messy; non-invasive roots, wonderful shade, glorious sense of regional identity).
- *Prunus lyonii* (cherry drop may be a problem once per year for sidewalks).
- *Cercidium* "Desert museum" (thornless, floriferous, easy palo verde).
- *Lyonothamnus floribundus* (fast, handsome, narrow, but not too ant-resistant)

### **Environmentally Superior Alternative**

One basic question we had is that on table 8-2 (and similar data in table 3-5): Total Employment for “No Project Alternative” shows increase to 112,300 by 2050, and the proposed CPU of 117,310, from current baseline of 76,398. How is it the No Project alternative will result in nearly the same increase as the proposed CPU? Is this an error?

As with any project, there are alternative versions. Here, every iteration of the project proposes 17,070 more single-family homes and a varying number of multi-family units, ranging from 41,670 in the proposed project down to 29,020 units. The DPEIR defines a middle scenario, with 33,465 multi-family units, as the environmentally superior alternative. Is it?

The problem is that we need to maximize multi-family units, especially if they are deed-restricted for low-income residents, far more than we need the single-family homes, most of which are now retailing over a million dollars per unit. More people in Mira Mesa will mean more people using open spaces, more runoff into the canyons, more greenhouse gas emissions locally, and so forth. And this is bad. But lack of housing means people are starting to camp on open spaces set aside as preserves, and this is worse. Is medium density truly environmentally superior when homelessness is factored in?

CNPS is currently involved in dealing with an encampment in the Mira Mesa area, one that's been built on vernal pools that were set aside to protect mesa mint and button celery. We therefore have to ask where those campers are going to live, if no one's willing to build housing for them. San Diego City and County are running out of “elsewheres” to shift them to, and building tenements and allowing slums have their own problems.

Homelessness is both a humanitarian crisis and an environmental problem in Mira Mesa. The Project and DPEIR need to figure out how to house a lot of people while avoiding or mitigating the impacts from housing them. This is a community-wide DPEIR-type problem, not something that individual projects within Mira Mesa can solve.

Please address the environmental impacts of homelessness within the DPEIR.

Thank you for taking these comments. Please keep CNPSSD informed of all developments with this project and associated documents and meetings, through email to [conservation@cnpsd.org](mailto:conservation@cnpsd.org) and [franklandis03@yahoo.com](mailto:franklandis03@yahoo.com).

Sincerely,



Frank Landis, PhD

Conservation Chair

California Native Plant Society, San Diego Chapter

**From:** [Frost, Alexander](#)  
**To:** [Pascual, Elena](#)  
**Cc:** [Ash-Reynolds, Tara](#); [Sanchez Bailon, Selena](#)  
**Subject:** FW: [EXTERNAL] Public comment on Mira Mesa Community Plan Update  
**Date:** Wednesday, September 28, 2022 2:21:18 PM

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FYI

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**From:** Craig Lorenz <crl1assoc4@sbcglobal.net>  
**Sent:** Monday, September 19, 2022 8:10 PM  
**To:** Frost, Alexander <AFrost@sandiego.gov>  
**Subject:** [EXTERNAL] Public comment on Mira Mesa Community Plan Update

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this comment is from Dorothy M.Lorenz, Board Member on the Mira Mesa Planning Group. I strongly object to adoption of the Mira Mesa Community Plan Update as is without intensive changes.

To accommodate and mitigate the large increase in the population of Mira Mesa, it would be necessary to include more parks, more libraries, more rec centers and a large increase in school capacity.

Without all these increases to the amenities in the Mira Mesa community, the current population of Mira Mesa will be greatly harmed and the lifestyle in Mira Mesa will very badly deteriorate.

Also, there must be intensive mitigation to streets and parking in order to prevent a traffic nightmare once the population is increased by so many in a short period of time. Streets should be widened or traffic patterns redesigned and more parking must somehow be added to prevent a severe parking problem in Mira Mesa.

Dorothy Lorenz, Board Member, MMPG

**From:** [Camper CIV Kristin M](#)  
**To:** [PLN PlanningCEQA](#)  
**Subject:** [EXTERNAL] Draft PEIR Mira Mesa CPU Comment Letter  
**Date:** Thursday, October 20, 2022 2:47:05 PM  
**Attachments:** [Draft PEIR Mira Mesa CPU Letter 20 Oct 2022.pdf](#)

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Good afternoon,

Please see attached comment letter from MCAS Miramar.

Thank you,  
Kristin

Kristin Camper  
Community Plans and Liaison Officer  
MCAS Miramar



UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION MIRAMAR  
P.O. BOX 452001  
SAN DIEGO, CA 92145-2001

11103  
CP&L  
October 20, 2022

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

Dear Elena Pascual,

This comment letter is in reference to the Draft Programmatic Environmental Impact Report (PEIR) for the Mira Mesa Community Plan Update, released on September 6, 2022.

The draft PEIR includes discussions about the Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar throughout the document, including in Chapters 4 and 5. We recommend including the following language within those discussions: "Areas which are compatible for residential development within the Airport Influence Area will nonetheless experience regular aircraft noise and overflight."

MCAS Miramar recommends full disclosure of noise, visual, and overflight impacts to all initial and subsequent purchasers, lessees, or other potential occupants. The Mira Mesa Community Planning area is below and adjacent to multiple flight corridors, so occupants will routinely see and hear military aircraft and experience varying degrees of noise, vibration, and overflight. It is also important to disclose that MCAS Miramar can operate 24 hours per day, 7 days per week.

Thank you for your consideration and for the opportunity to comment. If you have any questions, please contact my office at (858) 307-6603.

Sincerely,

A handwritten signature in black ink, appearing to be "K. M. CAMPER", written over a horizontal line.

K. M. CAMPER  
Community Plans and Liaison Officer

**From:** [jeffstev@san.rr.com](mailto:jeffstev@san.rr.com)  
**To:** [PLN PlanningCEQA](#)  
**Subject:** [EXTERNAL] Mira Mesa Community Plan Update  
**Date:** Monday, October 17, 2022 10:02:17 PM  
**Attachments:** [Comments on the PEIR for Mira Mesa Community Plan Update.pdf](#)

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Attached are comments on the draft PEIR for the Mira Mesa Community Plan Update.

Jeff Stevens  
Chair, Mira Mesa Community Planning Group



# Mira Mesa Community Planning Group

10606-8 Camino Ruiz #230  
San Diego, CA 92126



## Comments on the Draft PEIR for the Mira Mesa Community Plan Update

We have two comments on the Draft PEIR:

1. The PEIR identifies impacts, but leaves a number of very important impacts unmitigated, particularly in the area of public services and facilities.
  - a. Parks: The PEIR states that “In order to maintain the Value Standard established by the City of San Diego for parks and recreational facilities, the community of Mira Mesa would be required to provide park facilities totaling 14,300 Recreational Value Points upon buildout under the proposed CPU. The existing and planned park facilities at this time totals 11,196 Recreational Value Points, leaving a deficit of recreational facilities.” This can be mitigated. The City needs to identify Park and Recreation Facilities to make up this deficit.
  - b. Recreation and Aquatic Centers: The City still has population based standards for Recreation Centers and Aquatic Centers. This is not addressed in the PEIR. The Draft Community Plan Update says "To meet the guidelines for a minimum of 17,000 square feet per 25,000 residents, Mira Mesa's potential buildout population results in the need for 97,240 square feet of recreation center building space to meet General Plan standards (1 recreation center per 25,000 residents.) The need is the equivalent of 5.7 recreation centers sized at 17,000 square feet each." This is an unmitigated impact that can be mitigated by identifying locations and funding for the additional recreation and aquatic centers.
  - c. Schools: SDUSD demographers estimate a potential increase of 7,614 students from the future additional dwelling units under the proposed CPU, which would approximately double the current number of students. The SDUSD letter to the City on this topic says “Implementation of the Draft Mira Mesa Community Plan Update will likely require significant expansion of school facilities in Mira Mesa. The district does not currently have any long-range facility plans that could possibly accommodate the estimated number of generated students.” No school locations are identified in the Plan except for one elementary school site intended to support Stone Creek. This impact can be mitigated by identifying locations and funding mechanisms for new schools close to the anticipated new population.
  - d. Utilities: The PEIR states that “Systematic improvements and replacement of the public stormwater, sewer and water facilities

throughout the CPU area are expected to be provided as gradual replacement of aging and substandard infrastructure is needed.” The PEIR should include a better assessment of the condition of the facilities and how soon they will need replacement.

2. The traffic analysis is incomplete.
  - a. The PEIR only considers VMT, and has no analysis at all of traffic congestion. This may meet the legal requirements, but for current residents, this is an important issue. The traffic study did analyze congestion and showed that all major intersections at rush hour are at level of service F.
  - b. The proposed SMART corridors will convert one of three lanes in each direction on Mira Mesa Blvd to a bus/HOV lane. This is one of the most congested roads in the City. What will the impact on congestion be of this change?
  - c. The PEIR minimizes the impact on traffic by including only VMT per capita, while the environmental effects are cumulative.
  - d. The PEIR considers the impacts with the maximum number of new residents, but VMT may be highest for the minimum number of new residents allowed in the proposed Plan. What is the effect on the VMT and VMT per capita if proposed residential develops at minimum density?
  - e. Transportation is highly dependent on a proposed future transit system, but the transit system is largely unfunded. What is the impact if the proposed transit system is not built?

Jeffrey L. Stevens  
Chair, Mira Mesa Community Planning Group

**From:** [Luther, Eric](#)  
**To:** [PLN\\_PlanningCEQA](#)  
**Cc:** [Frost, Alexander](#)  
**Subject:** [EXTERNAL] Mira Mesa Community Plan Update  
**Date:** Tuesday, October 18, 2022 9:08:35 AM  
**Attachments:** [image001.jpg](#)  
[APCD\\_MiraMesaPlan\\_Comments10-18-22.docx](#)

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

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Hello,

Please see attached comments for the Mira Mesa Community Plan Update from the San Diego County Air Pollution Control District.

Thanks,

Eric

Text   Description automatically generated



[Eric.Luther@sdapcd.org](mailto:Eric.Luther@sdapcd.org)

**Telework:** M/W/F | **In-Office:** T/Th  
10124 Old Grove Rd, San Diego, CA 92131  
Phone: (858) 586-2806

[www.sdapcd.org](http://www.sdapcd.org)  
<https://twitter.com/sdapcd>  
<https://www.facebook.com/SDAPCD>  
<https://www.linkedin.com/company/san-diego-air-pollution>



# San Diego County Air Pollution Control District

October 18, 2022

The City of San Diego  
Planning Department  
Mira Mesa Community Plan Update Comments

To [PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov),

The San Diego County Air Pollution Control District (District) appreciates the opportunity to provide comments on the draft program environmental impact report (PEIR) for the Mira Mesa Community Plan Update (Plan). The District is mandated under federal and state law to regulate criteria air pollutant emissions from stationary sources such as commercial and industrial facilities and improve air quality to protect public health and the environment. Accordingly, the District operates countywide air quality permitting, monitoring, and enforcement programs to ensure compliance with applicable air pollution regulations for healthful air quality. The District's jurisdiction covers all of San Diego County, including both the incorporated and unincorporated areas.

The District supports housing in an employment rich area which helps provide opportunities for walking, biking, and taking transit to work. However, if proper buffers between operations which emit air pollutants and residential zones are not maintained the potential for people to breathe unhealthy air quality increases. For this reason, the District advises that the City avoid creation of zoning that could allow facilities that emit air contaminants to be located near residential or other sensitive land uses (and vice-versa). Specifically, the Prime Industrial Land and Prime Industrial Land – Flex appear to have the potential for conflicts of this nature. An appropriate buffer zone between facilities emitting air pollutants and people living and working can vary depending on the amount and type of air pollutant being emitted. Once residential units are built near industrial zoned parcels there is an increased potential for those residents to breathe unhealthy air and have increased chances of respiratory illness. The business is also more likely to have air quality complaints made against their operations. If those complaints are confirmed by the District, the business could receive a public nuisance violation from the District. For additional information on this topic, please refer to the following resources: [Land Use Resources | California Air Resources Board](#)<sup>1</sup>

The District looks forward to our continued partnership with the City of San Diego and our shared goal of promoting public health in the region. Should you have any questions about these comments or District requirements please contact Air Quality Specialist, Eric Luther (858) 586-2806 or [eric.luther@sdapcd.org](mailto:eric.luther@sdapcd.org).

Sincerely,

Eric Luther  
Air Quality Specialist

1. <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>

**From:** [Hudson Sarah](#)  
**To:** [PLN\\_PlanningCEQA](#)  
**Cc:** [Frost, Alexander](#); [Pascual, Elena](#); [Rega Regina](#); [Garcia-Craivanu Paul](#)  
**Subject:** [EXTERNAL] San Diego Unified School District - Response to Draft PEIR for Mira Mesa CPU  
**Date:** Friday, October 21, 2022 3:13:01 PM  
**Attachments:** [image001.jpg](#)  
[District Response to Mira Mesa CPU Draft PEIR.pdf](#)

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Good afternoon,

Attached please find a response to the Mira Mesa Community Plan Update Draft Program EIR from San Diego Unified School District.

We appreciate and look forward to continued cooperation with the City of San Diego.

Thank you.

**Sarah Hudson**

Demographer, San Diego Unified School District

Instructional Facilities Planning Department

Telephone (619) 725-7369

[shudson@sandi.net](mailto:shudson@sandi.net)

[https://www.sandiegounified.org/departments/instructional\\_facilities\\_planning](https://www.sandiegounified.org/departments/instructional_facilities_planning)

---

**From:** Ash-Reynolds, Tara <[TAshReynolds@sandiego.gov](mailto:TAshReynolds@sandiego.gov)> **On Behalf Of** PLN\_PlanningCEQA  
**Sent:** Tuesday, September 6, 2022 12:02 PM  
**To:** PLN\_PlanningCEQA <[planningceqa@sandiego.gov](mailto:planningceqa@sandiego.gov)>  
**Subject:** Notice of Availability for a Draft Program Environmental Impact Report for the Mira Mesa Community Plan Update

Hello,

Please see the attached Notice of Availability of a Draft Program Environmental Impact Report for the Mira Mesa Community Plan Update project, which was distributed for public review starting today, September 6, 2022. The public review and comment period will end on **Friday, October 21, 2022**.

Thank you,

**CEQA & Environmental Policy Section**  
City of San Diego Planning Department





October 21, 2022

Ms. Elena Pascual

Senior Planner

9485 Aero Drive, MS 413

San Diego, CA 92123

Submitted via email to: [PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov)

Subject: San Diego Unified School District Comments on the Mira Mesa Community Plan Update (CPU) Draft Program Environmental Impact Report (PEIR)

Dear Ms. Pascual:

The District wishes to be on record that while payment of developer fees may meet legal requirements, **developer fees do not adequately mitigate impacts to or offset the cost of acquiring, constructing, and operating school facilities.**

In the District's opinion, the proposed increase in housing units proposed in the CPU and analyzed in the Draft PEIR requires future planning by the District for sufficient K-12 school facilities. In proposals of this size, the City of San Diego and individual developers often participate with the District in the planning process, including planning for the acquisition of land to be used for new school facility construction, and by including new school facility construction in the early phases of project visioning. The magnitude of the CPU will certainly result in an increase in students in the Mira Mesa area sufficient to impact public schools at all levels beyond their capacity.

Cumulative impacts resulting from implementation of the CPU will require expansion of existing school facilities, construction of new school facilities, potential development of new bus schedules or routes, attendance boundary modifications, all of which may result in changes in traffic patterns and other indirect environmental impacts associated with increased student enrollment at affected school sites. These issues should be analyzed in future EIRs.

Thank you for the opportunity to provide comments. We look forward to future cooperation between the District and the City.

Sincerely,

Regina Rega, AICP

Manager

Instructional Facilities Planning Department