

**REMOVAL OF THE MIDWAY-PACIFIC HIGHWAY COMMUNITY
PLANNING AREA FROM THE COASTAL HEIGHT LIMIT
SAN DIEGO, CALIFORNIA
SCH #2022030324**

Prepared for:

City of San Diego
Planning Department
9485 Aero Drive, MS 413
San Diego, California 92123

Prepared by:

Harris & Associates
600 B Street, Suite 2000
San Diego, California 92101

July 2022

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2022030324

SUBJECT: REMOVAL OF THE MIDWAY-PACIFIC HIGHWAY COMMUNITY PLANNING AREA FROM THE COASTAL HEIGHT LIMIT

Applicant: City of San Diego Planning Department

FINAL DOCUMENT – July 15, 2022

PROJECT DESCRIPTION:

The project is a proposed ballot measure that would amend the San Diego Municipal Code (Municipal Code) to remove the Midway-Pacific Highway Community Planning Area from the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone.

This measure does not approve any specific development, and any proposed future development must comply with all governing laws. Building height would still be regulated by other zoning laws in the Municipal Code.

Voters in the City of San Diego (City) approved a citizens' initiative measure in 1972 that limited the height of buildings in the City to 30 feet in the Coastal Zone. Voters adopted the original language and are thus asked in this measure to consider an amendment to the law to remove the Midway-Pacific Highway Community Planning Area from the height limitation.

As defined in the 1972 ballot measure, and now as part of the Municipal Code, the geographic boundaries of the Coastal Zone include the City's land and water area from the northern City limits, south to the border of Mexico, extending seaward to the outer limit of the City's jurisdiction and inland to Interstate 5.

The Midway-Pacific Highway Community Planning Area contains approximately 1,324 acres of land. The approximate boundaries of the Midway-Pacific Highway Community Planning Area are Interstate 8 on the north, the San Diego International Airport on the south, Interstate 5 on the east, and Lytton Drive on the west. The Midway-Pacific Highway Community Planning Area includes the land surrounding Midway Drive and Sports Arena Boulevard, including the Pechanga Arena San Diego.

If approved by a majority vote of those qualified voters who vote on the ballot measure, the ballot measure would amend the law in the Municipal Code to change the height limit in the area defined as the Midway-Pacific Highway Community Planning Area. The amendments would take effect after the results of the election are certified in a resolution of the City Council.

PROJECT LOCATION:

The Midway-Pacific Highway Community Planning Area is an urbanized community that encompasses approximately 1,324 acres of relatively flat area and is located in west-central San Diego, to the north of the San Diego International Airport, south of Mission Bay Park, between the north end of the Peninsula Community Planning Area to the west, and the Old Town San Diego Community Planning Area to the east. The Midway-Pacific Highway Community Planning Area is comprised of three areas: the Midway area, which consists mainly of an urbanized commercial core; the narrow Pacific Highway corridor, which runs along Interstate 5 from the southern end of the Midway area south to Laurel Street; and the Marine Corps Recruit Depot. A portion of the Pacific Highway Corridor is within the Coastal Zone and subject to the California Coastal Act as implemented by the Midway-Pacific Highway Local Coastal Program and zoning regulations. The Midway-Pacific Highway Community Planning Area is urbanized and generally characterized as a mix of commercial and industrial areas, with some residential areas. Most of the Midway-Pacific Highway Community Planning Area is located within a transit priority area.

ENVIRONMENTAL DETERMINATION:

The purpose of this document is to inform decision-makers, agencies, and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project.

Based on the analysis conducted for the project described above, the City of San Diego has prepared the following Draft SEIR in accordance with CEQA. The analysis conducted identified that the proposed project could result in significant and unavoidable impacts in the areas of **Visual Effects and Neighborhood Character (Scenic Vistas or Views, and Neighborhood Character)**. All other impacts analyzed in this Draft PEIR were found to be less than or not significant.

This document has been prepared by the City of San Diego's Planning Department and is based on the City's independent analysis and determinations made pursuant to Section 21082.1 of the California Environmental Quality Act (CEQA) and Section 128.0103(a) and (b) of the San Diego Municipal Code.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.



Rebecca Malone, Program Manager
Planning Department

April 22, 2022

Date of Draft Report

July 15, 2022

Date of Final Report

Analyst: Elena Pascual

PUBLIC REVIEW DISTRIBUTION:

The following agencies, organizations, and individuals received a copy or notice of the Draft SEIR and were invited to comment on its accuracy and sufficiency. Copies of the Draft SEIR and any technical appendices may be reviewed in the office of the Planning Department, or purchased for the cost of reproduction.

FEDERAL GOVERNMENT

Federal Aviation Administration (1)
Naval Facilities Engineering Command, SW Division, Environmental Planning (12)
Marine Corps Recruit Depot Facilities Div. (14)
Environmental Protection Agency (19)
U.S. Fish and Wildlife Service (23)
Army Corps of Engineers (26)

STATE OF CALIFORNIA

Caltrans District 11 (31)
Department of Fish and Wildlife (32)
Cal Recycle (35)
California Environmental Protection Agency (37A)
California Highway Patrol (58)
Department of Toxic Substance Control (39)
Housing and Community Development (38)
Natural Resources Agency (43)
Regional Water Quality Control Board, Region 9 (44)
State Clearinghouse (46A)
California Coastal Commission (47)
California Air Resources Board (49)
California Transportation Commission (51)
California Department of Transportation (51A)
Native American Heritage Commission (56)
California Public Utilities Commission

COUNTY OF SAN DIEGO

Air Pollution Control Board (65)
Planning and Land Use (68)
Public Works (72)
Department of Environmental Health (76)

CITY OF SAN DIEGO (AND THEIR CHIEFS OF STAFF)

Office of the Mayor (91)
Council President Elo-River, District 9
Councilmember LaCava, District 1
Councilmember Campbell, District 2
Councilmember Whitburn, District 3
Council President Pro Tem Montgomery Steppe, District 4
Councilmember von Wilpert, District 5
Councilmember Cate, District 6
Councilmember Campillo, District 7
Councilmember Moreno, District 8

Office of the City Attorney
Corrine Neuffer

Planning Department

Heidi Vonblum
Tom Tomlinson
Tait Galloway
Seth Litchney
Kelley Stanco
Rebecca Malone
Elena Pascual
Jordan Moore
Tara Ash-Reynolds
Sureena Basra

Department of Real Estate and Airport Management

Penny Maus
Niki McGinnis

Libraries

Central Library, Government Documents (81 & 81A)
Mission Hills Branch Library (81Q)
Ocean Beach Branch Library (81V)
Point Loma/Hervey Branch Library (81Z)

Other City Governments

San Diego Association of Governments (108)
San Diego Unified Port District (109)
San Diego County Regional Airport Authority (110)
Metropolitan Transit System (112/115)
San Diego Gas & Electric (114)

School Districts

San Diego Unified School District (125)
San Diego Community College District (133)

Community Planning Groups or Committees

Community Planning Committee (194)
Balboa Park Committee (226A)
Black Mountain Ranch-Subarea I (226C)
Otay Mesa-Nestor Planning Committee (228)
Otay Mesa Planning Committee (235)
Barrio Logan Planning Group (240)
Downtown Community Planning Council (243)
Clairemont Mesa Planning Committee (248)
Greater Golden Hill Planning Committee (259)
Serra Mesa Planning Committee (263A)
Kearny Mesa Community Planning Group (265)
Linda Vista Community Planning Committee (267)
La Jolla Community Planning Association (275)
City Heights Area Planning Committee (287)
Kensington-Talmadge Planning Committee (290)

Normal Heights Community Planning Committee (291)
Eastern Area Planning Committee (302)
Midway-Pacific Highway Community Planning Group (307)
Mira Mesa Community Planning Committee (310)
Mission Beach Precise Planning Board (325)
Mission Valley Planning Group (331)
Navajo Community Planners, Inc. (336)
Carmel Mountain Ranch Community Planning Group
Carmel Valley Community Planning Board (350)
Del Mar Mesa Community Planning Board (361)
North Park Planning Committee (363)
Ocean Beach Planning Board (367)
Old Town Community Planning Board (368)
Pacific Beach Community Planning Committee (375)
Pacific Highlands Ranch-Subarea III (377A)
Rancho Peñasquitos Planning Board (380)
Peninsula Community Planning Board (390)
Rancho Bernardo Community Planning Board (400)
Sabre Springs Community Planning Group (406B)
San Pasqual-Lake Hodges Planning Group (426)
San Ysidro Planning and Development Group (433)
Scripps Miramar Ranch Planning Group (437)
Miramar Ranch North Planning Committee (439)
Skyline Paradise Hills Planning Committee (443)
Torrey Hills Community Planning Board (444A)
Southeastern San Diego Planning Committee (449)
Encanto Neighborhoods Community Planning Group (449A)
College Area Community Planning Board (456)
Tierrasanta Community Council (462)
Torrey Highlands – Subarea IV (467)
Torrey Pines Community Planning Board (469)
University City Community Planning Group (480)
Uptown Planners (498)
Fairbanks Country Club Community Planning Group
Mission Bay Park Committee
North City Subarea 2 Community Planning Group
Rancho Encantada Community Planning Group

Other Agencies, Organizations and Individuals

Old Town Chamber of Commerce (369)
San Diego Chamber of Commerce (157)
Building Industry Association (158)
San Diego River Park Foundation (163)
San Diego River Coalition (164)
Sierra Club (165)
San Diego Canyonlands (165A)
San Diego Natural History Museum (166)
San Diego Audubon Society (167)
Jim Peugh (167A)
San Diego River Conservancy (168)
Environmental Health Coalition (169)
California Native Plant Society (170)

San Diego Coastkeeper (173)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182 & 182A)
League of Women Voters (192)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown – Inter-Tribal Cultural Resource Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society Inc. (218)
Kuumeyaay Cultural Heritage Preservation (223)
Kuumeyaay Cultural Repatriation Committee (225)
Hancock Street Neighborhood Business Association

NATIVE AMERICAN DISTRIBUTION

Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Band of Mission Indians (225C)
Inaja Band of Mission Indians (225D)
Jamul Indian Village (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Ipai Nation of Santa Ysabel (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Indians (225Q)
San Luis Rey Band of Luiseno Indians (225R)
Los Coyotes Band of Mission Indians (225S)

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Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit Supplemental Environmental Impact Report

Comment Letters and Responses

According to the California Environmental Quality Act (CEQA) Guidelines, Section 15088(a), “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a response.” This chapter provides all written comments received during the 45-day public review on the Draft Supplemental Environmental Impact Report (Draft SEIR) that started on April 22, 2022, and ended on June 6, 2022. A total of 12 comment letters were received during the public review period.

The following is a list of agencies, organizations, and interested parties that submitted comments on the Draft SEIR during the public review period (Table 1, List of Commenting Agencies, Organizations, and Individuals). None of the comments received during the Draft SEIR public review period resulted in changes to the Final Supplemental Environmental Impact Report (Final SEIR). The public comment letters and corresponding City responses follow.

Table 1. List of Commenting Agencies, Organizations, and Individuals

Letter	Commenter
Agencies	
A1	State Clearinghouse
A2	County of San Diego – County Clerk
Organizations	
B1	Delano and Delano on behalf of Save Our Access
B2	Save Our Access
Individuals	
C1	Scott Andrews
C2	Jonathan Cohen
C3	Roland Feghali
C4	Samantha Jones
C5	Rachael Mello
C6	Javier Saunders
C7	John C. Ziebarth
C8	Scott Case

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Comment Letter A1: State Clearinghouse

A1

A1-1: This comment provides confirmation of initiation of CEQA Public Review on April 22, 2022 until June 6, 2022.

From: [Meng Heu](#)
To: [Pascual Elena](#)
Subject: [EXTERNAL] SCH Number 2022030324
Date: Friday, April 22, 2022 12:29:20 PM

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

A1-1

Your project is published and the review period has begun. Please use the "navigation" and select "published document" to view your project with attachments on CEQAnet.

Closing Letters: The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.

Please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

- Filter for the SCH# of your project **OR** your "Lead Agency"
 - If filtering by "Lead Agency"
 - Select the correct project
 - Only State Agency comments will be available in the "attachments" section: **bold and highlighted**

Thank you for using CEQA Submit.

Meng Heu
Office of Planning and Research (OPR)
State Clearing House

****Note:** No reply, response, or information provided constitutes legal advice.

To view your submission, use the following link.
<https://ceqasubmit.opr.ca.gov/Document/Index/277068/3>

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Comment Letter A2: County of San Diego – County Clerk

A2

A2-1: This comment provides confirmation of initiation of CEQA Public Review on April 22, 2022 until June 6, 2022.

From: [Ramsay, Jack](#)
To: [Pascual, Elena](#); [Ortiz, Karina](#); [Bajrami, Naime](#)
Subject: [EXTERNAL] RE: Request to Post a Public NOA of a Draft SEIR at the County of San Diego on Friday, April 22, 2022
Date: Friday, April 22, 2022 2:39:58 PM
Attachments: [image001.png](#)

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

A2-1

Hi Elena,

The notice was filed and posted today.

Thank you,

Jack Ramsay
Recordable Documents Specialist III
County of San Diego Recorder/County Clerk
County Administration Center
1600 Pacific Highway Room 260
San Diego, CA 92101-2400
Mail Stop: A-33
(619) 531-5007
jack.ramsay@sdcounty.ca.gov

www.sdarcc.com



From: Pascual, Elena <EPascual@sanidiego.gov>
Sent: Friday, April 22, 2022 2:30 PM
To: Ortiz, Karina <Karina.Ortiz@sdcounty.ca.gov>; Ramsay, Jack <Jack.Ramsay@sdcounty.ca.gov>; Bajrami, Naime <Naime.Bajrami@sdcounty.ca.gov>
Subject: [External] RE: Request to Post a Public NOA of a Draft SEIR at the County of San Diego on Friday, April 22, 2022

Hello,

Thank you again for posting this Notice of Availability. Can you please let me know when the notice is online?

Thank you,
Elena

Elena Pascual
Senior Environmental Planner
City of San Diego Planning Department
T: 619-533-5928 | EPascual@sandiego.gov

From: Pascual, Elena
Sent: Wednesday, April 20, 2022 1:39 PM
To: karina.ortiz@sdcounty.ca.gov; Ramsay, Jack <Jack.Ramsay@sdcounty.ca.gov>; Bajrami, Naime <Naime.Bajrami@sdcounty.ca.gov>
Cc: Malone, Rebecca <RMalone@sandiego.gov>; Stanco, Kelley <KStanco@sandiego.gov>; Vonblum, Heidi <VonblumH@sandiego.gov>
Subject: Request to Post a Public NOA of a Draft SEIR at the County of San Diego on Friday, April 22, 2022

Hello,

Please accept the attached Notice of Availability of a Draft SEIR from the City of San Diego for posting at the County on **Friday, April 22, 2022**. Please contact me if there are any questions about posting the public notice.

Thank you,
Elena

Elena Pascual
Senior Environmental Planner
City of San Diego Planning Department
T: 619-533-5928 | EPascual@sandiego.gov

Comment Letter B1: Delano and Delano on behalf of Save Our Access

B1

B1-1: This comment is an email stating that the comment letter is attached; therefore, no response is required.

From: everett@delanoanddelano.com
To: [PLN_PlanningCEQA](#)
Subject: RE: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR
Date: Monday, June 6, 2022 2:07:51 PM
Attachments: [Comments re Removal of Midway-Pacific Highway Planning Area from Coastal Zone Height Limit DEIR \(June 6, 2022\).pdf](#)

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

I am sending the three attachments I sent previously in three separate emails.

This is 1 of 3.

Everett DeLano
DeLano & DeLano
104 W. Grand Ave., Suite A
Escondido, CA 92025
(760) 741-1200
(760) 741-1212 (fax)
www.delanoanddelano.com

From: Pascual, Elena <EPascual@sandiego.gov> **On Behalf Of** PLN_PlanningCEQA
Sent: Monday, June 6, 2022 1:44 PM
To: Everett Delano <everett@delanoanddelano.com>
Subject: RE: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR

Hi Mr. Delano,

I misspoke in my previous e-mail. We received your attachment, but not your comment letter. Can you please send us your comment letter at your earliest convenience?

Thank you,
Elena

CEQA & Environmental Policy Section
City of San Diego Planning Department





June 6, 2022

Elena Pascual
Senior Environmental Planner
City of San Diego
Planning Department
9485 Aero Drive, MS 413
San Diego, CA 92123

Re: Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit Draft EIR; SCH# 2022030324

Dear City of San Diego:

This letter is submitted on behalf of Save Our Access in connection with the proposed Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit Draft Supplemental Environmental Impact Report ("DEIR").

I. Introduction

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 – 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency's decision must be set aside. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712. An EIR is "aptly described as the 'heart of CEQA'"; its purpose is to inform the public and its responsible officials of the environmental consequences before they are made. *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 392.

"An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. A sufficient EIR demonstrates "adequacy, completeness and a good-faith effort at full disclosure." *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Rio Vista Farm Bureau Center v. City of Solano* (1992) 5 Cal.App.4th 351, 368).

Office: (760) 741-1200
www.delanoanddelano.com
104 W. Grand Avenue, Suite A • Escondido, CA 92025

B1-2: This comment summarizes information from the California Environmental Quality Act (CEQA) Statutes and Guidelines and various case law. The summary provided in the comment does not address the adequacy of the Draft Supplemental Environmental Impact Report (SEIR). No further response is required.

II. The DEIR's Description of the Project and Analysis of Environmental Impacts is Insufficient

CEQA requires the EIR's project description to provide an accurate description of the entire project. "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197 – 98. "The adequacy of an EIR's project description is closely linked to the adequacy of the EIR's analysis of the project's environmental effects. If the description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 31 – 32 (citations omitted).

The DEIR claims that, with the exception of impacts to visual effects and neighborhood character, "all other environmental impacts areas analyzed in the 2018 PEIR adequately addressed the project, and no additional analysis is required." DEIR at 1-5. This is incorrect.

CEQA provides an agency can use a "tiered" EIR in order to, among other things, streamline regulatory procedures and avoid "repetitive discussions of the same issues in successive environmental impact reports." Pub. Res. Code § 21093(a). The later project must be:

1. Consistent with the program, plan, policy or ordinance for which an environmental impact report has been prepared and certified.
2. Consistent with applicable local land use plans and zoning,
3. Not subject to Section 21166.

Id., § 21094(b). "With a good and detailed project description and analysis of the program, many later activities can be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required." CEQA Guidelines § 15168 (c)(5).

The court in *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, explained:

Section 21094 states the procedure to be followed for tiered EIR's.... Of particular significance ..., subdivision (c) provides: "For purposes of compliance with this section, an initial study shall be prepared to assist the lead agency in making the determinations required by this section. The initial study shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior [EIR]."

Id. at 1319 (emphasis provided by court).

B1-3: This comment summarizes CEQA case law pertaining to what defines an accurate project description pursuant to CEQA. The comment maintains that the Draft SEIR incorrectly states that, aside from visual effects and neighborhood character, all other environmental impacts areas analyzed in the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) adequately addressed the project, and no additional analysis is required. The comment goes on to summarize when an agency can use a "tiered" EIR and describes the circumstances in which a project may tier from a previous project, without further CEQA documentation pursuant to CEQA Guidelines, Section 15168(c)(5). The comment further explains the appropriate tiering CEQA process with a discussion of *Sierra Club v. County of Sonoma* (1992) and claims a "new" EIR, analyzing each of the resource areas must be prepared. The Draft SEIR is consistent with the CEQA. As stated on page 1-2, of the Draft SEIR:

"This SEIR is intended to:

- Supplement the 2018 PEIR and address project modifications, changed circumstances, or new information that was not known and could not have been known with the exercise of reasonable diligence

at the time the prior document was certified as required under CEQA Guidelines, Section 15163;

- Address new or substantially more severe significant environmental effects related to proposed project modifications;
- Recommend mitigation measures to avoid or lessen impacts associated with any new or substantially more severe significant environmental effects; and
- Update the impact analysis and mitigation measures where conditions have changed since the certification of the 2018 PEIR.

Pursuant to CEQA Guidelines, Section 15152, the SEIR will “tier” from the 2018 PEIR. Tiering refers to using the analysis of general matters contained in a broader EIR with later EIRs on narrower projects, incorporating by reference the general discussions from the broader EIR, and concentrating the later EIR solely on the issues specific to the later project. Agencies are encouraged to tier the environmental analyses that they prepare for separate but related projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR on the actual issues ripe for decision at each level of environmental review. Where an EIR has been prepared and certified for a program, plan, policy, or ordinance, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR on the later project to the effects that were not

examined as significant effects on the environmental analysis in the prior EIR or are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project. A later EIR shall be required when the Initial Study (IS) or other analysis finds that the later project may cause a significant effect on the environment that was not adequately addressed in the prior EIR.”

An IS was prepared for the project and is provided in Appendix B to the Draft SEIR. Each environmental topic identified in Appendix G of the CEQA Guidelines was addressed in the IS. As concluded in the IS, due to the potential for project impacts associated with visual effects and neighborhood character, the project may have a new significant effect on the environment that was not adequately addressed in the 2018 PEIR, or the project may result in a substantial increase in the severity of a previously identified significant effect, and there may not be feasible mitigation, which would reduce the new significant effect to a less than significant level. In accordance with Section 15162 of the CEQA Guidelines, an SEIR is required.

B1-3
cont.

In this circumstance, the “fair argument” test applies. “[S]ection 21166 and its companion section of the [CEQA] Guidelines appear to control only when the question is whether more than one EIR must be prepared for what is essentially the same project.” *Sierra Club*, 6 Cal.App.4th at 1320. “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence.” *Id.* at 1319; see also *Friends of the College of San Mateo Gardens*, 1 Cal.5th at 960. Here, the Project is inconsistent with the Community Plan and PEIR. It also is subject to environmental review requirements pursuant to Section 21166.

a. The Project is Inconsistent with the Community Plan and PEIR

B1-4

“If the subsequent project is not consistent with the program or plan, it is treated as a new project and must be fully analyzed in a project – or another tiered EIR if it may have a significant effect on the environment.” *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 960 (quoting *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 528 – 29). At no point does the Midway-Pacific Highway Community Plan say anything about removal of the Coastal Zone height limit. In fact, the Community Plan was explicit about the continued existence of the Coastal Height Limit. In Section 2.2, “Land Use Framework,” the Community Plan acknowledged: “The Coastal Height Limit Overlay Zone limits the height of new buildings to protect coastal views.”

Likewise, Appendix A to the PEIR includes the Notice of Preparation, which specifically notes: “The Coastal Zone Height Limit Overlay Zone also applies to the entire Midway-Pacific Highway community. This Overlay Zone limits construction of new development to 30-feet in height to protect coastal views.” The “Scoping Letter” attached to the NOP says the same thing. There is no discussion either in the NOP or anywhere else in the PEIR that the Coastal Height Limit was intended to be removed. To the contrary, it specifically identifies the Coastal Zone height limit as a requirement to “protect coastal views.” In fact, Table 3-1 of the PEIR lists eight “project components,” none of which make any mention of removal of the Coastal Zone height limit. Nor is there any mention of removal of the Coastal Zone height limit in any portion of Chapter 5 of the PEIR, the environmental analysis section. To the contrary, in discussing potential impacts to scenic vistas or views, the PEIR claimed impacts would be less than significant as a result of “established and regulated height and setback regulations.”

B1-5

My July 20, 2020 letter to the City Council regarding its prior consideration of a removal of the Coastal Zone Height Limit identified additional inconsistencies between the Project and the Community Plan and PEIR. A copy of my letter is attached hereto and hereby incorporated by reference.

B1-4: The comment maintains that the project is inconsistent with the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) and 2018 PEIR because they do not address removal of the Coastal Height Limit. The proposed removal of the Coastal Height Limit within the 2018 Community Plan area (CP area) is the changed circumstance that initiated the new tiered Draft SEIR to address these project modifications, as required by CEQA Guidelines, Section 15163. The intent of the SEIR is to supplement the 2018 PEIR and update the impact analysis to address the proposed amendment to the San Diego Municipal Code (SDMC) to remove the CP area from the existing 30-foot height limit and to allow for additional height beyond 30 feet consistent with existing zoning. As described in the 2018 PEIR, due to the topography of the CP area, as well as that of the adjacent communities, the possibilities for vistas and scenic views from public viewing areas within the CP area are limited to certain locations within the public right-of-way at the southeastern corner of the community and in the area north of Interstate (I-) 8. Given the developed nature of the CP area, future projects in the southeastern corner of the CP area would blend with the existing urban framework through established and regulated height and setback regulations and would not result in new obstructions to view corridors along public streets where view opportunities largely exist. For areas north of I-8, which

are located within the California Coastal Zone, the Parks land use designation for these areas in the 2018 Community Plan and the policies within the Coastal Resources section of the Conservation Element would provide protection for public views of the San Diego River Channel from public vantage points, such as public rights-of-way and parks.

The Draft SEIR analyzed the removal of Coastal Height Limit from the CP area and its potential for impacts to visual effects and neighborhood character from public viewing locations in surrounding communities.

B1-3
cont.

In this circumstance, the “fair argument” test applies. “[S]ection 21166 and its companion section of the [CEQA] Guidelines appear to control only when the question is whether more than one EIR must be prepared for what is essentially the same project.” *Sierra Club*, 6 Cal.App.4th at 1320. “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence.” *Id.* at 1319; see also *Friends of the College of San Mateo Gardens*, 1 Cal.5th at 960. Here, the Project is inconsistent with the Community Plan and PEIR. It also is subject to environmental review requirements pursuant to Section 21166.

a. The Project is Inconsistent with the Community Plan and PEIR

B1-4

“If the subsequent project is not consistent with the program or plan, it is treated as a new project and must be fully analyzed in a project – or another tiered EIR if it may have a significant effect on the environment.” *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 960 (quoting *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 528 – 29). At no point does the Midway-Pacific Highway Community Plan say anything about removal of the Coastal Zone height limit. In fact, the Community Plan was explicit about the continued existence of the Coastal Height Limit. In Section 2.2, “Land Use Framework,” the Community Plan acknowledged: “The Coastal Height Limit Overlay Zone limits the height of new buildings to protect coastal views.”

Likewise, Appendix A to the PEIR includes the Notice of Preparation, which specifically notes: “The Coastal Zone Height Limit Overlay Zone also applies to the entire Midway-Pacific Highway community. This Overlay Zone limits construction of new development to 30-feet in height to protect coastal views.” The “Scoping Letter” attached to the NOP says the same thing. There is no discussion either in the NOP or anywhere else in the PEIR that the Coastal Height Limit was intended to be removed. To the contrary, it specifically identifies the Coastal Zone height limit as a requirement to “protect coastal views.” In fact, Table 3-1 of the PEIR lists eight “project components,” none of which make any mention of removal of the Coastal Zone height limit. Nor is there any mention of removal of the Coastal Zone height limit in any portion of Chapter 5 of the PEIR, the environmental analysis section. To the contrary, in discussing potential impacts to scenic vistas or views, the PEIR claimed impacts would be less than significant as a result of “established and regulated height and setback regulations.”

B1-5

My July 20, 2020 letter to the City Council regarding its prior consideration of a removal of the Coastal Zone Height Limit identified additional inconsistencies between the Project and the Community Plan and PEIR. A copy of my letter is attached hereto and hereby incorporated by reference.

The Draft SEIR concluded that implementation of the project could obstruct scenic views and vistas from public viewing locations and could result in a substantial adverse alteration to the character of the area due to building height increases in the CP area. Impacts were determined to be significant and unavoidable. See Section 5.1, Visual Effects and Neighborhood Character. The Draft SEIR adequately addresses this issue.

B1-5: The City acknowledges the commenter’s letter to the City Council on July 20, 2020. This letter was provided as an attachment to the comment letter. However, the attachment does not address the Draft SEIR or the associated environmental analysis included in the Draft SEIR. Therefore, no further response is required.

And the San Diego Superior Court's recent ruling also explains that the Project was not addressed by the PEIR. It is therefore insufficient to address the Project's impacts. A copy of the Court's ruling is attached hereto and hereby incorporated by reference.

b. The Project Fails to Comply with Required Mitigation

In addition, the CEQA Guidelines provide: "A program EIR is an EIR which may be prepared for a series of actions that can be characterized as one large project and are related" CEQA Guidelines § 15168(a). They also provide: "Use with Later Activities. Subsequent activities in the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared." *Id.* § 15168(c). And they mandate: "An agency shall incorporate feasible mitigation and alternatives developed in the program EIR into subsequent actions in the program." *Id.* § 15168(c)(3) (emphasis added).

Likewise, CEQA provides: "A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." Pub. Res. Code § 21081.6(b) (emphasis added). And it mandates: "Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." *Id.* § 21002.1(b). "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or discarded." *Federation of Hillside & Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

"Mitigation measures are not mere expressions of hope." *Lincoln Place Tenants Assoc. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508. "Having placed ... conditions on the ... project, the city cannot simply ignore them." *Id.* A public agency "may not authorize destruction or cancellation of the mitigation – whether or not the approval is ministerial – without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence." *Katzeff v. California Dept. of Forestry & Fire Protection* (2010) 181 Cal.App.4th 601, 614. "If a mitigation measure later becomes 'impractical or unworkable,' the governing body must state a legitimate reason for deleting an earlier adopted mitigation measure, and must support that statement of reason with substantial evidence." *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168 (quoting *Lincoln Place*, 130 Cal.App.4th at 1509). "[B]ecause an initial determination a mitigation measure is infeasible must be included in the EIR and supported by substantial evidence it is logical to require a later determination a mitigation measure is infeasible be included in a supplemental EIR and supported by substantial evidence." *Lincoln Place*, 130 Cal.App.4th at 1509.

Among other things, Mitigation Measures Trans 5.2-7b and Trans 5.2-24 require transportation and circulation improvements, yet the DEIR fails to address these

B1-6: The City acknowledges the December 2021 decision from the Superior Court of San Diego County, provided as an attachment to the comment letter. This comment provides support from the recent court ruling that the project was not addressed in the previous 2018 PEIR. As discussed in Chapter 1.0, Introduction, the Draft SEIR acknowledges that in December 2021 the Superior Court of San Diego County granted the writ of mandate ordering the City to set aside all approvals that submitted a ballot measure to the voters of the City of San Diego.

B1-7: The comment states that the project fails to comply with required mitigation and provides a summary of the commenter's interpretation of compliance with required mitigation measures in accordance with CEQA. The comment states that the Draft SEIR fails to address Mitigation Measures from the 2018 PEIR, TRANS 5.2-7b and TRANS 5.2-24, which provides further inconsistencies with the Community Plan.

CEQA Section 21081.6(a)(1) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished. The MMRP for the SEIR details mitigation measures

identified in the 2018 PEIR that would mitigate the impacts of the project, including TRANS 5.2-7b and TRANS 5.2-24.

As discussed in the IS, provided in Appendix B to the Draft SEIR, Mitigation Measure TRANS 5.2-7b would continue to be required with implementation of the project, which involves the addition of a second southbound left-turn lane from Lytton Street to eastbound Rosecrans Street and implementation of right-turn overlap phases at all legs of the intersection. This improvement is identified in the Midway-Pacific Highway Impact Fee Study and would be implemented on a project-by-project basis prior to development permit approval. In addition, consistent with the 2018 PEIR, TRANS 5.2-24 would be implemented by the California Department of Transportation (Caltrans) to reduce impacts to freeway segments and ramp meters. However, similar to the 2018 PEIR, impacts to Caltrans facilities would remain significant and unavoidable because the City cannot ensure that the mitigation necessary to avoid or reduce impacts to a level below significance would be implemented before the occurrence of the impact. Therefore, these mitigation measures from the 2018 PEIR would be carried forward with implementation of the project addressed in the Draft SEIR.

- B1-8:** This comment states that the project will lead to several significant impacts in virtually all areas of environmental resources and that the project (removal of the height limit) would increase development opportunity within the community beyond what was anticipated in the 2018 PEIR.

As discussed in the SEIR, the project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Base zones that allow residential uses and would no longer be restricted to a building height of 30 feet include RM-2-5, RM-3-8, RM-3-9, RM-4-10, CN-1-6, CO-3-1, CC-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, and CC-4-5. Future development associated with the project would be subject development standards outlined in the SDMC, such as floor area ratio, setbacks, and uses, that affect the overall development capacity in the CP area. Therefore, the project would not result in increased development opportunity in the CP area and would not impact virtually all areas of environmental resources beyond those previously analyzed in the 2018 PEIR.

B1-7
cont.

requirements. These constitute further inconsistencies with the Community Plan and PEIR.

c. The Project Will Lead to Several Significant Impacts

B1-8

The removal of the height limit will increase development opportunity within the community, thereby impacting virtually all areas of environmental resources, including but not limited to air quality, water quality, human health, biological resources, energy, greenhouse gas emissions, land use, transportation, noise, parks and recreation, public services, and cumulative impacts.

1. Transportation and Circulation

When the PEIR was conducted and approved, the standard for evaluating transportation impact was Level of Service ("LOS"). The standard has since been changed to a Vehicle Miles Traveled ("VMT") metric, which constitutes a substantial change in circumstance. Relatedly, the PEIR did not anticipate or analyze the removal of the Midway-Pacific Highway Community Plan Area from the existing 30-foot Coastal Zone height limit, which constitutes a substantial change to the Project. Both changes trigger subsequent environmental review of impact to transportation and circulation.

B1-9

The DEIR claims transportation and circulation are adequately analyzed and addressed in the PEIR. DEIR at 7-2. Appendix C of the DEIR concludes: "no additional transportation-related impact would be identified as a result of the Project" because the Project is not inconsistent with the PEIR and would not exceed any of the thresholds set in the City's CEQA Significance Determination Thresholds. DEIR, Appendix C at 3. This conclusion is based in part upon a determination that the removal of the 30-foot building height limit does not propose "more intensive land uses, zoning, or density than those adopted in the 2018 Community Plan and analyzed in the PEIR," therefore the "VMT associated with the Project would not be greater than what was already analyzed and disclosed in the PEIR." *Id.*

The Project's removal of the 30-foot height limit would in fact cause more intensive land use and increase the density of the community by allowing for more development opportunities. Indeed, one of the Project objectives is to increase residential and commercial development, and another is specifically to "encourage housing for families...by removing development restrictions, which would allow housing developments to maximize zoned density." DEIR at S-2. As a result, the VMT would increase proportionately with the maximized density and influx of residential and commercial commuters.

At a minimum, the Project's impact to transportation and circulation should be evaluated pursuant to City of San Diego CEQA Significance Determination Thresholds ("City CEQA Thresholds") for transportation, which consider whether a project:

B1-9: This comment states that the project's impact to transportation and circulation should be evaluated pursuant to the City's CEQA Significance Thresholds for transportation. Regarding Transportation and Circulation, a project-specific Transportation Impact Analysis (TIA) was prepared by CR Associates. The TIA, included in Appendix C to the Draft SEIR, provided a program-level analysis to determine whether the project would change the transportation impact findings identified in the 2018 PEIR. As stated in the comment, since the adoption of the 2018 Community Plan, the City has updated its CEQA Significance Determination Thresholds (December 2020) to reflect the implementation of a new transportation threshold. The new threshold identifies vehicle miles traveled (VMT), in lieu of level of service (LOS), as the metric for determining transportation impacts. The project's impact to transportation and circulation was evaluated pursuant to the City's CEQA Significant Determination Thresholds. The TIA provided as Appendix C to the SEIR compares the thresholds utilized in the 2018 PEIR to the latest City's CEQA transportation thresholds, and provides an updated analysis for those thresholds not previously discussed in the 2018 PEIR. The TIA concluded that the project would not result in an inconsistency with the analysis in the 2018 PEIR and would not exceed any of the transportation thresholds set in the City's CEQA Significance Determination

Thresholds (December 2020). This issue was adequately addressed in the Draft SEIR, and no revisions are required.

Furthermore, Section 2.1.17 of the IS (Appendix B to the Draft SEIR) documents the LOS-based impact discussed in the 2018 PEIR, including Mitigation Measure TRANS 5.2-7b, which would add a second southbound left-turn lane from Lytton Street to eastbound Rosecrans Street. This improvement is included in the Midway-Pacific Highway Impact Fee Study. The Draft SEIR does not propose to remove this improvement; therefore, it does not result in an inconsistency with the 2018 Community Plan or associated 2018 PEIR. Both the 2018 PEIR and the Draft SEIR state that impacts associated with Mitigation Measures TRANS 5.2-17 through TRANS 5.2-24 would remain significant and unavoidable.

Page 5.2-35 of the 2018 PEIR stated:

“Likewise, impacts to Caltrans facilities (freeway segments and ramps, Impacts 5.2-17 through 5.2-24) would remain significant and unavoidable because the City cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance would be implemented prior to occurrence of the impact.”

And page 69 of the IS (Appendix B to the Draft SEIR) stated:

“Mitigation Measures TRANS 5.2-17 through TRANS 5.2-24 would be implemented by Caltrans to reduce

impacts to freeway segments and ramp meters; however, impacts to Caltrans facilities would remain significant and unavoidable because the City cannot ensure that the mitigation necessary to avoid or reduce impacts to a level below significance would be implemented before the occurrence of the impact. Therefore, impacts related to the increase in projected traffic were determined to be significant and unavoidable.”

As shown, both EIRs documented that impacts associated with Mitigation Measures TRANS 5.2-17 through TRANS 5.2-24 would be significant and unavoidable, and there is no inconsistency between the two documents. Additionally, it should be noted that both the current CEQA Guidelines and Caltrans Transportation Analysis Framework (September 2020) do not consider delay and LOS to be a significant transportation impact.

Since the project would not increase land use density beyond what was approved with the 2018 Community Plan and analyzed in the 2018 PEIR, the trip generation associated with the project would remain the same as well. Future development projects that wish to exceed the density approved with the 2018 Community Plan and analyzed in the 2018 PEIR (outside of those allowed by State’s law) are not covered by the Draft SEIR and would need to conduct project-specific CEQA review.

The Draft SEIR (see Appendix B) evaluated and concluded that the project would not result in additional impacts to transportation and circulation when compared to the 2018 PEIR, pursuant to the City of San Diego CEQA Significance Determination Thresholds. Specific thresholds and references are provided below (see Appendix B):

- Section 2.1.17(a) documents whether the project would “Result in an increase in projected traffic, which is substantial in relation to the existing traffic load and capacity of the street system including roadway segments, intersections, freeway segments, interchanges, or freeway ramps.”
- Section 2.1.17(b) documents whether the project would “Conflict with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle and pedestrian facilities.”
- Section 2.1.17(c) documents whether the project would “Result in vehicle miles traveled (VMT) exceeding thresholds identified in the City of San Diego Transportation Study Manual.”
- Section 2.1.17(d) documents whether the project would “Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).”

B1-9
cont.

- Conflicts with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle and pedestrian facilities;
- Results in vehicle miles traveled (VMT) exceeding thresholds identified in the City of San Diego Transportation Study Manual;
- Substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Results in inadequate emergency access.

City CEQA Thresholds at 72.

2. Parks and Recreation

In addition to changes of circumstance relating to transportation and circulation, there have been similar changes regarding standards for parks and recreation. When the PEIR was conducted and approved, the City utilized a population-based parks standard of 2.8 acres per 1,000 people. City of San Diego Parks Master Plan, Aug. 2021, at 59. This standard has since been amended to a value standard that requires a recreation value of 100 points per 1,000 people, established by a scoring system based on recreation amenities, space for programmed activity, connectivity to transit, and other factors. *Id.* The amended parks standard constitutes a substantial change in circumstance, triggering a subsequent environmental review of impact to parks and recreation under Section 21166.

B1-10

Under the old parks standard, the PEIR identified a projected population-based park deficit. Based on the projected population of 27,070 for the Midway-Pacific Highway Community, a minimum of 75.80 usable acres of parkland at full community development would have been required to meet the old standard. PEIR at 5.11-3. In 2018, there was zero useable acres of existing population-based parks in the Midway-Pacific Highway Community. *Id.* at 5.11-6. With only 29.86 acres of proposed population-based parks, the park deficit was expected to be 45.94 acres, more than 60% of the total requirement. *Id.*

Furthermore, the newly amended Citywide Parks Master Plan prioritizes equity and access in order to address “systemic gaps between communities in the availability and quality of recreational spaces.” City of San Diego Parks Master Plan, Aug. 2021, at 37. The Midway-Pacific Highway Community Planning Area has been identified as a community lacking availability and quality of recreational spaces, as the Famosa Slough State Marine Conservation Area is the only open space resource in the area. Draft SEIR at 4-7.

Despite one of the Project’s primary objectives to “identify park and recreation facilities to serve the community,” and despite the substantial change in parks standard and addition of an equity consideration since the PEIR was conducted, the DEIR fails to analyze Project impacts to parks and recreation. DEIR at S-2. The DEIR simply states, although future development is anticipated, including for parks and recreation facilities,

- Section 2.1.17(e) documents whether the project would “*result in inadequate emergency access.*”

This issue was adequately addressed in the Draft SEIR, and no revisions are required.

B1-10: This comment discusses changes regarding standards for parks and recreation and the 2021 update to the City’s Parks Master Plan, and states that the Draft SEIR fails to analyze project impacts to parks and recreation. Draft SEIR Chapter 4.0, Regulatory Framework, notes that since the 2018 PEIR was certified the City has approved the Citywide Parks Master Plan that replaced the City’s 1956 planning document. The comment is correct that page 3-7 of the Draft SEIR states, “Due to the lack of site-specific development proposals associated with the project, site-specific environmental analyses of future development anticipated in the CP area were not undertaken in this SEIR and the 2018 PEIR” as no specific development is proposed. This paragraph further states, “However, the analysis anticipates that future development would occur in the CP area and would be subject to applicable development regulations and requirements of the CP area, this SEIR, and the 2018 PEIR. Future development in the CP area would involve subsequent approval of public and private development proposals through both ministerial and discretionary reviews in accordance with zoning and development regulations and the 2018 Community Plan

policies. These subsequent activities may be public (i.e., road/streetscape improvements, parks, and public facilities) or private projects and are referred to as “future development” or “future projects” in the SEIR.” The comment is incorrect in stating that the Draft SEIR failed to “analyze project impacts to parks and recreation.”

As discussed in the IS, provided in Appendix B, there is an existing and projected deficit in population-based parks and recreational facilities in the CP area. The project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Implementation of the 2018 Community Plan would provide policy support for increasing the acreage of parks and recreational facilities in the CP area. Furthermore, the removal of the 30-foot height restriction has the potential to accommodate more park and open space because taller buildings would allow for achieving the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR within a smaller building footprint, allowing more of the site to be dedicated to park or open space. Consistent with the 2018 PEIR, individual park projects proposed in the CP area may require a project-level analysis at the time they are proposed based

on the details of the parks and the existing conditions at the time such projects are pursued. Therefore, the project's impacts to parks and recreational facilities in the CP area have been adequately evaluated at a program level, and no revisions to the SEIR are required.

B1-10
cont.

site-specific environmental analyses “were not undertaken” due to a lack of “site-specific development proposals associated with the project.” DEIR at 3-7.

3. Historical and Tribal Cultural Resources

Even before the substantial change to the Project with the removal of the height limit, the PEIR identified a potentially significant impact to historical resources and a significant impact to Tribal Cultural Resources (TCR). Despite proposed implementation of mitigation measures, the PEIR concluded “the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis.” PEIR at 5.3-17-18. As a result, the PEIR found potential impacts to historical resources and TCR to be “significant and unavoidable.” *Id.* at 5.3-18.

B1-11

At a minimum, the Project’s impact to historical resources and TCR should be evaluated pursuant to City CEQA Thresholds, which evaluate whether a project will result in:

- An alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site;
- Any impact to existing religious or sacred uses within the potential impact area; or
- The disturbance of any human remains, including those interred outside of formal cemeteries.

City CEQA Thresholds at 39.

4. Paleontological Resources

Similarly, before the Project’s change with the removal of the height limit, the PEIR found a significant and unavoidable impact to paleontological resources due to the high sensitivity for paleontological resources within the Mount Soledad and Bay Point formations. PEIR at 5.14-3. As a result, grading into these formations could potentially destroy fossil resources, and implementation of future discretionary and ministerial projects within the proposed Midway-Pacific Highway Community has the potential to result in significant impacts. *Id.* While implementation of mitigation measures would reduce paleontological impacts associated with future discretionary development to below a level of significance, impacts related to future ministerial development that would occur under the project would remain significant and unavoidable. *Id.* at 5.14-4.

B1-12

Likewise for the historical resources and TCR, the removal of the height limit and consequential increased development opportunity and density will further impact paleontological resources.

B1-11: This comment provides a summary of the 2018 PEIR conclusions related to historical and cultural impacts. The comment goes on to state that the project’s impacts should be evaluated pursuant to the City’s CEQA Thresholds.

The project’s impacts to historical and cultural resources were evaluated pursuant to the City’s CEQA Thresholds in the IS provided in Appendix B to the Draft SEIR. The project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The IS concluded that future development in the CP area consistent with the project could result in an alteration of a historic building, structure, object, or site, alteration, or destruction of prehistoric or historical archaeological resources, objects, or sites and could impact religious or sacred uses or disturb human remains, particularly considering the proximity of the CP area to the community of Old Town. The project would be required to implement Mitigation Measures HIST 5.3-1 and HIST 5.3-2 to reduce impacts, consistent with the 2018 PEIR. However, the degree of future impacts and the applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project; thus, impacts would remain significant and unavoidable,

consistent with the 2018 PEIR. Therefore, the project's impacts to historical and cultural resources have been adequately evaluated pursuant to the City's CEQA Thresholds, and no revisions to the SEIR are required.

B1-10
cont.

site-specific environmental analyses “were not undertaken” due to a lack of “site-specific development proposals associated with the project.” DEIR at 3-7.

3. Historical and Tribal Cultural Resources

Even before the substantial change to the Project with the removal of the height limit, the PEIR identified a potentially significant impact to historical resources and a significant impact to Tribal Cultural Resources (TCR). Despite proposed implementation of mitigation measures, the PEIR concluded “the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis.” PEIR at 5.3-17-18. As a result, the PEIR found potential impacts to historical resources and TCR to be “significant and unavoidable.” *Id.* at 5.3-18.

B1-11

At a minimum, the Project’s impact to historical resources and TCR should be evaluated pursuant to City CEQA Thresholds, which evaluate whether a project will result in:

- An alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site;
- Any impact to existing religious or sacred uses within the potential impact area; or
- The disturbance of any human remains, including those interred outside of formal cemeteries.

City CEQA Thresholds at 39.

4. Paleontological Resources

Similarly, before the Project’s change with the removal of the height limit, the PEIR found a significant and unavoidable impact to paleontological resources due to the high sensitivity for paleontological resources within the Mount Soledad and Bay Point formations. PEIR at 5.14-3. As a result, grading into these formations could potentially destroy fossil resources, and implementation of future discretionary and ministerial projects within the proposed Midway-Pacific Highway Community has the potential to result in significant impacts. *Id.* While implementation of mitigation measures would reduce paleontological impacts associated with future discretionary development to below a level of significance, impacts related to future ministerial development that would occur under the project would remain significant and unavoidable. *Id.* at 5.14-4.

B1-12

Likewise for the historical resources and TCR, the removal of the height limit and consequential increased development opportunity and density will further impact paleontological resources.

B1-12: This comment provides a summary of the 2018 PEIR conclusions related to paleontological impacts. The comment states that the removal of the Coastal Height Limit would further impact paleontological resources.

The project’s impacts to paleontological resources were evaluated pursuant to the City’s CEQA Thresholds. As discussed in the IS (Appendix B), the project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone’s height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. The IS concluded that future development in the CP area consistent with the project could result in grading in high resource sensitive areas, which could result in the destruction of paleontological resources. Mitigation Measure PALEO 5.14-1 was identified to reduce impacts to less than significant.

However, in 2018, the City adopted SDMC Section 142.0151, which provides specific requirements related to grading in paleontological sensitive areas. Pursuant to SDMC Section 142.0151, all development is required to screen for grading quantities and geologic formation sensitivity and apply the appropriate requirements for

paleontological monitoring. Paleontological monitoring is required for grading that extends 10 feet or greater in depth and involves 1,000 cubic yards or more within high sensitivity paleontological geological units and/or 2,000 cubic yards or more within moderate sensitivity paleontological geological units, grading on a fossil recovery site, or grading within 100 feet of the mapped location of a fossil recovery site. Implementation of the General Grading Guidelines for Paleontological Resources, as required by SDMC Section 142.0151, ensures that impacts to paleontological resources associated with future development would be less than significant.

The project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. Additionally, the project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Therefore, the project would not further impact paleontological resources. The project's impacts to paleontological resources have been adequately evaluated pursuant to the City's CEQA Thresholds, and no revisions to the SEIR are required.

B1-12
cont.

At a minimum, the Project's impact to paleontological resources should be analyzed pursuant to City CEQA Thresholds Paleontological Monitoring Determination Matrix. City CEQA Thresholds at 58-59.

5. Cumulative Impacts

Several significant developments have been proposed since the certification of the 2018 PEIR. Among them are the U.S. Navy's proposed "Navy Old Town Campus Revitalization." The Navy issued a Draft Environmental Impact Statement in May 2021, which identified its "Preferred Alternative" to include 19,589,268 square feet of development, which "would include 10,000 residential units, 1,350,000 square feet of office space, 2 hotels, and 250,000 square feet of retail." A copy of the Executive Summary of the DEIS is enclosed.

B1-13

The DEIR asserts the 2018 PEIR adequately addressed the potential development of the Navy's site. DEIR at 6-3. However, the 2018 PEIR was certified well before the issuance of the Navy's DEIS. And the total amount of development anticipated in the PEIR does not come close to addressing the amount of anticipated development anticipated by the Navy's project. For example, the PEIR anticipated total additional residential units for the entire Community Plan area of 9,603 residential units. PEIR at 3-25. The Navy's project alone anticipates 10,000 residential units, and that does not address the rest of the Community Plan area. Likewise, the PEIR anticipated total additional office space for the entire Community Plan area of 833,363 square feet. PEIR at 3-25. The Navy's project alone anticipates 1,350,00 square feet of office space, and that does not address the rest of the Community Plan area.

d. CEQA Section 21166 Requires Further Environmental Review

Even if the Project fit within the prior analysis, CEQA provides that where environmental review has been prepared, a Supplemental or Subsequent EIR shall be prepared under Section 21166. "Courts have acknowledged that an increase in the size of a development project can be a substantial change triggering subsequent environmental review." *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1077 (citation omitted). See *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1185 (agency "may not shield all subsequent projects affecting the environment on the basis of its prior recognition that development and increased population will have an adverse effect"). Substantial changes to the Project, substantial changes to the circumstances, and new information not previously available require further environmental review.

B1-14

The removal of the 30-foot Coastal Zone height limit for the Midway-Pacific Highway Community Plan Area constitutes a substantial change to the Project that was not evaluated in the prior environmental analysis. The removal of the height limit will increase development opportunity within the community, thereby impacting virtually all areas of environmental resources, including but not limited to air quality, biological

B1-13: This comment is related to the U.S. Navy's proposed Old Town Campus (OTC) Revitalization Project. The comment is incorrect in stating that the "DEIR asserts the 2018 PEIR adequately addressed the potential development of the Navy's site." On the contrary, the Draft SEIR's cumulative approach was conservative by addressing the most impactful Navy alternative with regard to visual effects and neighborhood character. The Draft SEIR states, "the cumulative analysis includes the redevelopment of the Navy Old Town Campus (OTC) site adjacent to Pacific Highway and Interstate (I-) 5 as described in Alternative 4 (preferred alternative with maximum development height up to 350 feet) of the Navy OTC Revitalization Project Environmental Impact Statement."

The Draft SEIR concluded that cumulative development, including the Navy OTC, would impact Key Views 1, 2, 3, 5, 8, and 9, and impacts associated with visual effects and neighborhood character would be potentially significant. However, implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. In addition, some areas are governed by

other regulating documents, where the City does not have regulatory authority over building height. Therefore, cumulative impacts associated with visual effects and neighborhood character were determined to be significant and unavoidable. The project's cumulative impacts have been adequately evaluated pursuant to the City's CEQA Thresholds, and no revisions to the SEIR are required.

B1-12
cont.

At a minimum, the Project's impact to paleontological resources should be analyzed pursuant to City CEQA Thresholds Paleontological Monitoring Determination Matrix. City CEQA Thresholds at 58-59.

5. Cumulative Impacts

Several significant developments have been proposed since the certification of the 2018 PEIR. Among them are the U.S. Navy's proposed "Navy Old Town Campus Revitalization." The Navy issued a Draft Environmental Impact Statement in May 2021, which identified its "Preferred Alternative" to include 19,589,268 square feet of development, which "would include 10,000 residential units, 1,350,000 square feet of office space, 2 hotels, and 250,000 square feet of retail." A copy of the Executive Summary of the DEIS is enclosed.

B1-13

The DEIR asserts the 2018 PEIR adequately addressed the potential development of the Navy's site. DEIR at 6-3. However, the 2018 PEIR was certified well before the issuance of the Navy's DEIS. And the total amount of development anticipated in the PEIR does not come close to addressing the amount of anticipated development anticipated by the Navy's project. For example, the PEIR anticipated total additional residential units for the entire Community Plan area of 9,603 residential units. PEIR at 3-25. The Navy's project alone anticipates 10,000 residential units, and that does not address the rest of the Community Plan area. Likewise, the PEIR anticipated total additional office space for the entire Community Plan area of 833,363 square feet. PEIR at 3-25. The Navy's project alone anticipates 1,350,00 square feet of office space, and that does not address the rest of the Community Plan area.

d. CEQA Section 21166 Requires Further Environmental Review

B1-14

Even if the Project fit within the prior analysis, CEQA provides that where environmental review has been prepared, a Supplemental or Subsequent EIR shall be prepared under Section 21166. "Courts have acknowledged that an increase in the size of a development project can be a substantial change triggering subsequent environmental review." *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1077 (citation omitted). See *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1185 (agency "may not shield all subsequent projects affecting the environment on the basis of its prior recognition that development and increased population will have an adverse effect"). Substantial changes to the Project, substantial changes to the circumstances, and new information not previously available require further environmental review.

The removal of the 30-foot Coastal Zone height limit for the Midway-Pacific Highway Community Plan Area constitutes a substantial change to the Project that was not evaluated in the prior environmental analysis. The removal of the height limit will increase development opportunity within the community, thereby impacting virtually all areas of environmental resources, including but not limited to air quality, biological

B1-14: This comment states that the project requires further environmental review. Pursuant to CEQA Guidelines, Section 15163, the City prepared a Draft SEIR as a supplement to the 2018 PEIR to address the project's modifications to remove the 30-foot height limit from the CP area. The scope of analysis for the Draft SEIR was determined as a result of the IS prepared for the project along with the Notice of Preparation that was publicly noticed and distributed for a 30-day review on March 11, 2022, and the online public scoping meeting held on March 23, 2022, via Zoom (Appendix B). Removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The project was found to have the potential to result in a new significant environmental impact related to visual effects and neighborhood character, which are discussed in Section 5.1 of the Draft SEIR. The IS determined that all other environmental impact areas analyzed in the 2018 PEIR adequately addressed the project, and no additional analysis is required.

The comment references the City's Complete Communities: Housing Solutions and Mobility Choices

(Complete Communities Program) that was adopted by the San Diego City Council on November 9, 2020. This comment is correct that the Complete Communities Program incentivizes growth near transit priority areas. The Draft SEIR addresses the Complete Communities Program in Chapter 4.0, Regulatory Framework, and Section 5.1, Visual Effects and Neighborhood Character. The Draft SEIR's conclusion regarding project impacts to scenic vistas in Section 5.1.4.1 states, "Finally, the City's Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area (City of San Diego 2020b). Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people. Therefore, impacts would remain significant and unavoidable." Therefore, the adoption of the Complete Communities Program does not represent a substantial change in circumstance that would require revisions to the Draft SEIR. The project's environmental impacts have been adequately evaluated pursuant to the City's CEQA Thresholds, and no revisions to the SEIR are required.

City of San Diego
June 6, 2022
Page 9 of 10

resources, energy, greenhouse gas emissions, land use, transportation, noise, and public services.

Furthermore, in 2020, two years after the PEIR was conducted, the City of San Diego approved the Complete Communities Housing Plan, which incentivizes more growth near transit priority areas, allowing for additional density and increased development opportunities. This also represents a substantial change in circumstance that affects the Project and was not previously analyzed in the PEIR.

And, as discussed above, there are several significant impacts not addressed by the 2018 PEIR. Accordingly, the Project is subject to environmental review requirements pursuant to Section 21166.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

A. The DEIR's Discussion of Mitigation is Insufficient

The DEIR acknowledges significant impacts to visual effects and neighborhood character, yet fails to discuss or consider feasible mitigation to address such impacts. The City's claims "of infeasibility [are not] supported by substantial evidence," particularly since the DEIR fails even to discuss or consider possible mitigation. *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 100 (citing Pub. Res. Code § 21081.5; CEQA Guidelines § 15091(b)).

B. The DEIR's Discussion of Alternatives is Insufficient

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the EIR identifies several significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a

B1-15: The comment provides a summary of CEQA requirements for "feasible alternatives or mitigation measures." This comment states that the project fails to discuss or consider possible mitigation for the identified impacts to visual effects and neighborhood character. As stated in Section 5.1.4, Significance of Impacts, the City considered mitigation measures to limit building heights in scenic view corridors to reduce the impact; however, the expansive scenic views across the CP area would require height restrictions in most of the higher density zones in the CP area. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. In addition, some areas are governed by other regulating documents, such as the Port Master Plan, San Diego International Airport's Airport Land Use Compatibility Plan, and Navy OTC Revitalization Project Environmental Impact Statement. The City does not have regulatory authority to govern building heights or development on those lands.

This comment goes on to state that the Draft SEIR fails to consider and analyze alternatives that would reduce or eliminate identified significant impacts. The Draft SEIR

adequately evaluates a reasonable range of alternatives. In developing the alternatives to be addressed in the Draft SEIR, consideration was given regarding the alternatives' ability to meet the basic objectives of the project and the potential to eliminate or substantially reduce the significant environmental impacts. The Draft SEIR identified three alternatives including the No Project Alternative (Maintain the Coastal Height Limit), Reduced Height Alternative, and Reduced Density Alternative. Under the No Project Alternative (Maintain the Coastal Height Limit), the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone would continue to apply to future development in the CP area that is subject to the City's land use authority. Under the Reduced Height Alternative, building heights would be limited to 50 feet in areas along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District. Finally, under the Reduced Density Alternative, density would be reduced along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District to accommodate lower building heights through rezoning. Therefore, the

Draft SEIR evaluates a reasonable range of alternatives. No revisions to the Draft SEIR are required.

The comment further states that the Reduced Height Alternative fails to provide evidence as to how or why it is infeasible. As discussed in Section 8.2.2, Analysis of Reduced Height Alternative, the Reduced Height Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. This is due to the potential for the height restrictions in the northern, eastern, and southern CP area boundaries to limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people. Therefore, the SEIR adequately discusses why the Reduced Height Alternative is infeasible. No revisions to the SEIR are required.

Finally, the comment goes on to state that project and its objectives are too narrowly defined. Section 15124(b) of the CEQA Guidelines requires a statement of project objectives, including the underlying purpose of the project. As stated in response to comment B1-3, the 2018

PEIR comprehensively addressed the potential environmental effects of buildout of the 2018 Community Plan at a program level. The SEIR focuses its analysis on the proposed amendment to the SDMC to remove the CP area from the existing 30-foot height limit and to allow for additional height beyond 30 feet consistent with existing zoning while maintaining all other components of the 2018 Community Plan. Therefore, the project objectives from the 2018 Community Plan were carried forward to support the purpose of the project. In addition, since the certification of the 2018 PEIR, the City has adopted a new Strategic Plan, which includes the goal to “create homes for all of us.” To that end, this additional objective was included for the project. The City considers this to be a broad set of project objectives.

B1-15
cont.

project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the Reduced Height Alternative as the Environmentally Superior Alternative. DEIR at 8-13. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Program. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

B1-16

IV. The DEIR Should be Recirculated

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

V. Conclusion

B1-17

For the foregoing reasons, Save Our Access urges you to reject the DEIR as drafted. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

Encs.

B1-16: This comment states that the Draft SEIR is lacking and requires recirculation. CEQA Guidelines, Section 15088.5, defines when a lead agency is required to recirculate an EIR prior to certification. Based on the requirements set forth in the CEQA Guidelines, the City has determined that the SEIR adequately addresses the environmental impacts of the project and there is no need to recirculate the SEIR.

B1-17: Comment noted.

From: everett@delanoanddelano.com
To: [PLN_PlanningCEQA](#)
Subject: RE: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR
Date: Monday, June 6, 2022 2:08:24 PM
Attachments: [Comments to City Council re proposed ballot measure \(July 20, 2020\).pdf](#)

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This is 2 of 3.

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From: everett@delanoanddelano.com <everett@delanoanddelano.com>
Sent: Monday, June 6, 2022 2:07 PM
To: 'PLN_PlanningCEQA' <planningceqa@sanidiego.gov>
Subject: RE: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR

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July 20, 2020

VIA E-MAIL

City Council
City of San Diego
202 C Street, 10th Floor
San Diego, CA 92101

Re: July 21, 2020 Meeting, Agenda Item S501: Proposed Ballot Measure to Exclude Midway-Pacific Highway Community Plan Area from Coastal Zone Height Limits

Dear Honorable Members of City Council:

This letter is submitted on behalf of Save Our Access in connection with the proposed Ballot Measure to amend People's Ordinance O-10960 and Municipal Code § 132.0505 to exclude the Midway-Pacific Highway Community Plan Area from Coastal Zone height limits.

I. The Proposed Ballot Measure is Subject to CEQA

The California Environmental Quality Act ("CEQA") requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. A public agency's submission of a proposed ballot measure is subject to CEQA. *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 190.

Here, the City should prepare an EIR before proceeding; the Proposed Ballot Measure is likely to lead to several significant impacts, including impacts to community character, aesthetics, land use, traffic, human health, air quality, water quality, and greenhouse gas emissions. The Staff Report asserts the impacts were considered in the Midway-Pacific Highway Community Plan EIR, but this is incorrect.

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EVERETT L. DELANO III
Admitted in California and Colorado

M. DARE DELANO
Admitted in California and New York

TYLER T. HEE
Admitted in California and Hawaii

B1-18: Comment noted.

a. The Midway-Pacific Highway Community Plan Does Not Consider or Anticipate Amending or Removing Coastal Zone Height Limits

The Midway-Pacific Highway Community Plan (“Community Plan”) considers and anticipates specific future actions or potential future actions without any reference to Coastal Zone height limits. For example, subdivision “P” of the Urban Design and Public Realm Policy considers a specific potential future action: “raising the grade of new development to reduce the potential for future flooding.” San Diego, Cal. Midway-Pacific Highway Community Plan, LU-28 (2018). None of the subdivisions of the Urban Design and Public Realm policy, or any other policy or subsection of the Community Plan, anticipates changing or removing building height limits.

In fact, Subsection 8.3 of the Conservation Section, Coastal Resources, provides: “Since the area within the Coastal Zone along the San Diego River is owned by government agencies and designated for park use, *no future private development will be possible that could potentially reduce public views of the coast.*” *Id.* at CE-143 (emphasis added). While the Community Plan lacks any mention of reducing, amending, or removing Coastal Zone height limits, the Coastal Resources subdivision explicitly prohibits future private development that could potentially reduce public views of the coast, i.e. building heights of more than 30 feet.

The presence of a specific prohibition of private development that could potentially reduce public views of the an area within the Coastal Zone, accompanied by the absence of consideration or anticipation of Coastal Zone height limits, shows that the Community Plan does not consider or anticipate the substance of this proposed initiative. For this reason, environmental analysis is required to determine potential environmental impacts not previously considered.

b. The Midway-Pacific Highway Community Plan Update Final PEIR Does Not Consider or Anticipate Amending or Removing Coastal Zone Height Limits

Similarly, the Midway-Pacific Highway Community Plan Update (CPU) Final PEIR considers and anticipates future actions or potential future actions but does not include any reference to building height limits.

Chapter 3.0 of the Final PEIR, Project Description, does not anticipate or consider amending or removing Coastal Zone height limits:

1. In Section 3.1, several project components are outlined in Table 3-1, including specific amendments to the San Diego Municipal Code (“SDMC”), but excluding Coastal Zone height limits pursuant to SDMC § 132.0505. San Diego, Cal. Midway-Pacific Highway Community Plan Final PEIR, 3-1 (2018). Indeed, “The

B1-18
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B1-18
 cont.

- project will...provide a long-range, comprehensive policy framework and vision for growth and development in the Midway-Pacific Highway community through 2035. The proposed Midway-Pacific Highway CPU provides a long-range guide for the future physical development of the community.” *Id.* at 3-2. Anticipation or consideration of Coastal Zone height limits are not included.
2. In Section 3.3, Project Objectives, specific objectives for the proposed CPU are outlined as a reasonable range of alternatives to evaluate. *Id.* at 3-3. The section lacks even a vague mention of amending or excluding Coastal Zone height limits for the Midway-Pacific Highway Community.
 3. Subsection 3.4.1.1(a) specifically addresses Sports Arena Community Village. “The Community Plan and proposed Community Plan Implementation Overlay Zone...would require the preparation of a specific plan or master plan for the City-owned properties to provide additional specificity regarding future land use mix and public facilities and improvements in the Sports Arena Community Village. A future specific plan or master plan would require City Council adoption and *would require additional environmental review to determine the appropriate level of environmental documentation.*” *Id.* at 3-11 (emphasis added). The specific plan to exclude Midway-Pacific Highway Community from Coastal Zone height limits, for community and economic purposes that include mixed-use development of City-owned properties, would require additional environmental review.
 4. Subsection 3.4.1.10 lists future actions that would implement the Community Plan. *Id.* at 3-16. These future actions do not include any reference to the potential amendment or removal of Coastal Zone height limits.
 5. Subsection 3.4.2.1 provides a very specific prohibition of fireplaces in new residential development relating to the Sports Arena Community Village Community Plan Implementation Overlay Zone (“CPIOZ”). *Id.* at 3-17. Excluded from the Land Development Code Amendments section is any consideration or anticipation of amendment(s) to Coastal Zone height limits.
 6. Two sets of future land use assumptions for the Sports Arena Community Village were prepared in Subsection 3.6.1.1: “Both sets of assumptions would be allowed by the proposed Community Commercial – Residential Permitted (0-44 du/ac) and Mixed Commercial Residential (0-73 du/ac) land use designations.” *Id.* at 3-26. In other words, the prior analysis of this project anticipated and evaluated future development projections that *would* be allowed by the existing land use designations, but the prior analysis did *not* anticipate removal or amendment of Coastal Zone height limits. In fact, “A future specific plan or master plan for the

- Sports Arena Community Village would require *additional analysis* if the proposed development exceeded the amount of development analyzed in this PEIR.” *Id.* at 3-27 (emphasis added). Additional analysis is required for a proposition to exceed (or eliminate) the Coastal Zone height limits.
7. Table 3-7 provides a non-inclusive list of potential future discretionary actions associated with the proposed CPU. *Id.* at 3-28. The series of potential future discretionary actions, while not exhaustive, include specific potential actions, such as discretionary permits or variances, but not even a vague anticipation of removing or amending Coastal Zone height limits. Simply including a non-inclusive list of “potential future discretionary actions” is not sufficient for a prior analysis of the issue of height limits. Therefore, this activity is not adequately addressed in the Midway-Pacific Highway Community Plan Update Final Program Environmental Impact Report, and is not part of a series of subsequent discretionary actions.

B1-18
cont.

Furthermore, Chapter 5.0 of the Final PEIR, Environmental Analysis, does not include an environmental analysis of amending or removing Coastal Zone height limits. Subsection 5.8.3, Impact Analysis, under Visual Effects and Neighborhood Character, provides in part: “future projects in the southeastern corner of the proposed CPU area would blend with the existing urban framework through established and regulated height and setback regulations, and would not result in new obstructions to view corridors along public streets where view opportunities largely exist.” *Id.* at 5.8-2. Additionally, for areas located within the California Coastal Zone, the land use designation and policies would “provide protection for public views of the San Diego River Channel from public vantage points such as public rights-of-way and parks.” *Id.*

Finally, Chapter 6.0 of the Final PEIR, Cumulative Impacts, does not include an environmental analysis of amending or removing Coastal Zone height limits. Subsection 6.3.8, Visual Effects and Neighborhood Character, provides in part: The proposed CPU and surrounding communities’ land use plans...contain policies to ensure that any new development is consistent with the existing character and protects public views. The proposed policies address consistency in setbacks, height and bulk...” *Id.* at 6-8.

Removing building height limits would conflict with the prior environmental analysis of the Final PEIR, which concluded: “Implementation of the proposed Midway-Pacific Highway CPU would not result in a substantial alteration or blockage of public views...new development within the community would take place within the constraints of the existing urban framework and development pattern. Thus, future development

would not impact view corridors or viewsheds as viewed from identified public vantage points. Public view impacts would be less than significant." *Id.*

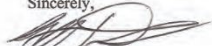
Additionally, even if the prior EIR did address height limits to some degree, Public Resources Code Section 21166 requires subsequent or supplemental environmental impact review because:

1. Substantial changes are proposed which will require major revisions of the environmental impact report;
2. Substantial changes have occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; and
3. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, is available.

II. Conclusion

Accordingly, the City Council should reject the Proposed Ballot Measure until environmental review is conducted. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

B1-18
cont.

From: everett@delanoanddelano.com
To: [PLN_PlanningCEQA](#)
Subject: RE: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR
Date: Monday, June 6, 2022 2:08:22 PM
Attachments: [Final Ruling on Writ.pdf](#)

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From: everett@delanoanddelano.com <everett@delanoanddelano.com>
Sent: Monday, June 6, 2022 2:08 PM
To: 'PLN_PlanningCEQA' <planningceqa@saniego.gov>
Subject: RE: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR

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SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

B1-19: Comment noted.

B1-19

MINUTE ORDER

DATE: 12/10/2021 TIME: 03:00:00 PM DEPT: C-69
JUDICIAL OFFICER PRESIDING: Katherine Bacal
CLERK: Calvin Beutler
REPORTER/ERM:
BAILIFF/COURT ATTENDANT:

CASE NO: **37-2020-00030308-CU-TT-CTL** CASE INIT.DATE: 08/28/2020
CASE TITLE: **Save Our Access vs CITY OF SAN DIEGO [IMAGED]**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Toxic Tort/Environmental

APPEARANCES

The Court, having taken the above-entitled matter under submission on 12/3/2021 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Petitioner Save Our Access' petition for writ of mandate is **GRANTED**.

Preliminary Matters

Respondents' request for judicial notice of exhibit 1 and fact number 1 is denied as irrelevant. Only relevant evidence is admissible. Evid. Code § 350. Respondents' fact number 1 and exhibit number 1 were not before the agency at the time it made its decision and thus cannot be considered by this Court. See Pub. Res. Code § 21167.6(e). As our California Supreme Court has made clear, "extra-record evidence can never be admitted merely to contradict the evidence the administrative agency relied on in making a quasi-legislative decision or to raise a question regarding the wisdom of that decision." *Western States Petroleum Assn. v. Superior Ct.* (1995) 9 Cal.4th 559, 579; see also *Manderson-Saleh v. Regents of University of California* (2021) 60 Cal.App.5th 674, 695-696 (citing *Western States* but explaining that the extra-record evidence was admissible to explain the course of conduct between the parties). While this Court acknowledges the importance of the will of the voters as expressed in the post-Ordinance, Measure E Election results, those results cannot be considered as within the exception expressed in *Western States* or *Manderson-Saleh*. The results would do nothing other than raise (or answer) a question regarding the wisdom of the City's decision.

The parties' requests for judicial notice are otherwise granted.

Background

Petitioner asserts five causes of action in its petition for writ of mandate under the California Environmental Quality Act ("CEQA"), each having to do with the City's alleged failure to follow CEQA procedural requirements, including preparing an environmental impact report ("EIR") and all that an EIR entails. The petition alleges the City Council adopted an Ordinance (O-21220) and approved a ballot

DATE: 12/10/2021
DEPT: C-69

MINUTE ORDER

Page 1
Calendar No.

From: [Everett Delano](#)
To: [PLN_PlanningCEQA_Pascual_Elena](#)
Subject: [EXTERNAL] RE: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR
Date: Monday, June 6, 2022 11:38:34 AM
Attachments: [Portions of Navy OTC Revitalization DEIS \(May 2021\).pdf](#)

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

See attached.

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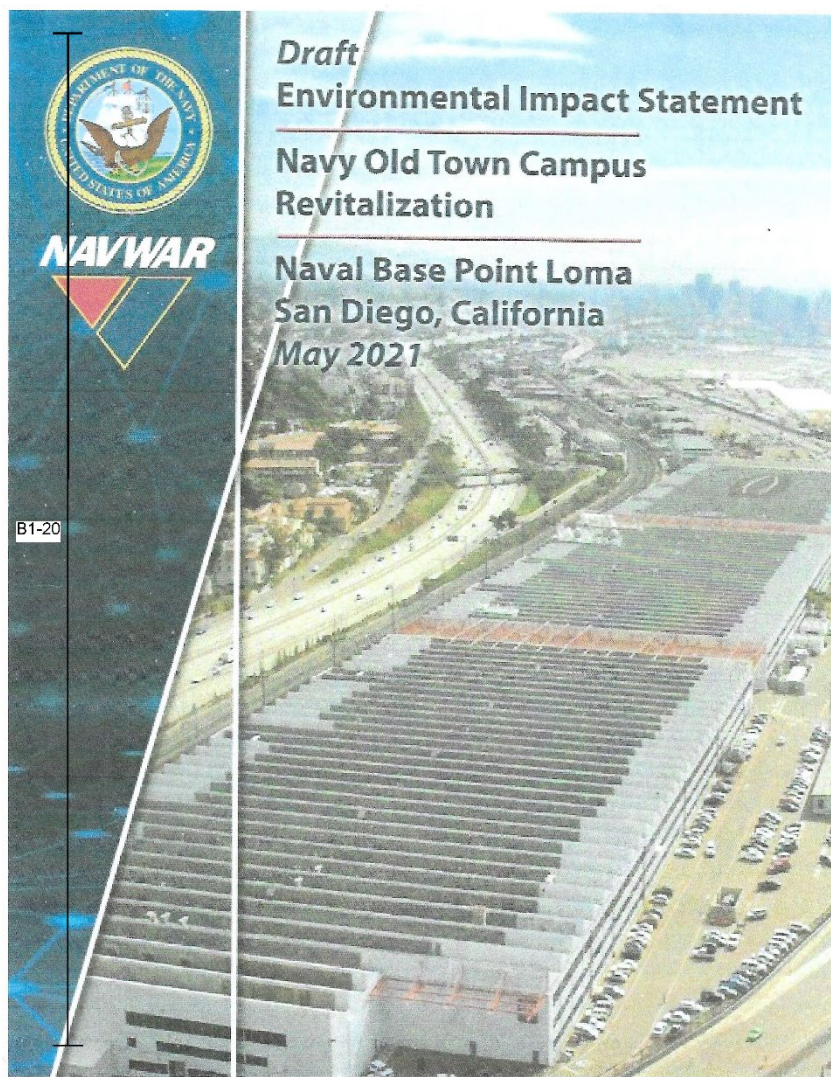
From: Everett Delano <everett@delanoanddelano.com>
Sent: Monday, June 6, 2022 11:35 AM
To: 'planningCEQA@san Diego.gov' <planningCEQA@san Diego.gov>; 'epascual@san Diego.gov' <epascual@san Diego.gov>
Subject: Removal of the Midway-Pacific Highway CP Area from the Coastal Zone Height Limit DEIR

Please see attached comment letter. Because of file size, an additional attachment will be sent separately.

Please confirm receipt.

Thank you,

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B1-20: Comment noted.

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Comment Letter B2: Save Our Access

B2

B2-1: This comment is an email stating that the comment letter is attached; therefore, no response is required.

From: [Tom Mullaney](#)
To: [PLN Planning/CEQA/ Pascual, Elena](#)
Subject: [EXTERNAL] Removal of the Coastal Height Limit. SCH No. 2022030324.
Date: Monday, June 6, 2022 5:34:11 PM
Attachments: [SOA letter to City of SD Height Limit DEIR v7.pdf](#)

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B2-1

Attached is a comment letter from **Save Our Access**, regarding SCH No. 2022030324.

Please acknowledge receipt.

Thomas Mullaney
Save Our Access
619-889-5626

B2-2: This comment provides an introduction to the comment letter. No further response is required.



June 6, 2022

Elena Pascal
Senior Environmental Planner
Planning Department
City of San Diego

via email

Re: Comments regarding draft Supplemental EIR, Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

To the City of San Diego:

A. INTRODUCTION

B2-2

Save Our Access was the plaintiff in a lawsuit filed in 2020. That lawsuit was intended to protect the 30 foot Coastal Height Limit which was adopted in 1972 as Proposition D, as the result of a citizens' initiative. In the lawsuit, our group sought to require a proper analysis of harmful impacts which were likely to result if the height limit were removed.

That lawsuit was successful, and resulted in the 30 foot Coastal Height Limit being retained. The environmental reports were found to be inadequate, which had led to incomplete information provided by the City of San Diego in 2020.

Now the City has offered a draft Supplemental EIR (DEIR). We find the new document to be wholly inadequate as a supplement to the 2018 programmatic EIR (PEIR).

That PEIR applied to the 2018 Midway-Pacific Highway Community Plan Update, but that community plan and the PEIR don't represent the current reality. Several important changes have occurred after the 2018 reports were done.

We believe that San Diegans deserve to know the complete picture regarding the 30 foot Coastal Height Limit. A tremendous amount of citizens work went into the 1972 project to create the Coastal Height Limit. This protection still serves all the people of San Diego, and should not be given up.

The following list represents our comments regarding the draft EIR.

	<p>B. 2018 PEIR for Midway plan update is inadequate for this Project</p> <p>The 2018 PEIR did not include a plan to remove the Coastal Height Limit, which is the current "Project". Neither does the current draft EIR analyze the many impacts which would result from height limit removal in the Midway-Pacific Highway Community.</p>
B2-3	<p>1. DEIR is too restrictive. We believe that the fast-tracked DEIR is too limited, because the 2018 PEIR failed to analyze several impacts related to height. In the Dec. 2021 ruling, the court supports that.</p> <p>In the DEIR, the city states that the only relevant impacts for the new report are "Visual Effects and Neighborhood Character".</p> <p>Yet in the court order from Dec. 2021, on the last page, the judge states: "potential other significant environmental impacts to traffic/transportation, air quality, water quality, housing, greenhouse gas emissions"... "it is anticipated such environmental review will analyze the potential other impacts associated with the ordinance".</p>
B2-4	<p>2. Water quality impacts. Larger volumes of polluted urban runoff from redevelopment would drain into the NTC Channel and San Diego Bay. The proposed Veterans Park would mitigate this loading with a wetlands feature at the base of NTC Channel.</p>
B2-5	<p>3. Earthquake impacts.</p> <p>a. Liquefaction related to a nearby fault wasn't analyzed.</p> <p>b. New earthquake risk information was published, predicting widespread damage. ("San Diego would suffer catastrophic damage if Rose Canyon Fault produces 6.9 earthquake", SDUT, March 4, 2020.) https://www.sandiegouniontribune.com/news/science/story/2020-03-04/huge-quake-could-damage-100-000-san-diego-residences-make-mission-bay-sink</p> <p>c. The high-rise buildings which would result from the Project would increase the earthquake risks.</p>
B2-6	<p>4. Parks, including Sports Fields.</p> <p>The 2018 Community Plan and PEIR note a 60% park deficit for the Midway community, at buildout. It's a plan to fail.</p> <p>The community currently has no parks, sports fields, rec center or aquatic center.</p> <p>The 2018 PEIR calls for developers to make up this deficit by negotiating with various government entities like the City of San Diego and the Navy. There is no evidence any new proposals attempt to address a striking park deficit in a community planned for a 600% population increase.</p> <p>Save Our Access has proposed Veterans Park to comply with the Community Plan directive to make up a major 60% park and sports field deficit.</p> <p>A large community park will be needed to cure the significant deficit in an area slated for a major population increase, so it merits inclusion as an Alternative in the DEIR. (The 2018 Community Plan projects a 600% increase at buildout compared with the current population. NAVWAR and other projects currently in work will add to this.)</p>

Save Our Access

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B2-3: This comment asserts that the Draft Supplemental Environmental Impact Report (SEIR) is too limited in its analysis of visual effects and neighborhood character and that other potential resource areas were not analyzed.

As discussed in the Draft SEIR, the project would not change the underlying base zone regulations identified in the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) and would be limited to the Midway-Pacific Highway Community Planning area (CP area) footprint and land use, density, and zoning previously analyzed in the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR). The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Base zones that allow residential uses and would no longer be restricted to a building height of 30 feet include RM-2-5, RM-3-8, RM-3-9, RM-4-10, CN-1-6, CO-3-1, CC-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, and CC-4-5. Future development associated with the project would be subject development standards outlined in the San Diego Municipal Code (SDMC), such as floor area ratio (FAR),

setbacks, and uses, that affect the overall development capacity in the CP area.

An Initial Study (IS) was prepared for the project and provided in Appendix B to the Draft SEIR. The IS included the analysis of each of the environmental resources included in the 2018 PEIR and those added to the California Environmental Quality Act (CEQA) Guidelines after certification of the 2018 PEIR, including traffic/transportation, air quality, hydrology and water quality, population and housing, and greenhouse gas emissions. As concluded in the IS, due to the potential for project impacts associated with visual effects and neighborhood character, the project may have a new significant effect on the environment that was not adequately addressed in the 2018 PEIR, or the project may result in a substantial increase in the severity of a previously identified significant effect, and there may not be feasible mitigation, which would reduce the new significant effect to a less than significant level. In accordance with Section 15162 of the CEQA Guidelines, an SEIR is required.

The remainder of the environmental impacts addressed in the IS were determined to be consistent with and covered by the environmental analysis contained in the 2018 PEIR. Therefore, the scope of the SEIR is adequate and the appropriate level of CEQA review was conducted.

B2-4: This comment states that larger volumes of polluted run-off from redevelopment would drain into the Naval Training Center Channel and San Diego Bay, but does not provide substantial evidence to support this assertion. As discussed in the IS (Appendix B), the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects regarding hydrology and water quality. The project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Consistent with the 2018 PEIR, future development in the CP area would be required to implement low-impact development practices and stormwater best management practices and would adhere to the requirements of the Municipal Separate Storm Sewer Systems (MS4) permit for the San Diego Region and the City's Stormwater Standards Manual. The City's Municipal Waterways Maintenance Plan would address flood control issues through the cleaning and maintenance of the City's stormwater facilities. Impacts would be less than significant. Therefore, the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects regarding water quality. No new impacts associated with water quality would occur.

B2-5: This comment states that liquefaction and earthquake risks were not adequately analyzed in the Draft SEIR. Impacts to geological conditions were analyzed in the IS (Appendix B), which determined the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects regarding geological conditions including liquefaction and earthquake risks. The project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The IS (Appendix B) prepared for the project concluded that consistent with the 2018 PEIR, the project would require future development to comply with the SDMC and the California Building Code (CBC), which would reduce the potential for liquefaction-induced ground failure. Impacts would be less than significant. Therefore, the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects regarding liquefaction-induced ground failure.

The comment further states that new earthquake risk information was published predicting widespread data and that high rise buildings would increase the earthquake risk. As discussed in the IS, the CP area is within the Rose Canyon Fault Zone. In addition, other nearby known active faults include the Coronado Bank and the Newport-

Inglewood (offshore) faults, located approximately 11.9 and 30.9 miles from the CP area, respectively. Consistent with the 2018 PEIR, the CP area would be subject to seismic events, including potential hazards associated with ground shaking. All new development and redevelopment consistent with the project would be required to comply with the SDMC and the CBC, which includes design criteria for seismic loading and other geologic hazards and requires that a geotechnical investigation be conducted for all new structures, additions to existing structures, or whenever the occupancy classification of a building changes to a higher relative hazard category. Compliance with the SDMC and the CBC would reduce impacts to less than significant. Therefore, the project would not increase the earthquake risk.

- B2-6:** The comment states that there is an existing park deficit in the CP area. As discussed in the IS (Appendix B), there is an existing and projected deficit in population-based parks and recreational facilities in the CP area. The project would not change the underlying base zone regulations identified in the 2018 CP and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. Implementation of the 2018 Community Plan would provide policy support for increasing the acreage of parks and recreational facilities in the CP area. Furthermore, the removal of the 30-foot height restriction has the potential to accommodate more park space because taller

buildings would allow for achieving the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR within a smaller building footprint. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Therefore, the removal of the Coastal Height Limit would not increase the park deficit identified in the 2018 PEIR. No new impacts would occur.

The comments states that Veterans Park merits inclusion as an alternative in the Draft SEIR. In accordance with CEQA Guidelines, Section 15126.6, an EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives, and would avoid or substantially lessen any of the proposed project's significant effects. It is not clear from this comment how Veterans Park would be a reasonable alternative to the proposed project. In addition, according to CEQA Guidelines, Section 15126.6(a), an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Chapter 8.0, Alternatives, of the Draft SEIR describes and analyzes three alternatives to the proposed project that would reduce impacts associated with visual effects and neighborhood character, in accordance with CEQA.

B2-7	<p>5. Air quality. California guidelines recommend that no new residential units be approved within 500 ft of a freeway or arterial streets. Other California guidelines state 1000 ft.</p> <p>a. The proximity of freeways I-8 and I-5 was not taken into account.</p> <p>b. Neither were the arterial streets: Midway Drive, Sport Arena Blvd, Rosecrans St. and Pacific Highway.</p> <p>It would be unconscionable to locate a large number of new residents in areas which will predictably have unhealthful conditions.</p>
B2-8	<p>6. Environmental Justice. Largescale projects in the Midway-Pacific Highway Community would increase average daily vehicle trips by tens of thousands. This would impact the beach access of inland residents, minorities, renters, and tourists who must use the arterial streets in this community, which is a primary gateway to the beaches.</p> <p>Blocking coastal access roads would disproportionately impact minority and economically disadvantaged populations who live inland.</p>
B2-9	<p>7. Transportation. The traffic impacts in the Midway community street grid and nearby I-8 and I-5 were not sufficiently analyzed.</p> <p>a. Rosecrans St., Sports Arena Blvd. and Midway Drive are heavily-traveled arterial streets with LOS F.</p> <p>b. The intersection of I-5 and I-8 was never completed, but would need to be, to accommodate added traffic from the Project.</p> <p>c. What's needed are two ramps: connecting I-8 eastbound to I-5 north and connecting I-5 south to I-8 west.</p>
B2-10	<p>8. Emergency vehicle response times require study because of predictable disruption to vehicle travel, due to years of proposed construction of development projects, streets, transit and underground utilities.</p>
B2-11	<p>9. Climate change. The entire Midway-PH Community is only a few feet above sea level. There has not been a sufficient analysis of sea level rise and flooding. Increased development intensity from the Project would worsen the risks.</p>
B2-12	<p>10. Scenic Vistas or Views. The Midway-PH zoning allows projects with "no height limit" in certain areas. By removing the 30 ft Coastal Height Limit, the project would allow taller heights in the entire community. The city's analysis doesn't fully take this major change into account.</p>
B2-13	<p>C. Changed circumstances</p> <p>11. New high-density, high-rise proposals have been introduced subsequent to the 2018 EIR.</p>

B2-7: The project's impacts to air quality including the potential exposure of sensitive receptors to substantial pollutant concentrations, including toxins were evaluated in the IS (Appendix B). The IS concluded that the project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The 2018 PEIR concluded that individual development projects could be located within the siting distances recommended as mentioned in this comment. However, as mentioned in the 2018 PEIR, the California Air Resources Board (CARB) notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations such as transportation needs, the benefits of urban infill, community economic development priorities, and other quality-of-life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk, where necessary, CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level. Therefore, implementation of the project is consistent with the goals of the CARB handbook and would not expose sensitive receptors to substantial pollutant concentrations. Air quality and traffic impacts associated with the project would be

consistent with what was previously analyzed and disclosed in the 2018 PEIR. Therefore, consistent with the 2018 PEIR, toxic air contaminant concentrations associated with construction and operation would be less than significant and no new impacts would result from the proposed project.

B2-8: Please see response to comment B1-7 regarding transportation impacts. A project-specific transportation impact analysis (TIA) was prepared by CR Associates. The TIA, included in Appendix C to the Draft SEIR, provided a program-level analysis to determine whether the project would change the transportation impact findings identified in the 2018 PEIR. The TIA concluded that the project would not result in an inconsistency with the analysis in the 2018 PEIR and would not exceed any of the transportation thresholds set in the City's CEQA Significance Determination Thresholds (December 2020). The commenter did not provide substantial evidence to support their argument that the project would result in blocking coastal access resulting in disproportionate impacts to minority and economically disadvantaged communities. Therefore, no further response is required.

B2-9: Please see response to comment B1-7 regarding transportation impacts.

B2-10: This comment states that emergency vehicle response times require study due to the years of proposed construction of development project, street, transit, and

underground utilities. The project's potential impact to emergency vehicles were evaluated in the IS (Appendix B). The IS concluded that the project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Implementation of the project would not impact existing or planned evacuation routes and would not interfere with the San Diego County Emergency Operations Plan. In addition, traffic generation and distribution would be similar to what was analyzed for the 2018 Community Plan. In addition, the project would not result in any changes to 2018 Community Plan Mobility Element policies. Future development would be required to comply with all applicable building standards. The IS concluded that consistent with the 2018 PEIR, impacts would be less than significant. Therefore, this issue is adequately addressed in the Draft SEIR and no revisions are required.

B2-11: This comment states that due to the location of the CP area there has not been sufficient analysis of sea level rise and flooding and that increased development intensity from the project would worsen the risks. As discussed in the SEIR, the project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR.

The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Future development associated with the project would be subject to the development standards outlined in the SDMC such as FAR, setbacks, and uses, that affect the overall development capacity in the CP area.

As discussed in the IS (Appendix B), traffic associated with the project would not be greater than the traffic volume previously analyzed and disclosed in the 2018 PEIR. Total estimated utility, energy and water consumption, solid waste generation, and vehicle use would be consistent with what was previously analyzed in the 2018 PEIR. As such, total construction and annual operational GHG emissions would be consistent with those identified in the 2018 PEIR. The CAP and the City of Villages strategy would continue to be implemented as outlined in the 2018 Community Plan. Impacts would be less than significant. Therefore, the project would be consistent with the CAP and would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects regarding GHG emissions.

B2-12: This comment states that the analysis did not take into consideration that removing the 30-foot height limit would

allow taller buildings in the entire CP area. To the contrary, a site-specific visual impact analysis (Appendix D) was prepared, which analyzed the project under a hypothetical maximum height scenario in which the CP area would be built out to the maximum building height limit per the development standards in the SDMC. The SDMC also provides other development standards, such as FAR, setbacks, and uses, that affect the overall development capacity and the potential building height. The whole of these standards, and other relevant ordinances, plans and guidance documents referenced in the visual impact analysis report, were used to create the development scenario for buildout. In addition, some areas in the CP area are governed by other regulating documents, such as the Port Master Plan, San Diego International Airport's Airport Land Use Compatibility Plan, and Navy OTC Revitalization Project Environmental Impact Statement, where the City does not have building height regulatory authority to govern building heights or development on those lands. Based on the visual impact analysis, the Draft SEIR concluded that implementation of the project could obstruct scenic views and vistas from public viewing locations and could result in a substantial adverse alteration to the character of the area due to building height increases in the CP area. The SEIR notes these views do not represent all possible views of the CP area; they are representative views selected to demonstrate the change in views from surrounding areas

adjacent to the CP area. Impacts were determined to be significant and unavoidable. See Section 5.1, Visual Effects and Neighborhood Character.

B2-13: The comment states that new high density, high rise proposals have been introduced since the 2018 PEIR was certified, which include the Sports Arena project, NAVWAR, and the former main Post Office. The Draft SEIR's cumulative approach was conservative, as stated on page 6-3, "the cumulative analysis includes the redevelopment of the Navy Old Town Campus (OTC) site adjacent to Pacific Highway and Interstate I-5 as described in Alternative 4 (preferred alternative with maximum development height up to 350 feet) of the Navy OTC Revitalization Project Environmental Impact Statement."

As discussed in response to comment B2-12, the site-specific visual impact analysis (Appendix D) analyzed the project under a hypothetical scenario in which the CP area would be built out to the maximum building height limit per the development standards in the SDMC. It also assumed that U.S. Navy-owned properties would be built out at the highest intensity scenario (Alternative 4) identified in the Navy OTC Revitalization Project Environmental Impact Statement. The purpose of analyzing the maximum building height limit is to assess the worst-case scenario from a visual perspective.

As discussed in Chapter 6.0, Cumulative Impacts, viewers would still notice a significant change in views due to the

proximity and heights of future development in the CP area from the increase in building heights allowed by the project coupled with cumulative development. Specifically cumulative development would impact Key Views 1, 2, 3, 5, 8, and 9. The Draft SEIR concluded that cumulative impacts associated with visual effects and neighborhood character would be potentially significant. However, implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. In addition, some areas are governed by other regulating documents, where the City does not have building height regulatory authority. Therefore, cumulative impacts associated with visual effects and neighborhood character were determined to remain significant and unavoidable.

Impacts and analysis related to the redevelopment of the NAVWAR site, including air quality impacts, are analyzed in the Final Environmental Impact Statement for the Navy Old Town Revitalization Project dated May 21, 2021. The Navy is responsible for addressing any comments submitted by California Coastal Commission regarding their project.

B2-13 cont.	<p>These extensive projects require complete analysis of all impacts. The projects include the Sports Arena site, NAVWAR, the former main Post Office, and potential new highrise projects which would result from a removal of the coastal height limit.</p> <p>12. NAVWAR. The Navy has initiated a large scale development project which is equivalent to a major new urban center. The Navy's preferred Alternative 4 would include 109 structures, up to 32 stories tall, and 10,000 housing units.</p> <p>13. NAVWAR and air quality. The NAVWAR project would be especially harmful regarding air quality. At least half the project site is within 500 ft of a freeway (I-5) or arterial roads (Pacific Highway and Rosecrans St). This would create a predictable health hazard, similar to the well-studied air pollution in Barrio Logan.</p> <p>14. NAVWAR- other comment letters. The Coastal Commission submitted a thorough letter questioning environmental impacts. These comments should be acknowledged.</p> <p>15. Sports Arena and Post Office projects. The city is currently reviewing proposals for the city-owned Sports Arena site, and also a project for the old Post Office site. All of the proposed projects are projected to exceed the height limits shown in the 2018 Midway Community Plan. The city cannot reasonably claim that future projects are speculative, when city officials are working to finalize such projects.</p>
B2-14	<p>D. Other issues</p> <p>16. Unstable project. The Project to remove the Coastal Height Limit is an unstable project, with great uncertainty regarding housing units and population. The city has claimed repeatedly that the elimination of the height limit does not increase the number of housing units or the resulting population, as projected in the 2018 Community Plan. Yet the city has also stated: The height limit change is needed "to realize the vision of the Community Plan." This is contradictory and needs to be resolved.</p>
B2-15	<p>17. Alternatives. Responsible scaling of plans for the Midway-Pacific Highway Community would reduce harmful impact and would be highly desirable. Lower density and lower-height plans would also be environmentally superior. A moderate amount of development, not the dense high-rises promoted by the Project, would limit traffic, retain beach access, reduce air pollution, open up park mitigation space, and prevent other impacts of excessive development.</p>
B2-16	<p>18. Complete Communities - Housing Solutions. This program was adopted in November 2020. It allows an <u>unlimited number of housing units</u> on a site and <u>unlimited height</u>.</p>

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As discussed in Chapter 6.0, Cumulative Impacts, there is also potential for future redevelopment of the Pechanga Arena site in the CP area. However, due to the speculative nature of future project-specific site development details, the analysis in the Draft SEIR relied on development assumptions from the 2018 PEIR for this area. Once a preferred plan for this site is identified, the City will conduct a project-specific CEQA analysis for the redevelopment of this site.

The redevelopment of the Old Post Office site is still being considered. Once a preferred plan for this site is identified, the City will conduct a project-specific CEQA analysis for the redevelopment of this site.

B2-14: The comment states that removal of the Coastal Height Limit is an “unstable” project with great uncertainty. As discussed in the Draft SEIR, the project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The project does not affect the overall development capacity in the

CP area and would not lead to more intensive land uses or increased density.

The SEIR focuses its analysis on the proposed amendment to the SDMC to remove the CP area from the existing 30-foot height limit and to allow for additional height beyond 30 feet consistent with existing zoning while maintaining all other components of the 2018 Community Plan. The project objectives from the 2018 Community Plan were carried forward to support the purpose of the project with one addition from the recently adopted Strategic Plan. Therefore, the project evaluated in the Draft SEIR is not unstable.

B2-15: The commenter's preference for lower density or lower height alternatives to the project, is noted. Please see response to Comment B2-6. In accordance with CEQA Guidelines, Section 15126.6, the Draft SEIR included three alternatives including a Reduced Height Alternative and a Reduced Density Alternative. Similar to the opinion in the comment, the analysis concluded that the Reduced Height Alternative would be the environmentally superior alternative which would reduce or eliminate the project's impacts. As discussed in Section 8.2.2, Analysis of Reduced Height Alternative, the Reduced Height Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to provide a diverse housing inventory

with a range of housing types and prices to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR. This is due to the potential for the height restrictions in the northern, eastern, and southern CP area boundaries to limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Therefore, the SEIR adequately addresses several reduced scale alternatives.

B2-16: The comment references the City's Complete Communities: Housing Solutions and Mobility Choices (Complete Communities Program) that was adopted by the San Diego City Council on November 9, 2020 and states that it represents a changed circumstance. The Draft SEIR addresses the Complete Communities Program in Chapter 4.0, Regulatory Framework, and Section 5.1, Visual Effects and Neighborhood Character. The Draft SEIR's conclusion regarding project impacts to scenic vistas in Section 5.1.4.1 states, "Finally, the City's Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area (City of San Diego 2020b). Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people.

B2-16
cont.

The main constraint to the building size is the Floor Area Ratio. Allowable FAR's were increased as part of the Complete Communities ordinance. This means that the FAR in Community Plans was overridden by the FAR of Complete Communities.

Furthermore, the program specifies that project approvals will be ministerial, except in limited circumstances. This eliminates public notices and public hearings.

The adoption of Complete Communities is a major "changed circumstance".

The program renders the Midway-PH Community Plan merely the baseline for a much larger amount of allowable development.

The current Project to remove the 30 foot Coastal Height Limit in the entire Midway-Pacific Highway Community must include an analysis of the impacts of Complete Communities, as that relates to the Prop. D height limit removal.

John A. McNab
President, Save Our Access
(619) 531-0773

SOA letter to City of SD Height Limit DEIR v7.pdf

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Therefore, impacts would remain significant and unavoidable.” Therefore, the Complete Communities Program is adequately addressed in the Draft SEIR and no revisions are required.

As discussed in the Draft SEIR, the project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Base zones that allow residential uses and would no longer be restricted to a building height of 30 feet include RM-2-5, RM-3-8, RM-3-9, RM-4-10, CN-1-6, CO-3-1, CC-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, and CC-4-5. Future development associated with the project would be subject to the development standards outlined in the SDMC such as FAR, setbacks, and uses, that affect the overall development capacity in the CP area. Therefore, the adoption of the Complete Communities Program does not represent a substantial change in circumstance that would require revisions to the Draft SEIR.

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Comment Letter C1: Scott Andrews

From: Scott
To: [Pascual, Elena](#)
Subject: [EXTERNAL] Comment Letter Midway SEIR
Date: Tuesday, June 7, 2022 10:54:54 AM

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

Hello Elena,

I confused the comment letter deadline with today's election. Please accept a day late my personal comment letter below -

1) The Draft EIR dismisses the impact of a 600% Midway District population increase on beach access.

Midway District surface streets are used to access San Diego's coastal parks and beaches by millions of resident and tourist visitors - to avoid I-8 gridlock.

Therefore the EIR must analyze the impact of the new population and the infrastructure under grounding and street disruption on coast beach and park access.

2) CSD has not increased beach parking, at the adjacent district, in half a century. In fact, the City is reducing beach parking requirements.

It is therefore incumbent on the City to mitigate there standards and growth mandate decisions on beach parking for tens of thousands new district residents anticipated by the new EIR.

Thank you,

Scott Andrews
(619) 221-5947

C1

C1-1: This comments states that the Draft Supplemental Environmental Impact Report (SEIR) fails to address the Midway population increase and its impacts to beach access and should analyze the impact of the new population and the infrastructure undergrounding and street disruption. Please see response to comment B1-9 regarding transportation impacts. As stated in the Draft SEIR, the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) comprehensively addressed the potential environmental effects of buildout of the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan), including the associated proposed population increase. The project would not alter the densities that were approved in the 2018 Community Plan and analyzed in the 2018 PEIR. The intent of the SEIR is to supplement the 2018 PEIR and update the impact analysis to address the proposed amendment to the San Diego Municipal Code (SDMC) to remove the Midway-Pacific Highway Community Planning area (CP area) from the existing 30-foot height limit and to allow for additional height beyond 30 feet consistent with existing zoning. As discussed in the Draft SEIR, the project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The Transportation Impact

Analysis (TIA) prepared by CR Associates and included in Appendix C to the Draft SEIR provided a program-level analysis to determine whether the project would change the transportation impact findings identified in the 2018 PEIR. The Initial Study prepared concluded that the project would be consistent with the analysis in the 2018 PEIR and would not exceed any of the transportation thresholds set in the City's California Environmental Quality Act (CEQA) Significance Determination Thresholds (December 2020). Future development proposals within the CP area would be required to provide adequate on-site parking in accordance with the City's parking standards. No further response and no revisions to the Draft SEIR are required.

Comment Letter C2: Jonathan Cohen

From: Jonathan Cohen
To: [PLN_PlanningCEQA](#)
Subject: [EXTERNAL] Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit
Date: Monday, June 6, 2022 9:01:45 AM

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C2-1

Please consider visits by the Planning Department staff to study the skyline of other coastal cities.
Please include photographs of the Midway-Pacific Highway skyline as viewed from the La Jolla hills, Linda Vista hills, Uptown hills, Old Town San Diego, and Interstate 5.

C2

C2-1: This comment requests that the City consider additional key views. As stated in Section 5.1, Visual Effects and Neighborhood Character, of the Draft Supplemental Environmental Impact Report (SEIR), it is not feasible to analyze all views in which the project will be seen; therefore, a total of 10 key views were selected to represent public views from both public streets and publicly accessible areas based on the major viewer groups potentially affected by the project. Key observation points for the project-specific Visual Impact Analysis (Appendix D) were selected based on public viewing locations and typical viewing conditions from outside the Midway-Pacific Highway Community Planning area (CP area) and determined through analysis of site visits, digital terrain models, aerial maps, and digital imagery of street views to show perspectives toward the CP area. The views were taken from locations accessible to the public, including in residential neighborhoods and parks/trails, and in consideration of the various types of viewers. These key views also represent the viewers that have the highest potential to be affected by the project.

Specifically, the comment requests that the SEIR consider views from the La Jolla hills, Linda Vista hills, Uptown hills, Old Town San Diego, and Interstate 5. The community of La Jolla and the higher elevations of Linda

Vista are outside of the viewshed of the CP area and were not selected to represent key views. Key views were included from the Mission Hills community from Andrews Street (View 9) as well as from Presidio Park (View 7), both of which are part of the Uptown Community Plan area. A key viewpoint (View 1) was included from atop the SeaWorld Drive bridge directly above Interstate 5. In addition, View 8 is taken from Old Town State Park. Therefore, most of the views that the commenter mentions have been considered in the Draft SEIR. No revisions to the Draft SEIR are required.

Comment Letter C3: Roland Feghali

C3

From: [RF Business](#)
To: [PLN_PlanningCEO@](#)
Cc: [Councilmember Jennifer Campbell](#); [Councilmember Stephen Whitburn](#); [Gloria Todd \(External\)](#)
Subject: [EXTERNAL] Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit
Date: Friday, June 3, 2022 9:32:50 AM

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

C3-1 To: Elena Pascual (Senior Environmental Planner, Planning Department)

Re: Public comment on the Draft SEIR - Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (SCH# 2022030324)

My neighbors and I appreciate that opportunity to offer our comments on this Draft SEIR. Preserving view-sheds and community character are important tenets when assessing municipal code changes that have irreversible impacts on current and future generations. Comments are itemized as follows:

C3-2 1. I concur with the Draft SEIR Section 8.4 that recommends the Reduced Height Alternative. My reasons are that it places clear height limits on the view-shed Kettner District and the Hancock Transit Corridor areas. Without the alternative height restrictions, there are numerous view-sheds which would be permanently lost, and impact the community character. Specifically, (a) the entire hillside along the eastern side of Fwy5; (b) views of the harbor and ocean from Fwy5, which are a wonderful visual welcome to San Diego.

C3-3 2. I do not concur with the Reduced Density Alternative. My reason is that it places no height limit for the IS-1-1 zone, and it allows for 100 feet height in the CC-2-5 zone, causing Significant and Unavoidable (SU) impacts.

C3-4 3. I do understand the SEIR's repeated statement that the "City has no land use authority over federal property." However, I think it would be wise for the City to declare their opposition to any governmental entity that seeks to impose their developmental ambitions which are not aligned with our Community Plans. As you are aware, the US Navy is proposing development of high rise buildings that will forever destroy our harbor and ocean view-sheds. This Draft SEIR recommendation for Reduced Height Alternative is a moot point if the US Navy continues their irresponsible and tone-deaf approach to redevelop their Old Town campus. Thus, the City should start to speak boldly on this matter.

Thank you
Roland Feghali
1578 Linwood St
San Diego, CA 92103

C3-1: This comment provides an introduction to the comment letter; therefore, no response is required.

C3-2: The commenter's preference for the Reduced Height Alternative, including the rationale, is noted. This comment does not address the adequacy or accuracy of the information provided in the Draft Supplemental Environmental Impact Report (SEIR). Therefore, no further comment and no revisions to the Draft SEIR are required.

C3-3: The commenter's dislike for the Reduced Density Alternative, including the rationale, is noted. This comment does not address the adequacy or accuracy of the information provided in the Draft SEIR. Therefore, no further comment and no revisions to the Draft SEIR are required.

C3-4: The Draft SEIR is correct to state that the City has no land use authority over federal property. Property owned by the federal government is subject to federal laws and regulations and is not required to comply with state or local policies, plans, or regulations. The commenter's opposition to proposed development at the NAVWAR project site is noted. This comment does not address the adequacy or accuracy of the information provided in the Draft SEIR. Therefore, no further comment and no revisions to the Draft SEIR are required.

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Comment Letter C4: Samantha Jones

From: samanthajones2006@gmail.com
To: [PLN PlanningCEQA](#)
Cc: [Councilmember Jennifer Campbell](#); [Councilmember Stephen Whitburn](#)
Subject: [EXTERNAL] Public comment on the Draft SEIR - Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (SCH# 2022030324)
Date: Monday, June 6, 2022 4:26:39 AM

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

To: Elena Pascual (Senior Environmental Planner,
Planning Department)

Public comment on the Draft SEIR - Removal of the Midway-Pacific Highway
Community Planning Area from the Coastal Height Limit (SCH# 2022030324)

I was made aware of Draft SEIR on 5 June 2022. I have not had the opportunity to review all information identified through the URL provided; however, I have reviewed the Draft SEIR and I concur with the following statements:

My neighbors and I appreciate that opportunity to offer our comments on this Draft SEIR. Preserving view-sheds and community character are important tenets when assessing municipal code changes that have irreversible impacts on current and future generations. Comments are itemized as follows:

1. I concur with the Draft SEIR Section 8.4 that recommends the Reduced Height Alternative. My reasons are that it places clear height limits on the viewshed Kettner District and the Hancock Transit Corridor areas. Without the alternative height restrictions, there are numerous view-sheds which would be permanently lost, and impact the community character. Specifically, (a) the entire hillside along the eastern side of Fwy5; (b) views of the harbor and ocean from Fwy5, which are a wonderful visual welcome to San Diego.

2. I do not concur with the Reduced Density Alternative. My reason is that it places no height limit for the IS-1-1 zone, and it allows for 100 feet height in the CC-2-5 zone, causing Significant and Unavoidable (SU) impacts.

Samantha Jones

C4

C4-1: This comment provides an introduction to the comment letter; therefore, no response is required.

C4-2: The commenter's preference for the Reduced Height Alternative, including the rationale, is noted. This comment does not address the adequacy or accuracy of the information provided in the Draft Supplemental Environmental Impact Report (SEIR). Therefore, no further comment and no revisions to the Draft SEIR are required.

C4-3: The commenter's dislike for the Reduced Density Alternative, including the rationale, is noted. This comment does not address the adequacy or accuracy of the information provided in the Draft SEIR. Therefore, no further comment and no revisions to the Draft SEIR are required.

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Comment Letter C5: Rachael Mello

From: Rachael Mello
To: PLN_PlanningCEQA
Subject: [EXTERNAL] Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit
Date: Monday, June 6, 2022 6:31:01 PM

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- C5-1 | Has the FAA reviewed and commented on any potential impacts that taller buildings could have to the flight path at different times of the year (i.e during heavy fog or Santa Ana winds) or to certain routes?
- C5-2 | A big part of the Midway/Pacific Highway area is the historical mouth/floodplain of the San Diego River, and as such will be impacted to various degrees by sea level rise. Why would the City want to increase density in such an area?
- C5-3 | The existing infrastructure (streets, sewer, water mains, etc.) in the Midway/Pacific Highway area are old and can barely accommodate current use, what plan(s) does the City have to pay for upgrades?
- C5-4 | California is cycling into what may turn out to be one of our worst droughts in recent times. How does the City plan on supplying water to all the potential residents and businesses? Why would the City want to stress our already stressed out water supply?
- C5-5 | It is a well documented fact that increasing density and the accompanying non permeable ground cover create heat islands that increase regional temperatures which contribute to global warming. This outcome would be contrary to the City's goals in its Climate Action plan. What steps will the City take to mitigate for this apparent discrepancy and can the City explain why it is creating the discrepancy in the first place?
- C5-6 | This whole plan just seems like a way to enable urban sprawl, and we know what that looks like. It is New York, Boston, Chicago or San Francisco of the early 20th Century. Those cities had, and still do have, major problems with crime, trash, noise, disease, poverty and "inner cities", so much so that by the Mid 20th Century they spawned suburban sprawl. Why do we want to go back to the type of city from 100+ years ago?
- The 30-foot height limit is one of the things that helps to give San Diego a certain look, and people come to San Diego for San Diego, not to see another overbuilt metropolis.
- Thank you, Rachael Mello

C5

C5-1: This comment asks if the Federal Aviation Administration (FAA) has reviewed the proposed project. The City has not received any comments from the FAA. The potential impact from taller buildings was addressed in the Initial Study (IS), provided in Appendix B of the Draft Supplemental Environmental Impact Report (SEIR). The removal of the 30-foot height restriction would allow some properties to increase height above 30 feet as long as they are consistent with the adopted land use, density, and zoning requirements for the site. However, in areas that overlap with the Airport Influence Area, the Airport Land Use Compatibility Plan's (ALUCP's) height restrictions override the local land use and zoning designations. Therefore, the project would be consistent with the ALUCP and would not expose people or structures to a significant risk of loss, injury, or death from off-airport aircraft operational accidents. Future development in the Midway-Pacific Highway Community Planning area (CP area) would be required to comply with land use policies related to airport compatibility and coordinate planning efforts with the San Diego County Regional Airport Authority to ensure height and land use compatibility. Therefore, the Draft SEIR adequately addresses this issue, and no revisions to the Draft SEIR are required.

C5-2: This comment asks why the City wants to increase density in the historic floodplain of the San Diego River. As discussed in the Draft SEIR, the project would not change the underlying base zone regulations identified in the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Base zones that allow residential uses and would no longer be restricted to a building height of 30 feet include RM-2-5, RM-3-8, RM-3-9, RM-4-10, CN-1-6, CO-3-1, CC-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, and CC-4-5. Future development associated with the project would be subject to the development standards outlined in the San Diego Municipal Code (SDMC), such as floor area ratio (FAR), setbacks, and uses, that affect the overall development capacity in the CP area. Therefore, the project is consistent with the analysis in the 2018 PEIR and would not increase density in the historic floodplain of the San Diego River beyond the impacts evaluated in the 2018 PEIR. No revisions to the Draft SEIR are required.

C5-3: This comment states that existing infrastructure in the CP area is old and asks about plans to pay for upgrades. Please note that funding of infrastructure improvements is not an issue that is required to be addressed under CEQA; therefore, the Draft SEIR does not address infrastructure funding. As discussed in the IS, provided in Appendix B of the Draft SEIR, future development consistent with the project would likely increase demand, which may require increases in sizing of existing water and sewer pipelines, mains, and treatment facilities. The project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The 2018 Community Plan included various policies for upgrading wastewater facilities and water infrastructure to better serve the community. The IS concluded that the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects identified in the 2018 PEIR regarding existing utility infrastructure.

A project-specific Transportation Impact Analysis (TIA) was prepared by CR Associates. The TIA, included in Appendix C to the Draft SEIR, provided a program-level analysis regarding impacts to existing streets. The IS

determined that the project is consistent with the 2018 PEIR regarding the potential to increase projected traffic and conflict with an adopted program, plan, ordinance, or policy addressing the transportation system because the project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Mitigation Measure TRANS 5.2-7b would continue to be required with implementation of the project. Additionally, Mitigation Measures TRANS 5.2-17 through TRANS 5.2-24 would be implemented by the California Department of Transportation to reduce impacts to freeway segments and ramp meters. These facilities are under the jurisdiction of California Department of Transportation, and because the City cannot ensure that the mitigation necessary to avoid or reduce impacts to a level below significance would be implemented before the occurrence of the impact, impacts related to the increase in projected traffic were determined to be significant and unavoidable. Therefore, the Draft SEIR adequately addresses impacts to street, water, and sewer infrastructure, and no revisions to the Draft SEIR are required.

C5-4: This comment asks how the City plans on supplying water to all the potential residents and businesses. As discussed in the IS, the project would not change the underlying base

zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Therefore, the IS concluded that sufficient water supplies are available to serve existing and projected demands of the project and future water demands in the Public Utilities Department's service area in normal and dry year forecasts. Therefore, the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects identified in the 2018 PEIR regarding water supply. The Draft SEIR adequately addresses impacts to water supply, and no revisions to the Draft SEIR are required.

C5-5: This comment states that increased density and the accompanying non permeable ground cover can create heat islands that contribute to global warming, which is contrary to the City's Climate Action Plan goals. The City has determined that the project is consistent with the Climate Action Plan. The project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the

footprint analyzed in the 2018 PEIR. Future development associated with the project would be subject to the development standards outlined in the SDMC, such as FAR, setbacks, and uses. As discussed in Section 2.1.6, Greenhouse Gas Emissions, of the IS (Appendix B) total construction and annual operational greenhouse gas (GHG) emissions would be the same as those in the 2018 Community Plan. The Climate Action Plan and the City of Villages strategy would continue to be implemented as outlined in the 2018 Community Plan, and the project would continue to implement policies in the 2018 Community Plan related to sustainability, including the promotion of alternative modes of transportation and energy efficiency, to help reduce the effects of climate change. Therefore, the project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects in the 2018 PEIR regarding GHG emissions. Furthermore, the removal of the 30-foot height restriction has the potential to accommodate more park and open space because taller buildings would allow for achieving the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR within a smaller building footprint, allowing more of the site to be dedicated to park or open space. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. The Draft SEIR adequately addresses impacts to GHG emissions, and no revisions to the Draft SEIR are required.

C5-6: This comment states the plan is a way to enable “urban sprawl,” which brings major problems due to “with crime, trash, noise, disease, poverty and ‘inner cities.’” The commenter did not provide substantial evidence to support their argument. However, it should be noted that crime, trash, disease, poverty, and “inner cities” are not CEQA issues. The project’s potential noise impacts were evaluated in Section 2.1.12, Noise, of the IS (Appendix B). The IS concluded that the project would be limited to the CP area footprint and land use, density, zoning, and population analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Future increases in vehicle noise levels and allowable types of noise sensitive land uses would remain similar to what was analyzed in the 2018 PEIR. In addition, future development consistent with the project would be required to comply with all applicable City and state regulations to control noise and reduce noise impacts associated with different land uses. Therefore, the Draft SEIR adequately addresses impacts associated with noise, and no revisions to the Draft SEIR are required.

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Comment Letter C6: Javier Saunders

C6

C6-1: This comment provides an introduction to the comment letter and its content; therefore, no response is required. It is noted that the commenter provided two comment letters and responses are provided below.

From: [E. Javier Saunders](#)
To: [PLN_PlanningCEQA](#)
Subject: [EXTERNAL] Comments to SEIR to the Midway Community Planning Area
Date: Monday, June 6, 2022 9:32:12 PM
Attachments: [JS 1122 Albion St SEIR Comments 6 6 22.pdf](#)
[JS 1516 Vine St SEIR Comments 6 6 22.pdf](#)

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C6-1

Attention Ms. Elena Pascual

Please see my attached letters with comments to the SEIR for Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit. I live in Point Loma and also have property in Middletown/Mission Hills. Therefore I have two separate letters to address the different concerns and separate property.

Thank you for your consideration.

Javier Saunders

Elena Pascual
Senior Environmental Planner
City of San Diego Planning Dept.
9485 Aero Drive MS 413
San Diego, CA 92123

Subject: Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (SCH No. 2022030324).

Ms. Pascual

Thank you for the opportunity to provide comments to the Draft Supplemental Environmental Impact Report for the removal of the 30 ft. height limit in the Midway-Community Planning Area. The following Comments are based on the Supplemental EIR visual impact analysis and the 2018 Midway Community Plan Environmental Impact Report (2018 MCP EIR), which supports the Midway Supplemental EIR (SEIR). As a longtime resident of Point Loma, I am in strong opposition to the removal of 30 feet height limit.

Development and buildout of the Midway community plan will effect neighboring communities, including the Point Loma Community. Both the Supplemental EIR and 2018 Midway CP EIR identify various unmitigated environmental impacts, including traffic, noise, and visual that are significant. These unmitigated impacts will have an adverse effect on the Community. As a result, I support the Supplemental EIR Environmentally "Superior Alternative", the Reduced Height Alternative (limited to 50 feet) and urge City Council to support the Reduced Height Alternative.

Following are specific comments on traffic, and cumulative impacts.

Unmitigated Traffic Impacts

The City recently adopted the Vehicle Miles Travel (VMT) methodology and recommends alternative transportation methods to reduce traffic impacts for the Midway CP. However, prior to implementation of the VMT method, the 2018 Midway CP PEIR Traffic Study prepared by Chen Ryan Associates identified that future development will further impact roadway segments and intersections to an unsatisfactory level of service and create excessive delays for the motoring public.

The traffic study also identifies traffic improvements to mitigate traffic impacts. These improvements include road segments on Rosecrans Street and Barnett Avenue, along with the intersections at West Point Loma Blvd and Sports Arena Blvd; and at Lytton Street and Rosecrans Street. The Point Loma community utilizes these roadways and intersections as gateways to the community. Without further improvements, the motoring public will experience increased traffic delays and an unsatisfactory level of service. There is no evidence that Alternative Traffic measures will improve traffic in the Midway area. The intersection at Rosecrans and Lytton is the only improvement identified for funding and included in the Midway Impact Fee Study (IFS). Other improvements have not been included in the IFS, largely due to the need to acquire additional right-of-way. It is recommended that the City acquire right-of-way

C6-2: This comment refers to traffic improvements and impacts identified in the traffic impact analysis for the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR). The comment recommends that the City acquire right-of-way during project-specific development to mitigate and improve traffic conditions. The 2018 PEIR and associated traffic impact analysis evaluated several options to mitigate level of service (LOS)-based transportation impacts. The majority of the mitigation measures identified in the 2018 PEIR were deemed infeasible due to the lack of right-of-way, with only one mitigation measure (TRANS 5.2-7b) being feasible and included in the Midway-Pacific Highway Impact Fee Study. The project would not remove this mitigation from the Impact Fee Study, and it would be implemented under the project. Additionally, the project does not propose or approve any specific development, including right-of-way acquisitions, and future projects would be subject to environmental review at the appropriate future time to determine their potential impacts to traffic.

Furthermore, current research shows that increasing roadway capacity to accommodate additional vehicular traffic, such as those mitigation measures identified in the 2018 PEIR, does not reduce the transportation impact but

C6-2
cont.

during project specific development to mitigate and improve traffic for both vehicular improvements and alternative modes of transportation.

Cumulative Impacts.

The NAVWAR Draft Environmental Impact Statement was released in May 2021 and is a proposed development that will generate significant traffic and visual impacts. Please indicate if the traffic volumes generated from that proposed development have been included in the Traffic Studies for the SEIR? If not, please include, and update the Traffic Studies as a cumulative impact.

C6-3

Thank you for this opportunity to comment on the Midway Community Plan SEIR.


Javier Saunders
1122 Albion St
San Diego CA 92106

CC: Hon. Jen Campbell, City of San Diego Councilmember, District 2
Midway-Pacific Highway Community Planning Group
Peninsula Community Planning Group

rather causes induced travel. Therefore, the effect of roadway capacity increasing mitigation measures is limited and does not offer a good return on investment of public funding. Please refer to Caltrans “Rethinking How We Build So Californians Can Drive Less” for additional information on why capacity increasing mitigation measures are not recommended.

<https://dot.ca.gov/programs/sustainability/sb-743>

C6-3: This comment states that the NAVWAR project will generate significant traffic and visual impacts and requests that the traffic volumes generated by the NAVWAR project be included in the project’s traffic studies as a cumulative impact. The Draft SEIR’s cumulative approach was conservative by addressing the most impactful Navy alternative with regard to visual effects and neighborhood character. The Draft SEIR states, “the cumulative analysis includes the redevelopment of the Navy Old Town Campus (OTC) site adjacent to Pacific Highway and Interstate (I-) 5 as described in Alternative 4 (preferred alternative with maximum development height up to 350 feet) of the Navy OTC Revitalization Project Environmental Impact Statement.” With regard to transportation impacts, the Initial Study (IS) (Appendix B) determined that the project is consistent with the 2018 PEIR regarding the potential to increase projected traffic and conflict with an adopted program, plan, ordinance, or

policy addressing the transportation system because the project would be limited to the 2018 Community Plan area (CP area) footprint and land use, density, and zoning analyzed in the 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Traffic associated with the project would not be greater than the traffic volumes previously analyzed and disclosed in the 2018 PEIR. Mitigation Measure TRANS 5.2-7b would continue to be required with implementation of the project. Additionally, the San Diego Association of Governments (SANDAG) 2021 Regional Plan, adopted in December 2021, includes a more extensive regional transit network and active transportation network that would likely decrease regional traffic, including traffic associated with buildout of the CP area. Thus, traffic associated with buildout of the CP area may be reduced compared to traffic in the 2018 PEIR analysis (see Appendix C). Therefore, the project would not result in any new significant direct or cumulative environmental effects or a substantial increase in the severity of previously identified significant effects regarding increases in projected traffic.

As described in the Transportation Impact Analysis (CR Associates) prepared for the project (Appendix C), since the adoption of the Community Plan and certification of the 2018 PEIR, the City has updated its California Environmental Quality Act (CEQA) Significance Determination Thresholds (December 2020) to reflect the implementation of the new transportation threshold. The new threshold identifies vehicle miles traveled (VMT), in lieu of level of service (LOS), as the metric of determining transportation impacts. Since LOS is no longer used as a threshold to identify significant traffic impacts (per CEQA and the City's CEQA thresholds), and the land use in the NAVWAR site is in a VMT efficient area (Mobility Zone 2 from the Mobility Choices Program), it is likely that these land uses would be VMT efficient in the future, regardless of the density of the cumulative project or number of vehicle trips generated. Please see the SANDAG San Diego SB743 VMT Map (<https://sandag.maps.arcgis.com/apps/webappviewer/index.html?id=bb8f938b625c40cea14c825835519a2b>) and the City of San Diego Complete Communities screening criteria for Mobility Zone 2 (<https://webmaps.sandiego.gov/portal/apps/webappviewer/index.html?id=bd9b31509a7541a292a99362853469f5>).

Additionally, based on the guidance provided in California Public Resources Code, Section 21083(b)(2), and CEQA

Guidelines, Section 15064(h)(1), a project's cumulative impacts are based on an assessment of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In the context of VMT, when the VMT threshold is an efficiency-based threshold, the OPR Technical Advisory states, "a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact, and vice versa." (OPR Technical Advisory 2018, 6). Therefore, the project's direct and cumulative impacts with respect to VMT would be less than significant.

Elena Pascual
Senior Environmental Planner
City of San Diego Planning Dept.
9485 Aero Drive MS 413
San Diego, CA 92123

Subject: Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (SCH No. 2022030324).

Ms. Pascual

Thank you for the opportunity to provide comments to the Draft Supplemental Environmental Impact Report for the removal of the 30 ft. height limit in the Midway-Community Planning Area. The following Comments are based on the Supplemental EIR visual impact analysis and the 2018 Midway Community Plan Environmental Impact Report (2018 MCP EIR), which supports the Midway Supplemental EIR (SEIR). As a property owner in the Middletown community area, I'm greatly impacted by the removal of the height limit.

Removal of the 30 ft. height limit and buildout of the Midway community plan will effect neighboring communities, including the Mission Hills and Middletown Communities. Both the Supplemental EIR and 2018 Midway CP EIR identify various unmitigated environmental impacts, including traffic, noise, and visual that are significant. These unmitigated impacts will have an adverse effect on the Community and property values. As a result, I support the Supplemental EIR Environmentally "Superior Alternative", the Reduced Height Alternative (limited to 50 feet) and urge City Council to support the Reduced Height Alternative.

Following are specific comments on traffic, visual, and cumulative impacts.

Unmitigated Traffic Impacts

The City recently adopted the Vehicle Miles Travel (VMT) methodology and recommends alternative transportation methods to reduce traffic impacts for the Midway CP. However, prior to implementation of the VMT method, the 2018 Midway CP PEIR Traffic Study prepared by Chen Ryan Associates identified that future development will further impact roadway segments and intersections to an unsatisfactory level of service and create excessive delays.

The traffic study also identifies traffic improvements to mitigate traffic impacts. These improvements include road segments on Kettner Blvd, Sassafras Street, and Barnett along with intersections at Pacific Hwy and Sassafras Street and Hancock and Washington Street. The Uptown community utilizes these roadways and intersections as gateways to the community. Without further improvements, local residents will experience increased traffic delays and an unsatisfactory level of service. For example, as stated in the Traffic Study, traffic on Kettner Blvd will deteriorate from a current Traffic Level of Service of "D" to "F". There is no evidence that Alternative Traffic measures will improve traffic in the Midway Area. It is requested that the City fund, and conduct detailed traffic studies to mitigate and improve the

C6-4: This comment provides an introduction to the comment letter and its content. The commenter's preference for the Reduced Height Alternative is noted.

C6-5: This comment refers to traffic improvements and impacts identified in the Transportation Impact Analysis for the 2018 PEIR. The comment requests that the City fund and conduct detailed traffic studies to mitigate and improve the LOS associated with removal of the coastal height limit from the CP area. Please see response to comment C6-3.

C6-5
cont.

Traffic Level of Service associated with the removal of the 30 ft. Height Limit and Community Plan Update.

C6-6

Unmitigated Visual Impacts


As stated in the SEIR, I concur with the conclusions reached in the SEIR that there will be significant impacts to scenic vistas and views and to the surrounding community character. As a property owner on Vine Street, views will be impacted and "detrimental compared to existing" as noted in Key View 9. In order to avoid these visual impacts, it is requested that the statement in Section 5.1.5 "no feasible mitigation measures are available to reduce significant impacts" be corrected. **As is noted in the SEIR's discussion of Growth Inducement, the removal of the 30-foot height restriction would not result in a change to total allowable buildout density in the Community Plan area and would not change the underlying base zone regulations. The SEIR further states the project would be growth accommodating and not growth inducing. Please include the Reduced Height Alternative as a feasible mitigation measure.**

C6-7

Cumulative Impacts.

The NAVWAR Draft Environmental Impact Statement was released in May 2021 and is a proposed development that will generate significant traffic and visual impacts. Please indicate if the traffic volumes generated from that proposed development have been included in the Traffic Studies for the SEIR? If not, please include, and update the Traffic Studies as a cumulative impact.

Thank you for this opportunity to comment on the Midway Community Plan SEIR.


Javier Saunders
Property Owner
1516 Vine Street
SD CA 92103

CC: Hon. Stephen Whitburn, City of San Diego Councilmember, District 3
Midway-Pacific Highway Community Planning Group
Uptown Planners

C6-6: The commenter's preference for the Reduced Height Alternative is noted. This comment does not address the adequacy or accuracy of the information provided in the Draft SEIR. Therefore, no further comment and no revisions to the Draft SEIR are required.

C6-7: This comment states an opinion that the NAVWAR project will generate significant traffic and visual impacts and requests that the traffic volumes generated be included in the project's traffic studies as a cumulative impact. Please see response to comment C6-3.

Comment Letter C7: John C. Ziebarth

C7

John C. Ziebarth
1435 Alexandria Drive
San Diego, CA 92107
June 5, 2022

Elena Pascual
Senior Environmental Planner
Planning Department
9485 Aero Drive MS 413
San Diego, CA 92123
PlanningCEQA@sanidiego.gov

Re: Removal of the Midway—Pacific Highway Community Planning Area from the Coastal Height Limit
SCH Number: 2022030324
Community Plan Area: Midway-Pacific Highway
Council District : 2

Dear Ms. Pascual:

C7-1

I appreciate the opportunity to comment on the Draft SEIR for the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit San Diego, California SCH #2022030324 dated April 2022

C7-2

1. Since the certification of the 2018 PEIR, the City has adopted a new Strategic Plan, which includes the goal to “create homes for all of us.” To that end, an additional objective for the project is as follows:
10. Encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices.

Question: What development restrictions are being removed which specifically restricts housing for families and restrict maximum density and a diverse range of housing types and prices. Please be specific. The assumption stated in the SEIR was that the 2018 PEIR for the Midway Pacific Coast Highway Community Plan assumed that the 1972 Proposition D Coastal Height Limit was going to be repealed. Isn't it inappropriate to make decisions or do environmental evaluations based on a hypothetical future action? Therefore, the 2018 approval and analysis of the Community Plan should have been based on the 1972 Coastal Height Limit. That is what the public would have assumed.

C7-3

2. How did the SEIR decide on what was the appropriate height reduction to evaluate. How many stories of residential over retail or podium parking can be built within 50' if you have roof slopes, HVAC, solar, and elevator override penthouses for equipment. Wouldn't 65' be more appropriate? 50' seems arbitrary. The real issue is if the project goes to 100' or especially no

C7-1: This comment provides an introduction to the comment letter; therefore, no response is required.

C7-2: This comment states an objective from the City’s new Strategic Plan and asks what development restrictions are being removed that specifically restrict housing for families, maximum density, and a diverse range of housing types and prices. The Draft Supplemental Environmental Impact Report (SEIR) addresses the removal of the Midway-Pacific Highway Community Planning area (CP area) from the Coastal Height Limit Overlay Zone, which would allow buildings to be built above 30 feet in height in the CP area. The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Base zones that allow residential uses and would no longer be restricted to a building height of 30 feet include RM-2-5, RM-3-8, RM-3-9, RM-4-10, CN-1-6, CO-3-1, CC-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, and CC-4-5.

The comment also asks about the analysis in the Draft SEIR and 2018 PEIR. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15378, the Draft SEIR evaluates the proposed project, which is the removal of the 1972 Proposition D Coastal Height Limit from the CP area. The Draft SEIR does not assume that project will be approved; that decision is up to the City Council as the CEQA lead agency. The public had the opportunity to comment on the 2018 PEIR during the CEQA process for the 2018 Community

C7-3 cont.	height limit. Did the visual simulation analyze only 10 stories or did they go up to 250 feet or 350 feet?
C7-4	3. The SEIR assumes that only Visual Effects and Neighborhood Character as potential impacts. All others are the same as previous PEIR for the Midway Pacific Coast Highway. But traffic in previous PEIR did not reflect cumulative traffic impacts of Navy OTC Redevelopment. The SEIR has pointed out numerous times that the City has no control over the height on Federal or Port property. Supplemental EIR should look at changes of conditions since the original EIR was approved. The City should have some say in Navy OTC Redevelopment impacts on surrounding communities. The City has an obligation to voice their objection to the impacts on this community. Navy OTC Redevelopment is now a cumulative project s is now a cumulative project that should be addressed in the traffic study. This must now be taken into consideration Navy OTC Redevelopment which according to their environmental review which identified significant and unavoidable impacts to 26 to 28 road segments, intersections, and freeways. What cumulative impact does this have on the environmental impacts of removing the coastal height limit?
C7-5	4. As stated on Page 4-7, the goal is to use the Complete Community Plan which was adopted shortly after Proposition E was passed with minimal public input due to COVID. <i>The Housing Program applies Citywide within TPAs in zones that allow multi-family housing. In exchange for new development that provides affordable housing units and neighborhood-serving infrastructure improvements, <u>additional building square footage (and residential units within said building square footage) and height beyond what is otherwise permitted in the respective base zone, Planned District Ordinance, and/or a Community Plan would be allowed.</u> (City of San Diego 2020)</i> This would basically create a loophole for developers and the City to ignore even the stated Project height and density criteria in this SEIR. That would make this SEIR meaningless. Is this going to be made clear in the next ballot initiative. Last time the public was simply asked to raise the height limit. How does the public know for sure that the reduced alternative, the underlying zoning, or the Complete Community Plan will establish the development criteria? No analysis in the SEIR is made of the impact of the Complete Community Plan on eliminating density or height restrictions on the Project in the Transit Priority Area (TPA). What impact does this have on traffic and infrastructure. The SEIR as stated above in italics mention the Complete Community Plan but does no analysis of its impact. No analysis is being made in this SEIR to show that the same density cannot be achieved within the lower height. But that is alluded to in the SEIR conclusions. There is no discussion of Floor Area Ratio (FAR) in this SEIR. If the FAR is maintained in all scenarios, then it simply means that taller thinner buildings are being replaced with lower broader floor plates.
C7-6	5. It is impossible to analyze all views, but it seems some of the selections had minimal impacts. Picking a photo from the parking lot below the Presidio with the trees screening the parking fails to address the tremendous views from the Presidio itself and from the park. Views not only of the bays, but of Pt Loma itself including the Cabrillo Point. Images from the San Diego River being low does reflect the impact to Linda Vista and Bay Park such as images from USD,

Plan update. Therefore, the Draft SEIR adequately analyzed the project, and no revisions are required.

C7-3: This comment questions the appropriate height evaluated in the project-specific Visual Impact Analysis, provided in Appendix D of the Draft SEIR. The Visual Impact Analysis analyzes the project under a hypothetical maximum height scenario in which the CP area would be built out to the maximum building height limit per the development standards in the San Diego Municipal Code (SDMC). The heights are listed in Table 1, Base Zone Development Regulations, from the Visual Impact Analysis (Appendix D). The SDMC also provides other development standards, such as floor area ratio (FAR), setbacks, and uses, that affect the overall development capacity and the potential building height. The whole of these standards, and other relevant ordinances, plans, and guidance documents referenced in the Visual Impact Analysis, were used to create the development scenario for project buildout. The removal of the 30-foot height limit would not result in a change to total allowable buildout intensity in the CP area. The purpose of analyzing the maximum building height limit is to assess the worst-case scenario from a visual impact perspective. Therefore, the Draft SEIR adequately addresses impact to visual effects and neighborhood character, and no revisions are required.

C7-4: Please see response to comment C6-3.

C7-5: The comment references the City's Complete Communities: Housing Solutions and Mobility Choices (Complete Communities Program) that was adopted by the San Diego City Council on November 9, 2020. This comment is correct that the Complete Communities Program incentivizes growth near Transit Priority Areas (TPAs). The Draft SEIR addresses the Complete Communities Program in Chapter 4.0, Regulatory Framework, and Section 5.1, Visual Effects and Neighborhood Character. The Draft SEIR's conclusion regarding

project impacts to scenic vistas in Section 5.1.4.1 states, “Finally, the City’s Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area (City of San Diego 2020b). Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City’s objective of providing housing for a variety of people. Therefore, impacts would remain significant and unavoidable.” Impacts and analysis related to the Complete Communities Program are analyzed in the Final PEIR for Complete Communities: Housing Solutions and Mobility Choices, certified by the City Council in May 2020. They do not need to be reanalyzed in the Draft SEIR for the removal of the Coastal Height Limit.

As discussed in the Draft SEIR, the project would not change the underlying base zone regulations identified in the 2018 Community Plan and would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The removal of the height limit would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR but would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. Base zones that allow residential uses and would no longer be restricted to a building height of 30 feet include RM-2-5, RM-3-8, RM-3-9, RM-4-10, CN-1-6, CO-3-1, CC-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, and CC-4-5. Future development associated with the project would be subject to the development standards outlined in the SDMC, such as FAR, setbacks, and uses, that affect the overall development capacity in the CP area. Therefore, the Draft SEIR adequately addresses the project’s impacts, and no revisions are required.

C7-6: This comment is asking about the selection of key views. See response to comment C2-1. As stated in Section 5.1.1, Existing Conditions, of the Draft SEIR, it is not feasible to analyze all views in which the

project will be seen; therefore, a total of 10 key views were selected to represent public views from both public streets and publicly accessible areas based on the major viewer groups potentially affected by the project. Key observation points for the project-specific Visual Impact Analysis (Appendix D) were selected based on public viewing locations and typical viewing conditions from outside the CP area and determined through analysis of site visits, digital terrain models, aerial maps, and digital imagery of street views to show perspectives toward the CP area. The views were taken from locations accessible to the public, including in residential neighborhoods and parks/trails, and in consideration of the various types of viewers. These key views also represent the viewer groups that have the highest potential to be affected by the project.

Specifically, the comment requests that the Draft SEIR consider views from Presidio Park, Point Loma, Linda Vista, Bay Park (USD, Overlook Heights and Ilion Street). Draft SEIR Section 5.1.4.2, Issue 2: Neighborhood Character, notes that these views do not represent all possible views of the CP area; they are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. The Draft SEIR concluded that implementation of the project could result in future building heights up to and greater than 100 feet that could result in a substantial adverse alteration to the character of the area, and impacts would be significant. View 1 (Sea World Drive Bridge) reflects the change in character of lower elevation views from the Morena Boulevard and Bay Park areas. Presidio Park (View 7), Old Town State Park (View 8), and Andrews Street (View 9) represent the change in views looking toward Point Loma. The views from Famosa Slough (View 6) represents a view of the project area from Loma Portal. To clarify, the view from Presidio Park (View 7) is not from the parking lot below the Presidio but from the base of the steps immediately adjacent to the Presidio far above the parking lot where public access would not be restricted. The views from Overlook Heights and from Ilion Street were not included

C7-6
cont.

Overlook Heights or from Ilion Street in front of Mary Magdalene Church in Bay Park. These are all significant public views that will undeniably be significantly impacted.

C7-7

6. It is interesting that the Reduced Alternatives (including the "environmentally superior alternative") are rejected because of the new Objective 10. *Encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices.* No evidence is presented that the Reduced Alternative won't support families. No evidence is presented that the Reduced Alternative won't maximize zoned density. No evidence is presented that the Reduced Alternative won't facilitate a diverse housing inventory with a range of housing types and prices. No evidence is presented to support the conclusion other than bigger is better. The City of San Diego Housing Element 2021-2029 Adequate Site Inventory identifies adequate sites for a net potential 174,678 units. Recently adopted Community Plans between 2014 and 2020 have created new housing capacity for over 74,000 units. This does not include the proposed additional housing in Clairemont, Mira Mesa, and University City. According to the 2020 City of San Diego Housing Inventory Report, Regional Housing Needs Allocation (RHNA) has targeted San Diego for 108,036 units. Thus, the City has more than sufficient adequate sites for housing.

C7-8

Based on my review as an architect with 40 years of experience including over 30 years of experience dealing with major projects within this community area, having worked as a volunteer with the City for 28 years on developing the Land Development and Zoning Code, and having been involved in numerous CEQA reviews, I find that the SEIR is insufficient to support the Project.

Respectfully,



John C. Ziebarth

because they are substantially higher than the tops of the highest possible buildings and thus the views of San Diego Bay and Point Loma would not be adversely impacted. In addition, the primary views from these locations are of Mission Bay and the Pacific Ocean directly west, not the project area to the southwest.

C7-7: The comment claims that the Draft SEIR does not provide evidence to support the Reduced Alternatives would not meet SEIR Objective 10. As discussed in Chapter 8.0, Alternatives, of the Draft SEIR, the ability to plan for maximum zoned density would be hindered by restrictions on development heights. The Reduced Height and Density Alternatives would not be able to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR to the same extent as the project; therefore, were determined to not meet SEIR Objective 10. No revision to the Draft SEIR is required.

C7-8: This comment summarizes the individual's background and experience as an architect in the community and states that he finds the SEIR is insufficient to support the project. No substantial evidence is provided to support this claim. Therefore, no response is required.

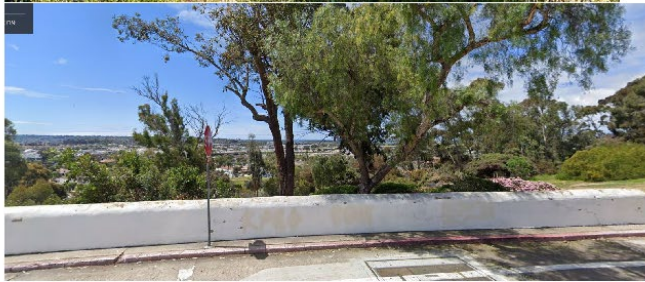
C7-9



Inadequate views being considered for visual impacts to Presidio Park, Linda Vista, and Bay Park.

C7-9: This comment provides additional photos of possible view locations and states that the SEIR visual analysis provided inadequate views from Presidio Park, Linda Vista, and Bay Park. Draft SEIR Section 5.1.4.2, Issue 2: Neighborhood Character, notes the 10 selected key views do not represent all possible views of the CP area; they are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Please also see response to comment C7-6.

C7-9
cont.



C7-9
cont.



C7-9
cont.



C7-10



As stated in the SEIR the City has no control over the height on Navy OTC Redevelopment, but there is a cumulative impact that should be addressed.

C7-10: This comments states that cumulative impact of the Navy Old Town Campus (OTC) Revitalization Project should be addressed. The project-specific Visual Impact Analysis (Appendix D) analyzed the project under a hypothetical scenario in which the CP area would be built out to the maximum building height limit per the development standards in the SDMC. It also assumed that U.S. Navy-owned properties would be built out at the highest intensity scenario (Alternative 4) identified in the Navy OTC Revitalization Project Environmental Impact Statement. The purpose of analyzing the maximum building height limit is to assess the worst-case scenario from a visual perspective.

The Draft SEIR's cumulative approach was conservative. The Draft SEIR states on page 6-3, "the cumulative analysis includes the redevelopment of the Navy Old Town Campus (OTC) site adjacent to Pacific Highway and Interstate (I-) 5 as described in Alternative 4 (preferred alternative with maximum development height up to 350 feet) of the Navy OTC Revitalization Project Environmental Impact Statement."

As discussed in Chapter 6.0, Cumulative Impacts, viewers would still notice a significant change in views due to the proximity and heights of future development in the CP area from the increase in building heights allowed by the project coupled with cumulative development. Specifically, cumulative development would impact Key Views 1, 2, 3, 5, 8, and 9. The Draft SEIR concluded that cumulative impacts associated with visual effects and neighborhood character would be potentially significant. However, implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the maximum densities approved in the 2018 Community Plan and analyzed in the 2018 PEIR. The project would not alter the densities that were approved with the 2018 Community Plan and analyzed in the 2018 PEIR. In addition, some areas are governed by other regulating

documents, where the City does not have building height regulatory authority. Therefore, cumulative impacts associated with visual effects and neighborhood character were determined to remain significant and unavoidable. Therefore, the Navy OTC project was adequately addressed in the cumulative impact analysis for the project.

C7-11



Consider UCSD & Overlook Heights in Linda Vista



C7-11: This comment recommends considering views from USD and Overlook Heights in Linda Vista. As stated in Section 5.1.4.2, Issue 2: Neighborhood Character, of the Draft SEIR, it is not feasible to analyze all views in which the project will be seen; therefore, a total of 10 key views were selected to represent public views from both public streets and publicly accessible areas based on the major viewer groups potentially affected by the project. In addition, the SEIR notes these views do not represent all possible views of the CP area; they are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area.

Please also see response to comment C7-6.

C7-12



Mary Magdalene Church in Bay Park—Distance and enlarged view

C7-13



Per the City of San Diego Housing Element 2021-2029 Adequate Sites Inventory there is 174,678 potential units in the City of San Diego. RHNA target for San Diego is 108,036 units during this period. In 2020, San Diego had 530,000 housing capacity. The issue is not enough adequate sites, but rather the fact that not enough units are being built to meet RHNA goals.

Between 2014 and 2020, the City has created new housing capacity of 74,000 additional units through the community plan update process. Source 2020 Housing Inventory Report.

C7-12: This comment recommends considering views from Mary Magdalene Church in Bay Park. The view from this area was not included because it is substantially higher than the tops of the highest possible buildings and thus the views of San Diego Bay and Point Loma would not be adversely impacted. In addition, the primary views from this location are of Mission Bay and the Pacific Ocean directly west, not the project area to the southwest. Please also see response to comment C7-6.

C7-13: This comment pertains to the City's Regional Housing Needs Allocation target and does not address the adequacy or accuracy of information provided in the Draft SEIR. No response is required.

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Comment Letter C8: Scott Case

From: Scott <sdcaseplace@gmail.com>
Sent: Wednesday, June 1, 2022 12:11 AM
To: PLN_PlanningCEQA <planningceqa@sandiego.gov>
Cc: Councilmember Jennifer Campbell <JenniferCampbell@sandiego.gov>; Councilmember Stephen Whitburn <StephenWhitburn@sandiego.gov>; Gloria, Todd (External) <MayorToddGloria@sandiego.gov>
Subject: [EXTERNAL] Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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

C8

C8-1

To: Elena Pasqual (Senior Environmental Planner, Planning Department)

Re: Public comment on the Draft SEIR - Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (SCH# 2022030324)

I appreciate that opportunity to offer my comments on this Draft SEIR. Preserving view-sheds and community character are important tenets when assessing municipal code changes that have irreversible impacts on current and future generations. My comments are itemized as follows.

C8-2

1. I concur with the Draft SEIR Section 8.4 that recommends the Reduced Height Alternative, reasons are that it places clear height limits on the view-shed Kettner District and the Hancock Transit Corridor areas. Without the alternative height restrictions, there are numerous view-sheds which would be permanently lost, and impact the community character. Specifically, (a) the entire hillside along the eastern side of Fwy5; (b) views of the harbor and ocean from Fwy5, which are a wonderful visual welcome to San Diego.

C8-3

2. I do not concur with the Reduced Density Alternative. My reason is that it places no height limit for the IS-1-1 zone, and it allows for 100 feet height in the CC-2-5 zone, causing Significant and Unavoidable (SU) impacts.

C8-4

3. I do understand the SEIR's repeated statement that the "City has no land use authority over federal property." However, I think it would be wise for the City to declare their opposition to any governmental entity that seeks to impose their developmental ambitions which are not aligned with our Community Plans. As you are aware, the US Navy is proposing development of high rise buildings that will forever destroy our harbor and ocean view-sheds. This Draft SEIR recommendation for Reduced Height Alternative is a moot point if the US Navy continues their irresponsible and tone-deaf approach to redevelop their Old Town campus. Thus, the City should start to speak boldly on this matter.

Thank you for your consideration,
Scott Case
1603 Linwood St
San Diego, CA 92103
sdcaseplace@gmail.com

C8-1: This comment provides an introduction to the comment letter; therefore, no response is required.

C8-2: The commenter's preference for the Reduced Height Alternative, including the rationale, is noted. See the response to comment C3-2 for a response to this comment.

C8-3: The commenter's dislike for the Reduced Density Alternative, including the rationale, is noted. See the response to comment C3-3 for a response to this comment.

C8-4: The commenter's opposition to proposed development at the NAVWAR project site, is noted. See response to comment C3-4 for a response to this comment.

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Acronyms and Abbreviations

2018 Community Plan	2018 Midway-Pacific Highway Community Plan
2018 PEIR	2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report
ALUCP	Airport Land Use Compatibility Plan
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CPIOZ	Community Plan Implementation Overlay Zone
Complete Communities	Complete Communities: Housing Solutions and Mobility Choices
CP area	Midway-Pacific Highway Community Planning area
District	San Diego Unified Port District
EIR	Environmental Impact Report
EIR Guidelines	City of San Diego Environmental Impact Report Guidelines
FAR	floor area ratio
General Plan	2008 City of San Diego General Plan
General Plan PEIR	City of San Diego Final PEIR for the Draft General Plan
Housing Program	Complete Communities: Housing Solutions
I-	Interstate
IS	Initial Study
ITC	Intermodal Transit Center
LDC	Land Development Code
Master Plan Update	Mission Bay Park Master Plan Update
MCRD	Marine Corps Recruit Depot
Measure E	Ballot Measure for 30-Foot Height Limit Exception (November 2020)
MHPA	Multi-Habitat Planning Area
Mobility Choices Program	Complete Communities: Mobility Choices
OTC	Old Town Campus
Peninsula Community Plan	Peninsula Community Plan and Local Coastal Program Land Use Plan
Port	San Diego Unified Port District
project	Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SDIA	San Diego International Airport
SDMC	San Diego Municipal Code
SEIR	Supplemental Environmental Impact Report
TPA	Transit Priority Area
USACE	U.S. Army Corps of Engineers
VMT	vehicle miles traveled

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Executive Summary

S.1 Proposed Project

S.1.1 Project Location and Setting

The Midway-Pacific Highway Community Planning area (CP area) encompasses roughly 1,324 acres of relatively flat area in the west-central portion of the City of San Diego (City), north of the San Diego International Airport (SDIA), south of Mission Bay Park, and between the northern end of the Peninsula Community Plan area to the west and the Old Town Community Plan area to the east. The community is composed of three main elements: the Midway area, which consists mainly of an urbanized commercial core; the narrow Pacific Highway corridor, which runs along Interstate (I-) 5 from the southern end of the Midway area south to Laurel Street; and the Marine Corps Recruit Depot (MCRD). The San Diego River functions as the northern boundary of the CP area. The SDIA provides the southern boundary for the MCRD and the western boundary for the Pacific Highway corridor. I-5 forms the eastern boundary of the CP area. A portion of the Pacific Highway corridor is within the Coastal Zone and subject to the California Coastal Act as implemented by the Midway-Pacific Highway Local Coastal Program and zoning regulations.

The CP area is urbanized and generally characterized as a mix of commercial and industrial areas, with some residential areas. Approximately 1,009 acres, or 76 percent, of the CP area is in a Transit Priority Area (TPA), which is defined as an area within one-half mile of a major transit stop that is existing or planned. The CP area's overall physical structure reflects its geography and historical development patterns. The CP area is divided into several districts and villages that have been identified in the adopted 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) as opportunities for infill development and larger scale sites with a mix of cohesive land uses. Historically, development in the CP area has been heavily associated with and influenced by aviation and military-related industries. Following World War II, the area was bisected from the Uptown Community Plan area and Old Town Community Plan area by the development of I-5. Automobile-oriented development patterns along with relaxed urban design requirements and the reuse of former federal property resulted in superblocks and a lack of uniformity in the built environment throughout the CP area.

S.1.2 Project Description

The project is a proposed ballot measure that would amend the San Diego Municipal Code (SDMC) to remove the CP area from the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone. As discussed in Chapter 1.0, Introduction, the existing height limit was approved in 1972 by a citizens' initiative measure that generally limited the height of buildings in the City to 30 feet in the Coastal Height Limit Overlay Zone. Voters adopted the original language and, thus, will be asked in this measure to consider an amendment to the law to remove the CP area

from the height limitation. If approved by a majority vote of qualified voters, the ballot measure would amend the prohibition, currently codified in the SDMC Section 132.0505, to remove the height limit in the area defined as the CP area to allow for additional height. The amendment would take effect after the results of the election are certified in a City Council resolution. The project would not change the underlying base zone regulations, including the base zone's height limit.

The project would not approve any specific development. Any proposed future development must comply with all governing laws. Building height in the CP area would still be regulated by zoning laws in the SDMC.

S.2 Project Objectives

The following specific objectives were certified as part of the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR). These objectives have been carried forward to support the purpose of the project. The primary objectives of the project are as follows:

1. Establish multiple-use villages and districts within the community;
2. Enhance community identity and visual character through land use and urban design;
3. Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks;
4. Create a Bay-to-Bay pedestrian and bicycle linkage (replacing the Bay-to-Bay canal concept);
5. Identify park and recreation facilities to serve the community;
6. Provide housing and commercial uses in proximity to transit;
7. Maintain employment uses including industrial, business park, and commercial office uses to support the City's economy;
8. Improve localized water quality and conveyance through facility improvements and design; and
9. Identify future alternative uses for government-owned land in the community.

Since the certification of the 2018 PEIR, the City has adopted a new Strategic Plan, which includes the goal to "create homes for all of us." To that end, an additional objective for the project is as follows:

10. Encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices.

S.3 Areas of Controversy

Areas of controversy include potential impacts to surrounding neighborhoods due to increased building heights and build-out intensity of the CP area without height restrictions. Environmental

impacts classified as significant and unavoidable that may generate controversy have been identified for the resource topic of visual effects and neighborhood character and are described in Section 5.1, Visual Effects and Neighborhood Character, in Chapter 5.0, Environmental Analysis, of this Supplemental Environmental Impact Report (SEIR).

S.4 Project Alternatives

To fully evaluate the environmental effects of proposed projects, the California Environmental Quality Act (CEQA) mandates that alternatives to a proposed project be analyzed. CEQA Guidelines, Section 15126.6, requires the discussion of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to “focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project,” even if these alternatives would impede to some degree the attainment of the project objectives.

Alternatives to the project are evaluated in Chapter 8.0, Alternatives, of this SEIR. The evaluations analyze the ability of each alternative to further reduce or avoid the significant effects of the project. The issue area of visual effects and neighborhood character included in the impact analysis of this SEIR has been given consideration in the alternative analysis. The SEIR evaluates three alternatives to the project: No Project Alternative (Maintain the Coastal Height Limit), Reduced Height Alternative, and Reduced Density Alternative.

S.4.1 No Project Alternative (Maintain the Coastal Height Limit)

Under the No Project Alternative (Maintain the Coastal Height Limit), the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone would continue to apply to future development in the CP area that is subject to the City’s land use authority. The 2018 Community Plan would continue to guide development in the CP area.

S.4.2 Reduced Height Alternative

Under this alternative, building height would be limited to 50 feet in areas along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District. The following zones would be height restricted to 50 feet by the Reduced Height Alternative: Residential Multi-Family (RM)-4-10; Commercial-Community (CC)-2-5, CC-3-8, and CC-3-9; and Industrial-Small Scale (IS)-1-1. Under the project, these areas would have a maximum building height of 100 feet or no maximum height. Thus, these areas have the potential to cause the most impacts to visual resources and neighborhood character. Table S-1,

Comparison of Maximum Building Heights under the Reduced Height Alternative, identifies the heights allowed in each zone under the project and the Reduced Height Alternative.

Table S-1. Comparison of Maximum Building Heights under the Reduced Height Alternative

Village, District, or Area	Zoning Designation ¹	Project Maximum Height Limit	Reduced Height Alternative Maximum Height Limit
Sports Arena Community Village	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet	40 feet
	RM-3-8	50 feet	50 feet
	CC-1-3	45 feet	45 feet
	CC-3-6	65 feet	65 feet
Dutch Flats Urban Village ²	CO-3-1	50 feet	50 feet
	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Camino Del Rio District	CC-1-3	45 feet	45 feet
	CC-3-1	50 feet	50 feet
	CC-3-8	100 feet	50 feet
Channel District	RM-3-8	50 feet	50 feet
	CC-3-6	65 feet	65 feet
Rosecrans District	CC-1-3	45 feet	45 feet
	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Cauby District	CC-1-3	45 feet	45 feet
	CC-3-7	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Lytton District	CN-1-6	65 feet	65 feet
	RM-1-1	30 feet	30 feet
	RM-3-8	50 feet	50 feet
Kurtz District ²	CO-3-1	50 feet	50 feet
	CC-2-5	100 feet	50 feet
	CC-3-8	100 feet	50 feet
	IP-2-1	No limit	No limit
Hancock Transit Corridor	CC-2-5	100 feet	50 feet
	CC-3-8	100 feet	50 feet
	RM-3-9	60 feet	60 feet
	CC-3-9	No limit	50 feet
	RM-4-10	No limit	50 feet

Table S-1. Comparison of Maximum Building Heights under the Reduced Height Alternative

Village, District, or Area	Zoning Designation ¹	Project Maximum Height Limit	Reduced Height Alternative Maximum Height Limit
Kettner District	CC-3-8	100 feet	50 feet
	IS-1-1	No limit ³	50 feet
MCRD ⁴	None	None	None

Source: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy Old Town Campus Revitalization Project Environmental Impact Statement proposes buildings of up to 350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over federal property (i.e., the MCRD).

Under this alternative, a Community Plan Implementation Overlay Zone (CPIOZ) would be established as a mechanism to implement reduced height limits in these areas. Per Chapter 13, Article 2, Division 14, Section 132.1401, of the SDMC, the purpose of a CPIOZ is to provide supplemental development regulations that are tailored to specific sites within Community Plan areas of the City. The intent of these regulations is to ensure that development proposals are reviewed for consistency with the use and development criteria that have been adopted for specific sites as part of the Community Plan Update process. In addition, the City does not have land use authority on lands regulated by the Port Master Plan and/or the SDIA's Airport Land Use Compatibility Plan (ALUCP).

Similar to the project, under the Reduced Height Alternative, building heights in the remainder of the CP area would continue to be regulated by the zoning designation maximum height allowed in the SDMC.

S.4.3 Reduced Density Alternative

Under this alternative, density in certain areas of the CP area would be reduced to accommodate lower building heights through rezoning. The lower density areas in the Reduced Density Alternative would be similar to the reduced height areas in the Reduced Height Alternative because these areas would have the potential to cause the most impacts to visual resources and neighborhood character. As shown on Figure 8-3, Reduced Density Alternative, lower density would occur along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District. In these areas the CC-3-8 and CC-3-9 would be rezoned to CC-3-7 and RM-4-10 would be rezoned to RM-3-9. Building

heights would be regulated by the zoning designation maximum height allowed in the San Diego Municipal Code. CC-3-7 would allow for a maximum building height of 65 feet, and RM-3-9 would allow for a maximum building height of 60 feet. Table S-2, Comparison of Maximum Building Heights under the Reduced Density Alternative, identifies the zoning designation and heights allowed in each zone under the project and the Reduced Density Alternative.

Table S-2. Comparison of Maximum Building Heights under the Reduced Density Alternative

Village, District, or Area	Project Zoning Designation ¹	Project Maximum Height Limit	Reduce Density Alternative Zoning Designation	Reduced Density Alternative Maximum Height Limit
Sports Arena Community Village	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet	RM-2-5	40 feet
	RM-3-8	50 feet	RM-3-8	50 feet
	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-6	65 feet	CC-3-6	65 feet
Dutch Flats Urban Village ²	CO-3-1	50 feet	CO-3-1	50 feet
	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Camino Del Rio District	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-1	50 feet	CC-3-1	50 feet
	CC-3-8	100 feet	CC-3-7	65 feet
Channel District	RM-3-8	50 feet	RM-3-8	50 feet
	CC-3-6	65 feet	CC-3-6	65 feet
Rosecrans District	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Cauby District	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-7	65 feet	CC-3-7	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Lytton District	CN-1-6	65 feet	CN-1-6	65 feet
	RM-1-1	30 feet	RM-1-1	30 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Kurtz District ²	CO-3-1	50 feet	CO-3-1	50 feet
	CC-2-5	100 feet	CC-2-5	100 feet
	CC-3-8	100 feet	CC-3-7	65 feet
	IP-2-1	No limit	IP-2-1	No limit

Table S-2. Comparison of Maximum Building Heights under the Reduced Density Alternative

Village, District, or Area	Project Zoning Designation ¹	Project Maximum Height Limit	Reduce Density Alternative Zoning Designation	Reduced Density Alternative Maximum Height Limit
Hancock Transit Corridor	CC-2-5	100 feet	CC-2-5	100 feet
	CC-3-8	100 feet	CC-3-7	65 feet
	RM-3-9	60 feet	RM-3-9	60 feet
	CC-3-9	No limit	CC-3-7	65 feet
	RM-4-10	No limit	RM-3-9	60 feet
Kettner District	CC-3-8	100 feet	CC-3-7	65 feet
	IS-1-1	No limit ³	IS-1-1	No limit
Marine Corps Recruit Depot ⁴	None	None	None	None

Source: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy Old Town Campus Revitalization Project Environmental Impact Statement proposes buildings of up to 350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over federal property (i.e., the MCRD).

S4.4 Environmentally Superior Alternative

The Reduced Height Alternative is the environmentally superior alternative. The Reduced Height Alternative would substantially reduce impacts on visual effects and neighborhood character compared to the project, although not to below a level of significance. Regarding attaining most of the basic project objectives, the Reduced Height Alternative would not fully implement, to the same extent as the project, Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. This is due to the potential for the height restrictions in the northern, eastern, and southern CP area boundaries to limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City’s objective of providing housing for a variety of people.

S.5 Summary of Impacts of the Project

Table S-3, Summary of Significant Environmental Impacts, summarizes the results of the environmental analyses in Chapters 5.0, Environmental Analysis, and 6.0, Cumulative Impacts, of

this SEIR, including the potentially significant environmental impacts of the project and proposed mitigation measures to reduce or avoid these impacts. Chapter 5.0 also includes discussions of proposed policies that would reduce identified impacts, although not to below a level of significance. Chapter 6.0 includes an analysis of cumulative impacts of the project for each issue.

Table S-3. Summary of Significant Environmental Impacts

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
Section 5.1, Visual Effects and Neighborhood Character			
Issue 1: Scenic Vistas or Views	Implementation of the project would result in the substantial obstruction of a scenic vista or view from a public viewing area as identified in the 2018 Community Plan.	No feasible mitigation available	Significant and unavoidable (direct and cumulative impact)
Issue 2: Neighborhood Character	Implementation of the project would result in a substantial adverse alteration (e.g., bulk, scale, materials, or style) to the existing or planned (adopted) character of the area.	No feasible mitigation available	Significant and unavoidable (direct and cumulative impact)
Issue 3: Distinctive or Landmark Trees	Implementation of the project would not result in the loss of any distinctive or landmark trees or any stand of mature trees.	None required	Less than significant
Issue 4: Landform Alteration	Implementation of the project would not result in a substantial change in the existing landform.	None required	Less than significant
Issue 5: Light or Glare	Implementation of the project would not create substantial light or glare that would adversely affect daytime and nighttime views in the area.	None required	Less than significant

S.6 Summary of Impacts of the Alternatives Compared to the Project

As shown in Table S-4, Summary of Impacts for Alternatives Compared to the Project, the No Project Alternative (Maintain the Coastal Height Limit), Reduced Height Alternative, and Reduced Density Alternative would reduce significant impacts to visual effects and neighborhood character compared to the project. The Reduced Height Alternative is the environmentally superior alternative.

Table S-4. Summary of Impacts for Alternatives Compared to the Project

Impact	Project		Alternatives		
	Without Mitigation	With Mitigation	No Project (Maintain the Coastal Height Limit)	Reduced Height Alternative	Reduced Density Alternative
Visual Effects and Neighborhood Character					
Issue 1: Scenic Vistas or Views	PS	SU (direct and cumulative impact)	<	<	<
Issue 2: Neighborhood Character	PS	SU (direct and cumulative impact)	<	<	<

Table S-4. Summary of Impacts for Alternatives Compared to the Project

Impact	Project		Alternatives		
	Without Mitigation	With Mitigation	No Project (Maintain the Coastal Height Limit)	Reduced Height Alternative	Reduced Density Alternative
Issue 3: Distinctive or Landmark Trees	LS	LS	=	=	=
Issue 4: Landform Alteration	LS	LS	=	=	=
Issue 5: Light or Glare	LS	LS	=	=	=

Notes: LS = Less than Significant Impact; NI = No Impact; PS = Potentially Significant Impact; SU = Significant and Unavoidable
 = Impacts would be similar to those of the project.
 > Impacts would be greater than those of the project.
 < Impacts would be less than those of the project.

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Chapter 1.0 Introduction

This Supplemental Environmental Impact Report (SEIR) for the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) has been prepared on behalf of the City of San Diego (City) in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) and in accordance with the City's Environmental Impact Report Guidelines (EIR Guidelines) (City of San Diego 2005) and the City's CEQA Significance Determination Thresholds (City of San Diego 2020a).

In 2018, the Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) was certified. The 2018 PEIR analyzed environmental impacts associated with the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan), including policies and recommendations related to a range of topics included in each section of the 2018 Community Plan, such as multimodal mobility, urban design, environmental conservation, recreation opportunities, neighborhood character, and historic preservation, in accordance with the general goals stated in the 2008 City of San Diego General Plan (General Plan).

Voters in the City of San Diego (City) approved a citizens' initiative measure in 1972 that generally limited the height of buildings in the City to 30 feet in the Coastal Zone. As defined in the 1972 ballot measure, and now codified in the San Diego Municipal Code (SDMC), the geographic boundaries of the Coastal Zone include the City's land and water area from the northern City limits south to the border of Mexico, extending seaward to the outer limit of the City's jurisdiction and inland to Interstate (I-) 5. The Coastal Height Limit has been amended several times by the electorate (SDMC Section 132.0505). The Midway-Pacific Highway Community Planning area (CP area) is within the geographic boundaries of the 1972 ballot measure.

On November 3, 2020, City residents voted in favor of Measure E to amend the SDMC to remove the CP area from the existing 30-foot height limit. Following the vote approval, Save Our Access petitioned the Superior Court of California alleging that the City did not complete the required environmental review for the additional height limit beyond the 2018 PEIR and requested that adequate environmental analysis be prepared and considered, adequate notice and opportunity be given to interested parties, and findings supported by substantial evidence be adopted prior to the removal of the building height limitation. In December 2021, the Superior Court of San Diego County granted the writ of mandate ordering the City to set aside all approvals that submitted a ballot measure to the voters of the City of San Diego.

The proposed amendment to the SDMC to remove the CP area from the existing 30-foot height limit and to allow for additional height beyond 30 feet consistent with existing zoning is referred to herein as the "project."

1.1 SEIR Purpose and Intended Use

In accordance with CEQA Guidelines, Section 15121, the purpose of this SEIR is to provide public agency decision makers and members of the public with adequate information regarding the potential significant effects of the project, possible ways to minimize the significant effects, and reasonable alternatives that would reduce or avoid any identified significant effects. This SEIR is informational in nature and is intended for use by decision makers, Responsible or Trustee Agencies as defined under CEQA, other interested agencies or jurisdictions, and the public.

This SEIR is intended to:

- Supplement the 2018 PEIR and address project modifications, changed circumstances, or new information that was not known and could not have been known with the exercise of reasonable diligence at the time the prior document was certified as required under CEQA Guidelines, Section 15163;
- Address new or substantially more severe significant environmental effects related to proposed project modifications;
- Recommend mitigation measures to avoid or lessen impacts associated with any new or substantially more severe significant environmental effects; and
- Update the impact analysis and mitigation measures where conditions have changed since the certification of the 2018 PEIR.

Pursuant to CEQA Guidelines, Section 15152, the SEIR will “tier” from the 2018 PEIR. Tiering refers to using the analysis of general matters contained in a broader EIR with later EIRs on narrower projects, incorporating by reference the general discussions from the broader EIR, and concentrating the later EIR solely on the issues specific to the later project. Agencies are encouraged to tier the environmental analyses that they prepare for separate but related projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR on the actual issues ripe for decision at each level of environmental review. Where an EIR has been prepared and certified for a program, plan, policy, or ordinance, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR on the later project to the effects that were not examined as significant effects on the environmental analysis in the prior EIR or are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project. A later EIR shall be required when the Initial Study (IS) or other analysis finds that the later project may cause a significant effect on the environment that was not adequately addressed in the prior EIR.

Per CEQA Guidelines, Section 15162(d), the 2018 PEIR is available for review at <https://www.sandiego.gov/ceqa/final>. The 2018 PEIR is also included as Appendix A of this SEIR.

1.2 SEIR Legal Authority

1.2.1 Lead Agency

The City is the lead agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The lead agency, as defined by CEQA Guidelines, Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving a project. On behalf of the lead agency, the City's Planning Department conducted a preliminary review of the project and decided that an SEIR was required. The analysis and findings in this document reflect the independent, impartial conclusions of the City.

1.2.2 Responsible and Trustee Agencies

State law requires that all EIRs be reviewed by Responsible and Trustee Agencies. A Responsible Agency, defined pursuant to CEQA Guidelines, Section 15381, includes all public agencies other than the lead agency that have discretionary approval power over the project. A Trustee Agency is defined in CEQA Guidelines, Section 15386, as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. Implementation of the project would require subsequent actions or consultation from Responsible or Trustee Agencies. A brief description of some of the primary Responsible or Trustee Agencies that may have an interest in the project is provided below.

1.2.2.1 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) has jurisdiction over development in or affecting the navigable waters of the United States. All permits issued by the USACE are subject to consultation and/or review by the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency. Drainages occurring in the CP area may contain streams and wetlands, which may be classified as jurisdictional waters of the United States. No permits from the USACE are required at this time; however, future development projects, particularly improvements to infrastructure such as water and sewer lines that could occur with implementation of the project, may require review and/or USACE permits in the future.

1.2.2.2 California Department of Transportation

The CP area is adjacent to California Department of Transportation (Caltrans) facilities, including I-5 and I-8. No permits from Caltrans are required at this time; however, Caltrans' approval would be required for any encroachments or construction of facilities in a Caltrans right-of-way associated with future projects in the CP area.

1.2.2.3 San Diego Regional Water Quality Control Board

The San Diego Regional Water Quality Control Board (RWQCB) regulates water quality through the federal Clean Water Act Section 401 certification process and oversees the National Pollutant

Discharge Elimination System Permit No. CAS0109266. The RWQCB is responsible for implementing permitting, compliance, and other activities to reduce pollutants in municipal, construction, and industrial stormwater runoff, including overseeing the development and implementation of Water Quality Improvement Plans as required by the Regional Municipal Separate Storm Sewer System Permit for the San Diego region, which includes the City, as well as ensuring that all other Municipal Separate Storm Sewer System Permit requirements are met. No permits from the RWQCB are required at this time; however, future development projects in the CP area may require review and/or Section 401 certifications.

1.2.2.4 San Diego County Regional Airport Authority

The San Diego County Regional Airport Authority operates the San Diego International Airport (SDIA). The airport authority also serves as the County’s Airport Land Use Commission and is responsible for land use planning as it relates to public safety surrounding the region’s airports. As a Responsible Agency, the San Diego County Regional Airport Authority, acting as the Airport Land Use Commission, would review future development proposals in the CP area and make “consistency determinations” with the provisions and policies set forth in the SDIA Airport Land Use Compatibility Plan (ALUCP) up until the time the Airport Land Use Commission determines that the project is consistent with the SDIA ALUCP. Future development projects in the CP area would be subject to the noise, safety, overflight, and airspace protection policies in the SDIA ALUCP, which also include the Code of Federal Regulations Part 77 requirement to provide notification to the Federal Aviation Administration as addressed in the SDIA ALUCP.

1.2.2.5 San Diego Unified Port District

The San Diego Unified Port District (District) has jurisdiction over the tidelands and submerged lands within San Diego Bay and maintains and controls those tidelands and submerged lands for public benefit. As a tool to allow the District to regulate its lands, the District adopted a Port Master Plan that provides planning and land policies for the physical development of tidelands and submerged lands. The District has land management authority over the District-owned parcels in the Kettner District south of Vine Street in the southeastern portion of the CP area.

1.3 EIR Type, Scope, Content, and Format

1.3.1 Type of EIR

This EIR has been prepared as a SEIR as defined in CEQA Guidelines, Section 15163. Accordingly, pursuant to CEQA Guidelines, Section 15163, the SEIR need contain only the information necessary to analyze the project modifications, changed circumstances, or new information that triggered the need for additional environmental review. Information and analysis from the 2018 PEIR that is relevant to the analysis of the project modifications is briefly summarized or described rather than repeated.

1.3.2 SEIR Scope and Content

The scope of analysis for this SEIR was determined as a result of the IS prepared for the project along with the Notice of Preparation that was publicly noticed and distributed on Friday, March 11, 2022, and the online public scoping meeting that was held on March 23, 2022, via Zoom. The Notice of Preparation and IS, related letters received, and comments made during the scoping meeting are included as Appendix B of this SEIR. Through these scoping activities, the project was determined to have the potential to result in a new significant environmental impact in the following area:

- Visual Effects and Neighborhood Character

The IS determined that all other environmental impact areas analyzed in the 2018 PEIR adequately addressed the project, and no additional analysis is required.

1.3.3 SEIR Format

The format and order of contents of this SEIR follow the City's EIR Guidelines and the 2018 PEIR. The SEIR's analysis of environmental effects is focused on visual effects and neighborhood character, which was determined through the initial review and public scoping processes to be potentially significant. A brief overview of the various chapters of this SEIR is provided below:

- **Executive Summary (CEQA Guidelines, Section 15123).** Provides a summary of the SEIR, a brief description of the project, identification of areas of controversy, and inclusion of a summary table identifying significant impacts, proposed mitigation measures, and significance of impact after mitigation. A summary of the project alternatives and a comparison of the potential impacts of the alternatives with those of the project are also provided.
- **Chapter 1.0, Introduction.** Contains an overview of the purpose, intended use, legal authority, type, scope, content, format, and process of the SEIR.
- **Chapter 2.0, Environmental Setting (CEQA Guidelines, Section 15125).** Provides a description of the project's regional context, location, and existing physical characteristics and land use in the CP area related to visual effects and neighborhood character. In Chapter 5.0, Environmental Analysis, the environmental setting discussion contained in Chapter 2.0 is referenced to avoid repetition.
- **Chapter 3.0, Project Description (CEQA Guidelines, Section 15124).** Provides a detailed discussion of the project, including background, objectives, key features, and environmental design considerations.
- **Chapter 4.0, Regulatory Framework.** Provides a summary of the applicable state and local environmental laws and requirements relevant to visual effects and neighborhood character.
- **Chapter 5.0, Environmental Analysis (CEQA Guidelines, Section 15126).** Provides a detailed community-specific evaluation of potential environmental impacts related to visual effects and neighborhood character. The analysis begins with a reference to the

environmental setting and regulatory framework provided in Chapters 2.0 and 4.0, respectively, and a statement of specific thresholds used to determine significance of impacts, followed by an evaluation of potential impacts. If significant impacts are identified, feasible mitigation measures to avoid or reduce any significant impacts are identified. Where mitigation measures are required, a statement regarding the significance of the impact after mitigation is provided.

- **Chapter 6.0, Cumulative Impacts (CEQA Guidelines, Section 15130).** Provides a detailed discussion of the project’s incremental effects related to visual effects and neighborhood character. According to CEQA Guidelines, Section 15065, “cumulatively considerable” means the incremental effects of an individual project are considerable when viewed in connection with the effect of past projects, effect of other current projects, and effects of probable future projects as defined in CEQA Guidelines, Section 15130.
- **Chapter 7.0, Other Mandatory Discussion Areas.**
 - **Growth Inducement (CEQA Guidelines, Section 15126.2[e]).** Evaluates the potential influence the project may have on economic or population growth in the CP area, as well as the region, either directly or indirectly.
 - **Effects Found Not to Be Significant (CEQA Guidelines, Section 15128).** Identifies the issues determined in the scoping and preliminary environmental review process not to be significant for the project, and briefly summarizes the basis for these determinations. For the project, it was determined that environmental issues associated with agriculture and forestry resources, air quality, biological resources, energy, geologic conditions, greenhouse gas emissions, health and safety, historical and tribal cultural resources, hydrology and water quality, land use, mineral resources, noise, paleontological resources, population and housing, public services and facilities, public utilities, transportation and circulation, and wildfire would not be significant and, therefore, are summarized in Chapter 7.0.
 - **Significant Unavoidable Environmental Impacts/Significant Irreversible Environmental Changes (CEQA Guidelines, Sections 15126.2[c] and 15126.2[d]).** Provides a summary of any significant unavoidable impacts of the project as detailed in Chapter 5.0. This chapter also describes the potentially significant irreversible changes that may be expected and addresses the use of nonrenewable resources and energy use anticipated during project implementation.
- **Chapter 8.0, Alternatives (CEQA Guidelines, Section 15126.6).** Provides a description of alternatives to the project: No Project Alternative (Maintain the Coastal Height Limit), Reduced Height Alternative, and Reduced Density Alternative.
- **Chapter 9.0, References (CEQA Guidelines, Section 15150).** Lists the reference materials cited in the SEIR.

- **Chapter 10.0, Individuals and Agencies Consulted (CEQA Guidelines, Section 15129).** Identifies the individuals and agencies consulted during preparation of the SEIR.
- **Chapter 11.0, Certification.** Identifies the agencies, organizations, and individuals responsible for the preparation of the SEIR.

1.3.4 Incorporation by Reference

As permitted by CEQA Guidelines, Section 15150, this SEIR has referenced several planning documents, studies, and reports. Information from these documents has been briefly summarized in this SEIR, and their relationship to this SEIR is described. These documents are included in Chapter 9.0, hereby incorporated by reference, and available for review at the City of San Diego, Planning Department, located at 9485 Aero Drive, San Diego, California 92123. The following are included in the list of materials incorporated by reference in this SEIR:

- City of San Diego General Plan (City of San Diego 2008)
- City of San Diego Final PEIR for the Draft General Plan (City of San Diego 2007)
- City of San Diego General Plan Housing Element 2021–2029 (City of San Diego 2021)
- SDMC (City of San Diego 2022)
- City of San Diego Climate Action Plan (City of San Diego 2015)
- 2018 PEIR (Appendix A)
- Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (City of San Diego 2020b)
- Complete Communities: Housing Solutions and Mobility Choices (City of San Diego 2020c, 2022 [SDMC Chapter 14, Article 3, Division 11])

1.4 SEIR Process

The City, as the lead agency, is responsible for the preparation and review of this SEIR. The SEIR review process occurs in two basic stages. The first stage is the Draft SEIR, which offers the public the opportunity to comment on the document, and the second stage is the Final SEIR.

1.4.1 Draft SEIR

In accordance with SDMC Section 128.0306 and CEQA Guidelines, Section 15105, the Draft SEIR is distributed for review to the public and interested and affected agencies for a review period of 45 days. The purpose of the review period is to allow the public an opportunity to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (CEQA Guidelines, Section 15204).

The Draft SEIR and related technical studies are available for review during the public review period at the City of San Diego, Planning Department, located at 9485 Aero Drive, San Diego, California 92123, and on the City's CEQA website: <https://www.sandiego.gov/ceqa/draft>.

The 2018 Community Plan can be viewed on the City's Planning Department website: <https://www.sandiego.gov/planning/community/profiles/midwaypacifichwy/plan>.

1.4.2 Final SEIR

Following the end of the public review period, the City, as the lead agency, will provide written responses to comments received on the Draft SEIR per CEQA Guidelines, Section 15088. All comments and responses will be considered in the review of the SEIR. Detailed responses to the comments received during public review, a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations for impacts identified in the SEIR as significant and unavoidable will be prepared and compiled as part of the SEIR finalization process. The Final SEIR will address any revisions to the Draft SEIR made in response to public or public agency comments. The culmination of this process is a public hearing where the City Council will determine whether to certify the Final SEIR, which includes adoption of the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations, as being complete and in accordance with CEQA. The Final SEIR will be available for public review at least 10 days before the City Council public hearing to provide commenters the opportunity to review the written responses to their comment letters.

Chapter 2.0 Environmental Setting

This chapter discusses the Midway-Pacific Highway Community Planning Area's (CP area's) environmental setting from the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) included as Appendix A of this Supplemental Environmental Impact Report (SEIR). Please refer to Chapter 2.0, Environmental Setting, of the 2018 PEIR (Appendix A) for a discussion of the environmental setting applicable to the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project).

2.1 Regional Location

The CP area is in west-central City of San Diego (City), north of the San Diego International Airport (SDIA), and south of Mission Bay as shown on Figure 2-1, Regional Location. Historically, the CP area was an area of tidal marshes and flats where the San Diego River flowed alternately into San Diego Bay and Mission Bay. Early attempts at developing the CP area were impeded by these swamp-like conditions. Eventually, the San Diego River mouth was channelized to flow into the Pacific Ocean between the two bays. Development of the area was based largely around regional transportation improvements including railways and highways, military development, and aviation.

Major transportation corridors traverse the community, connecting the CP area to Downtown San Diego and other communities in the City and region. These include Pacific Highway, which runs through the CP area from north to south; Interstate (I-) 5, which runs along the eastern boundary of the CP area; and I-8, which runs along the northern boundary. In addition, the CP area is traversed by several major streets: Sports Arena Boulevard and Midway Drive run northwest–southeast across the CP area and intersect with Camino del Rio West and Rosecrans Street, which run southwest–northeast, and Barnett Avenue and Lytton Street connect Rosecrans Street to Pacific Highway and serve as a dividing line between the CP area and the Marine Corps Recruit Depot (MCRD) to the southwest.

2.2 Project Location

The CP area encompasses roughly 1,324 acres of relatively flat area and is in west-central City of San Diego, north of the SDIA, south of Mission Bay Park, and between the northern end of the Peninsula Community Plan area to the west and the Old Town San Diego Community Plan area to the east as shown on Figure 2-2, Project Location. The community is composed of three main elements: the Midway area, which consists mainly of an urbanized commercial core; the narrow Pacific Highway corridor, which runs along I-5 from the southern end of the Midway area south to Laurel Street; and the MCRD. The San Diego River functions as the northern boundary of the CP area. The SDIA provides the southern boundary for the MCRD and the western boundary for the Pacific Highway corridor. I-5 forms the eastern boundary of the CP area. A portion of the Pacific

Highway corridor is within the Coastal Zone and subject to the California Coastal Act as implemented by the Midway-Pacific Highway Local Coastal Program and zoning regulations (Figure 2-3, Local Coastal Zone).

The CP area is urbanized and generally characterized as a mix of commercial and industrial areas, with some residential areas, as shown on Figure 2-4, Existing Land Uses. Approximately 1,009 acres, or 76 percent, of the CP area is within a Transit Priority Area, defined as an area within one-half mile of a major transit stop that is existing or planned (see Figure 2-5, CP Area Transit Priority Areas). The CP area's overall physical structure reflects its geography and historical development patterns. The CP area is divided into several districts and villages that have been identified in the adopted 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) as opportunities for infill development and larger scale sites with a mix of cohesive land uses. Historically, development in the CP area has been heavily associated with and influenced by aviation and military-related industries. Following World War II, the area was bisected from the Uptown Community Plan area and Old Town Community Plan area by the development of I-5. Automobile-oriented development patterns along with relaxed urban design requirements and the reuse of former federal property resulted in superblocks and a lack of uniformity in the built environment throughout the CP area.

2.3 Existing Visual Effects and Neighborhood Character

This section provides a summary of the existing visual effects and neighborhood character of the CP area. Refer to Section 2.3.8 of the 2018 PEIR for a complete discussion of the environmental setting for visual effects and neighborhood character (Appendix A).

2.3.1 Existing Context

The Midway area consists of an urbanized commercial core with neighborhood, community, and region-serving retail centers; limited stay and business motels; institutional facilities; and military installations. The area is made up of wide streets, flat topography, and a mixture of large and small commercial buildings. Residential buildings are concentrated in a portion of the Midway area northwest of Rosecrans Street, near Lytton Street. Several large multi-family complexes are throughout the CP area. Commercial development in the CP area is mostly concentrated in the Midway area.

The Pacific Highway corridor contains predominantly older industrial buildings. The buildings are large-scale, with a group of smaller-scale industrial buildings in the northern portion of the corridor. The southern portion contains unscreened airport serving parking lots and parking structures. The Pacific Highway corridor and northeastern portion of the Midway area include mainly multi-use warehouses and light-manufacturing building. The street system does not have a consistent grid pattern throughout the CP area.

The San Diego Sports Arena, now known as Pechanga Arena, opened in 1966 as a sports and concert venue along Sports Arena Boulevard. The arena quickly became a focal point in the community and spurred the surge of restaurants that opened in the surrounding area.

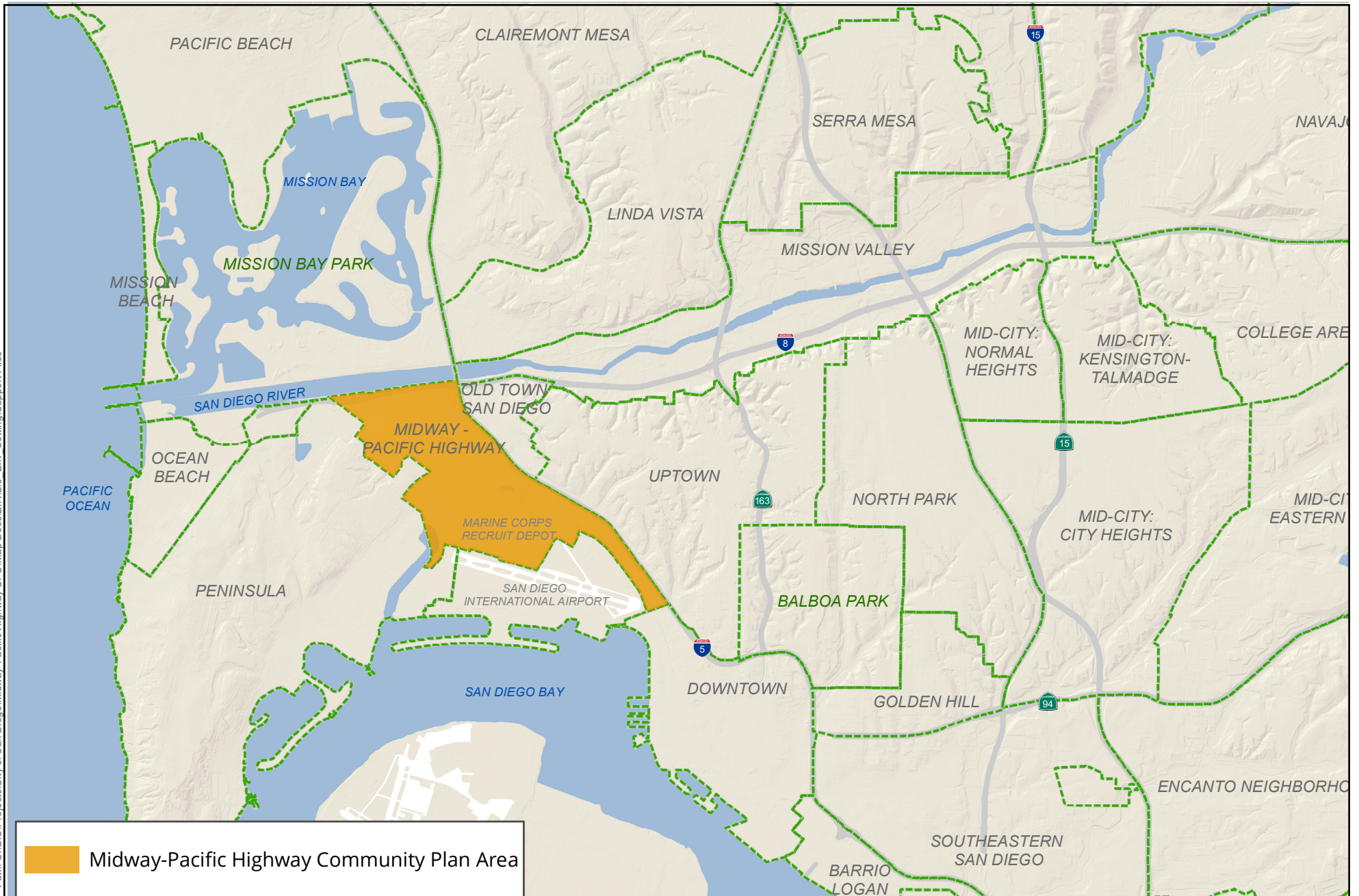
Since the approval of the 1972 citizens' initiative measure, height in the CP area has generally been restricted by the 30-foot Coastal Height Limit Overlay Zone (Figure 2-6, Coastal Height Limit Overlay Zone).

The lack of urban design requirements and haphazard development patterns have created an inconsistent visual character throughout the community.

2.3.2 Views and Vistas

Due to its relatively flat, low-lying topography, the CP area does not have prominent view corridors and does not contain any designated scenic vistas.

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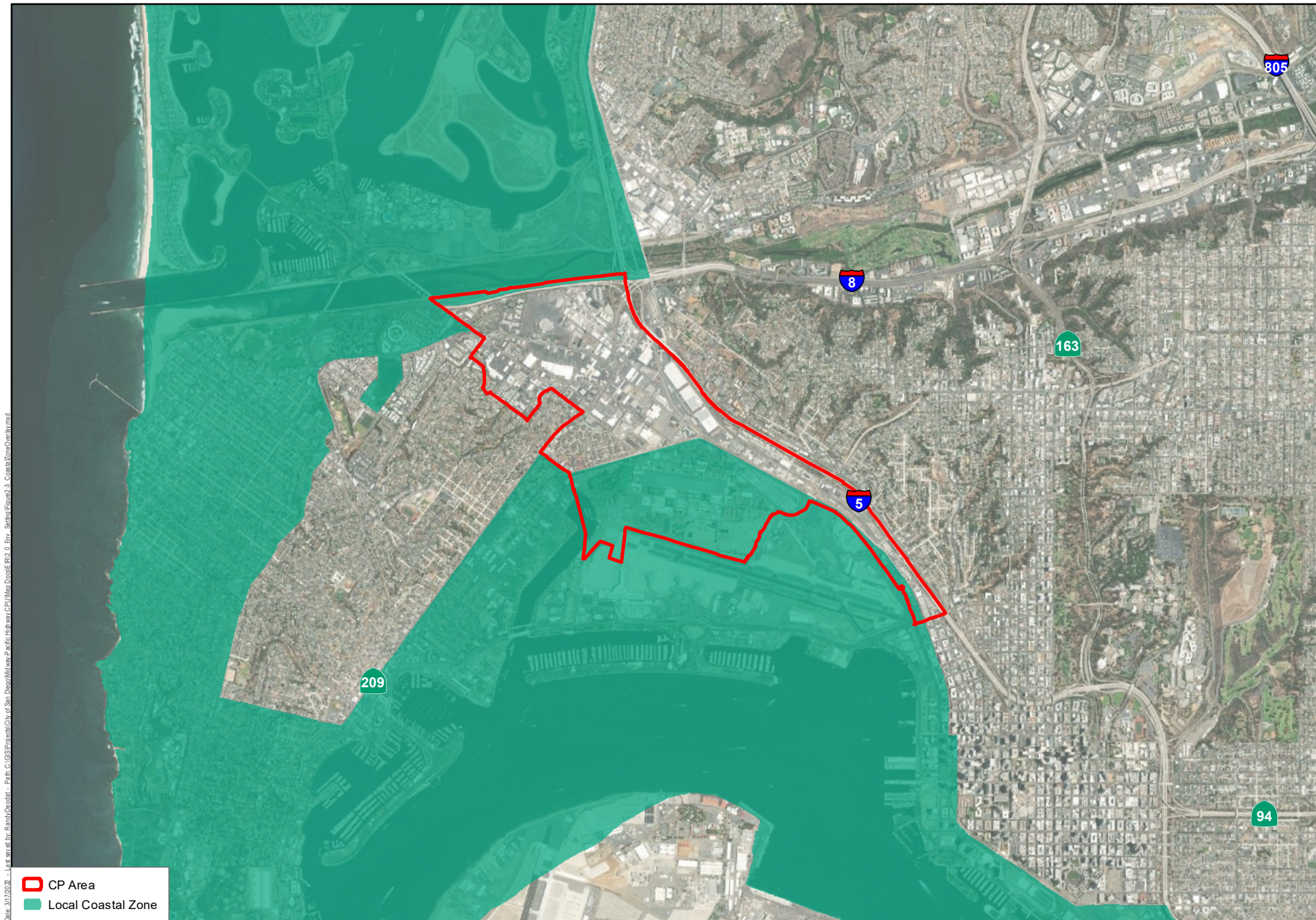
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Source: SanGIS Imagery 2017.



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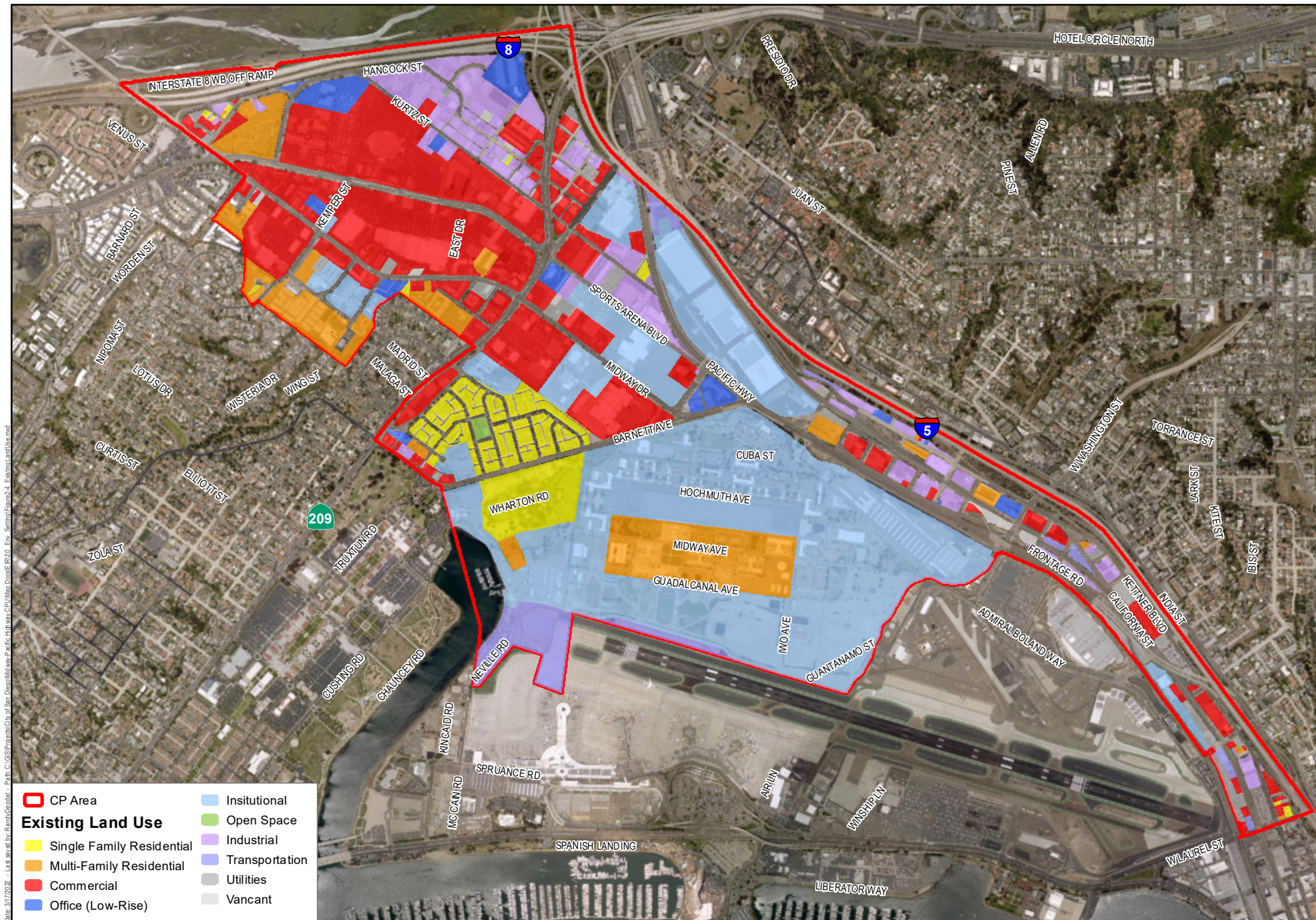


Source: SanGIS 2022; Maxar Imagery 2021.

Figure 2-3

Local Coastal Zone

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Source: SanGIS 2022; SanGIS Imagery 2017.



Harris & Associates



0 1,000 2,000
Feet

Figure 2-4

Existing Land Uses

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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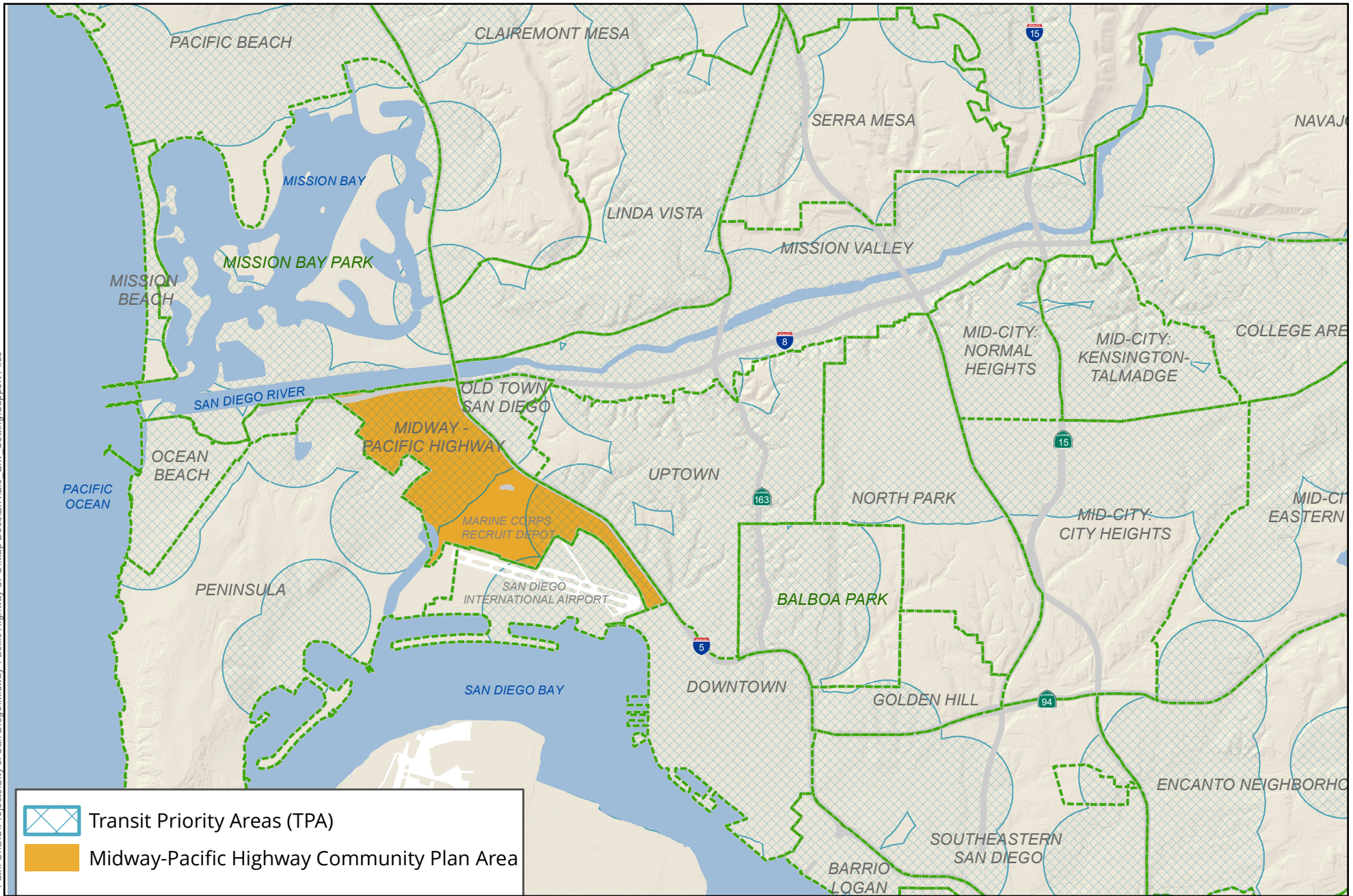
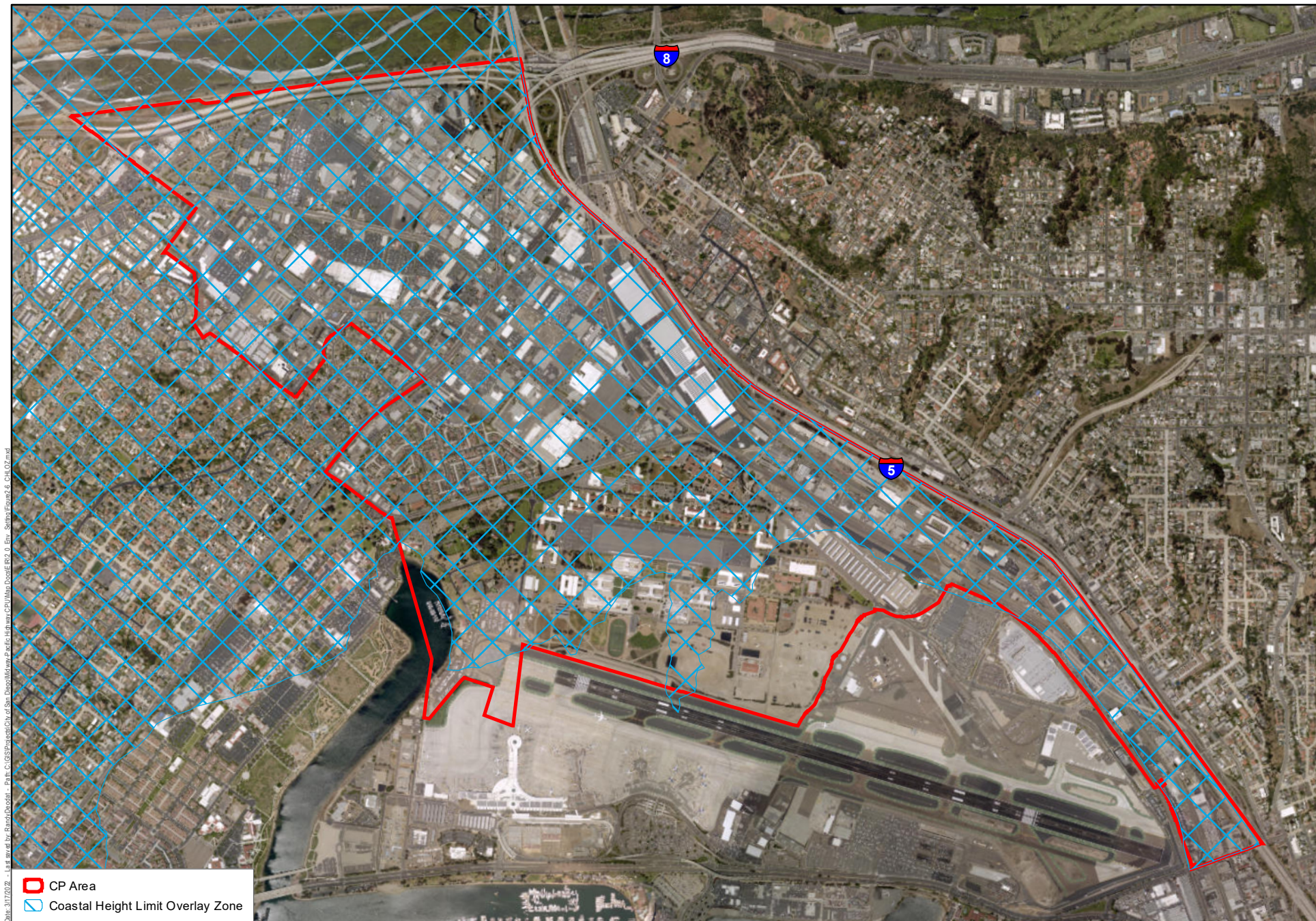


Figure 2-5

CP Area Transit Priority Areas

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Source: City of San Diego 2022; SanGIS Imagery 2017.

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Chapter 3.0 Project Description

3.1 Introduction

This Supplemental Environmental Impact Report (SEIR) examines the potential environmental effects of the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project). The project would amend the 1972 citizens' initiative, Proposition D, currently codified in the San Diego Municipal Code (SDMC) to remove the Midway-Pacific Highway Community Planning area (CP area) from the existing 30-foot height limit on buildings. The project may result in new significant environmental impacts to visual effects and neighborhood character from implementation of the project, and pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15060(d), this SEIR has been prepared.

The 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) comprehensively addressed the potential environmental effects of buildout of the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan). This SEIR addresses the removal of the 30-foot Coastal Height Limit Overlay Zone (see Figure 2-6, Coastal Height Limit Overlay Zone) in the CP area. The project would not change the underlying base zone regulations, including the base zone's height limit in the CP area.

3.2 Relationship to the General Plan

The 2008 City of San Diego General Plan Update (General Plan) provided the City of San Diego (City)-wide vision and comprehensive policy framework for how the City should grow and develop, provide public services, and maintain the qualities that define the City as a whole. It did not change the land use designations or zoning on individual properties throughout the City but rather provided policy direction for future Community Plan Updates, discretionary project review, and implementation programs.

The 2018 Community Plan was built on the goals and strategies in the 2008 General Plan and was intended to further express General Plan policies through the provision of site-specific recommendations and policies that implement Citywide goals and policies at the Community Plan level, address community needs, and guide zoning. The 2008 General Plan and 2018 Community Plan work together to establish the policy framework for growth and development in the CP area.

3.3 Project Objectives

The following specific objectives were certified as part of the 2018 PEIR for the 2018 Community Plan. These objectives have been carried forward to support the purpose of the project. The primary objectives of the project are as follows:

1. Establish multiple-use villages and districts within the community;
2. Enhance community identity and visual character through land use and urban design;

3. Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks;
4. Create a Bay-to-Bay pedestrian and bicycle linkage (replacing the Bay-to-Bay canal concept);
5. Identify park and recreation facilities to serve the community;
6. Provide housing and commercial uses in proximity to transit;
7. Maintain employment uses including industrial, business park, and commercial office uses to support the City's economy;
8. Improve localized water quality and conveyance through facility improvements and design; and
9. Identify future alternative uses for government-owned land in the community.

Since the certification of the 2018 PEIR, the City has adopted a new Strategic Plan, which includes the goal to “create homes for all of us.” To that end, an additional objective for the project is as follows:

10. Encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices.

3.4 Project Description

The CP area is an urbanized community that encompasses approximately 1,324 acres of relatively flat land and is in west-central City of San Diego, north of the San Diego International Airport (SDIA), south of Mission Bay Park, and between the northern end of the Peninsula Community Plan area to the west and the Old Town Community Plan and Uptown Community Plan areas to the east. The CP area is composed of three sub-areas: the Midway area, the Pacific Highway corridor, and the Marine Corps Recruit Depot (MCRD). A portion of the Pacific Highway corridor is within the Coastal Zone and subject to the California Coastal Act as implemented by the Midway-Pacific Highway Local Coastal Program and zoning regulations. The CP area is urbanized and generally characterized as a mix of commercial and industrial areas with some residential areas. Most of the CP area is within a Transit Priority Area as shown on Figure 2-5, CP Area Transit Priority Areas.

The project is a proposed ballot measure that would amend the previous citizens' initiative, Proposition D, currently codified in the SDMC, to remove the CP area from the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone (see Figure 2-6). As discussed in Chapter 1.0, Introduction, the existing height limit was approved in 1972 by a citizens' initiative measure that generally limited the height of buildings to 30 feet in the Coastal Height Limit Overlay Zone. Voters adopted the original language and, thus, are asked in this measure to consider an amendment to the law to remove the CP area from the height limitation. If approved by a majority

vote of qualified voters, the ballot measure would amend the law in the SDMC to remove the height limit in the area defined as the CP area, which would allow for additional height as shown on Figure 3-1, Maximum Allowable Building Height. The amendment would take effect after the results of the election are certified in a City Council resolution. The project would not change the underlying base zone regulations, including the base zone's height limit.

The project would not approve any specific development. Any proposed future development must comply with all governing laws. Building height would still be regulated by zoning laws in the SDMC.

3.4.1 Areas with Maximum Height Limits

The project proposes the removal of the 30-foot maximum height limit for buildings in the CP area. The CP area is divided into several districts, villages, and areas that have been identified in the 2018 Community Plan as opportunities for infill development and larger scale sites with a mix of cohesive land uses. A brief summary of each district, village, and area is provided below, and the districts, villages, and areas are further described in Section 3.4.1.1, Land Use, Villages, and Districts Element, of the 2018 PEIR (Appendix A). With the removal of this height restriction, each district, village, and area in the CP area would be regulated by the zoning designation maximum height allowed in the SDMC, which range from 30 to 100 feet in the CP area or higher in areas with no height limit. As noted in Table 3-1, CP Area Maximum Height Limits, four zones do not have a designated height limit. For these locations, overall building mass, including height, would be limited by allowable floor area ratio and setback standards, as well as other regulating documents, such as the SDIA's Airport Land Use Compatibility Plan, as applicable. The districts, villages, and areas with their associated height limits in the CP area, as outlined in the SDMC, are shown in Table 3-1. Refer to Figure 3-1, which shows the building height limits in each district, village, and area according to the SDMC.

Table 3-1. CP Area Maximum Height Limits

Village, District, or Area	Zoning Designation ¹	Maximum Height Limit per the SDMC
Sports Arena Community Village	CC-3-6	65 feet
	RM-3-8	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet
	RM-3-8	50 feet
	CC-1-3	45 feet
	CC-3-6	65 feet
	CO-3-1	50 feet
Dutch Flats Urban Village ²	CC-3-6	65 feet
	RM-3-8	50 feet

Table 3-1. CP Area Maximum Height Limits

Village, District, or Area	Zoning Designation ¹	Maximum Height Limit per the SDMC
Camino Del Rio District	CC-1-3	45 feet
	CC-3-1	50 feet
	CC-3-8	100 feet
Channel District	RM-3-8	50 feet
	CC-3-6	65 feet
	CC-4-5	No Limit
Rosecrans District	CC-1-3	45 feet
	CC-3-6	65 feet
	RM-3-8	50 feet
Cauby District	CC-1-3	45 feet
	CC-3-7	65 feet
	RM-3-8	50 feet
Lytton District	CN-1-6	65 feet
	RM-1-1	30 feet
	RM-3-8	50 feet
Kurtz District ²	CO-3-1	50 feet
	CC-2-5	100 feet
	CC-3-8	100 feet
	IP-2-1	No limit
Hancock Transit Corridor	CC-2-5	100 feet
	CC-3-8	100 feet
	RM-3-9	60 feet
	CC-3-9	No limit
	RM-4-10	No limit
Kettner District	CC-3-8	100 feet
	IS-1-1	No limit ³
MCRD ⁴	None	None

Source: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot; SDMC = San Diego Municipal Code

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy Old Town Campus Revitalization Project Environmental Impact Statement proposes buildings of up to 350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over federal property (i.e., the MCRD).

The following discussion briefly describes what is envisioned for the districts, villages, and areas as depicted in the 2018 Community Plan (Figure 3-2, CP Area Districts and Villages).

Sports Arena Community Village. The Sports Arena Community Village would incorporate a mix of entertainment, office, retail, residential, public, and park uses. New uses can be integrated around the existing Pechanga Arena building or a new arena or other entertainment attraction. A network of public and private streets and pedestrian and bicycle connections would break up the superblock to create a walkable block pattern for development while improving public north-south vehicular, pedestrian, and bicycle access.

Kemper Neighborhood Village. The Kemper Neighborhood Village would be a pedestrian-oriented mixed-use neighborhood incorporating office, visitor, retail, residential, and institutional uses in the San Diego Community College District's Continuing Education Center as the focal point.

Dutch Flats Urban Village. The Dutch Flats Urban Village is envisioned as an employment- and residential-focused urban village including office uses and innovation space to support and complement the Naval Base Point Loma properties and provide opportunities for defense-related research and development and other base sector industries to establish business locations in proximity to transit, Downtown San Diego, and the SDIA.

Camino Del Rio District. The Camino Del Rio District would include a mix of urban residential uses and small and mid-size businesses throughout the district with retail and visitor commercial uses along Camino del Rio West and Rosecrans Street. The western portion of the district includes areas designated for business park use to support flex space and residential uses.

Channel District. The Channel District at the northern end of the CP area directly south of the San Diego River would be a residential-oriented area with complementary visitor and office commercial uses. The creation of a pedestrian and bicycle linkage along Sports Arena Boulevard would serve as a community gateway to the San Diego River Park and Mission Bay Park.

Rosecrans District. The Rosecrans District would be a pedestrian-oriented commercial area. Large-format retail uses would be retained while incorporating infrastructure that provides improved pedestrian and bicycle access and smaller infill pedestrian-oriented retail spaces fronting Rosecrans Street, Midway Drive, and Sports Arena Boulevard.

Cauby District. The Cauby District would be a pedestrian-oriented residential and commercial district with pedestrian-oriented commercial uses along Midway Drive and Rosecrans Street. The creation of a pedestrian and bicycle multi-use path along Midway Drive would connect Mission Bay Park and the San Diego River Park to the San Diego Bay.

Lytton District. The Lytton District would be a residential-oriented district with mixed-use residential and neighborhood-serving commercial uses along Lytton Street and Rosecrans Street. Gateway Village, which comprises the majority of the district, provides housing for military families, and the Loma Theatre on Rosecrans Street serves as a community icon and gateway landmark. The district

would include the creation of pedestrian and bicycle linkages to Naval Training Center Park at Liberty Station and the San Diego Bay along Lytton Street, Barnett Avenue, and Rosecrans Street.

Kurtz District. The Kurtz District would be an employment area with military, institutional, office, research and development, and complementary residential uses that support and complement Naval Base Point Loma properties in the district. Infrastructure and design improvements along Rosecrans Street and Pacific Highway would enhance the pedestrian and bicycle environment and the links to Old Town San Diego State Historic Park and Downtown San Diego.

Hancock Transit Corridor. The Hancock Transit Corridor would be a multi- and mixed-use corridor connected to the Washington Street Trolley Station and the historic Mission Brewery, with a diverse mix of residential, office, and retail uses. Pacific Highway would be transformed into a linear gateway providing an enhanced pedestrian and bicycle connection between Old Town San Diego State Historic Park, Midway-Pacific Highway, and Downtown San Diego.

Kettner District. The Kettner District would include a mix of residential, visitor, office, and commercial uses that benefit from access to transit at the Middletown Station and the SDIA Intermodal Transit Center (ITC), the SDIA, and Downtown San Diego. The San Diego Association of Governments is proposing the ITC as a major transit and passenger rail hub to serve the SDIA. The ITC would provide a focal point for the district complemented by an enhanced pedestrian and bicycle environment and streetscape along Pacific Highway and Kettner Boulevard. This district would also include several San Diego Unified Port District-owned properties along the western side.

MCRD. The MCRD would remain as an active military installation and an iconic landmark of the City's military history. The 2018 Community Plan included the MCRD area to identify and maintain its land use importance for national defense.

3.5 Summary of Previous Environmental Design Considerations

Several environmental design considerations, beyond compliance with mandatory existing regulations, were incorporated into the 2018 Community Plan and 2018 PEIR as recommendations within policies to avoid or reduce environmental impacts.

The 2018 PEIR included sustainable design considerations that impacted several elements of the 2018 Community Plan, such as building concepts and practices, transportation systems, recreation and conservation, water and air quality, housing, land use, and landscape designs. By incorporating sustainable concepts and practices into these elements, the 2018 Community Plan was able to implement these policies to reduce or avoid potential environmental effects associated with water and energy consumption, consumption of non-renewable or slowly renewing resources, and urban runoff. The 2018 Community Plan addressed the future of the community's public transportation by proposing sustainable practices and policies within existing urbanized areas with established public transportation infrastructures to reduce vehicle trips and miles traveled. Implementation of

the policies in the 2018 Community Plan elements strived to promote development of a balanced, multimodal transportation network to better pedestrian and bicycle facilities and improve pedestrian and bicycle connections between villages, districts, areas, and transit. The 2018 Community Plan also contained policies aimed at creating an accessible and sustainable park system that meets the needs of the community's residents and visitors. The 2018 Community Plan's multi-use path and bicycle networks not only enhance pedestrian and multimodal mobility but also reduce impacts related to traffic and circulation and air quality.

The 2018 Community Plan Conservation Element included policies to reduce impacts on air quality and climate change by considering siting, design, and construction of air pollution sources and other sensitive receptors during residential developments. The 2018 Community Plan also included policies that would support clean and renewable energy, urban forestry, and urban agriculture, as well as programs that promoted green streets, landscaping, and stormwater management practices in the Conservation Element. The project would carry forward and implement the policies identified in the 2018 Community Plan.

3.6 Scope of the Project

The project would be limited to the CP area footprint and land use, density, and zoning previously analyzed in the 2018 PEIR. The removal of the 30-foot height restriction on buildings in the CP area would not change the underlying base zone regulations, including the base zone's height limit. Therefore, this SEIR discusses the maximum heights allowed in the CP area per the zoning standards in the SDMC and through the allowable floor area ratio and setback standards, as applicable, and by other regulating documents after removal of the 30-foot height limit.

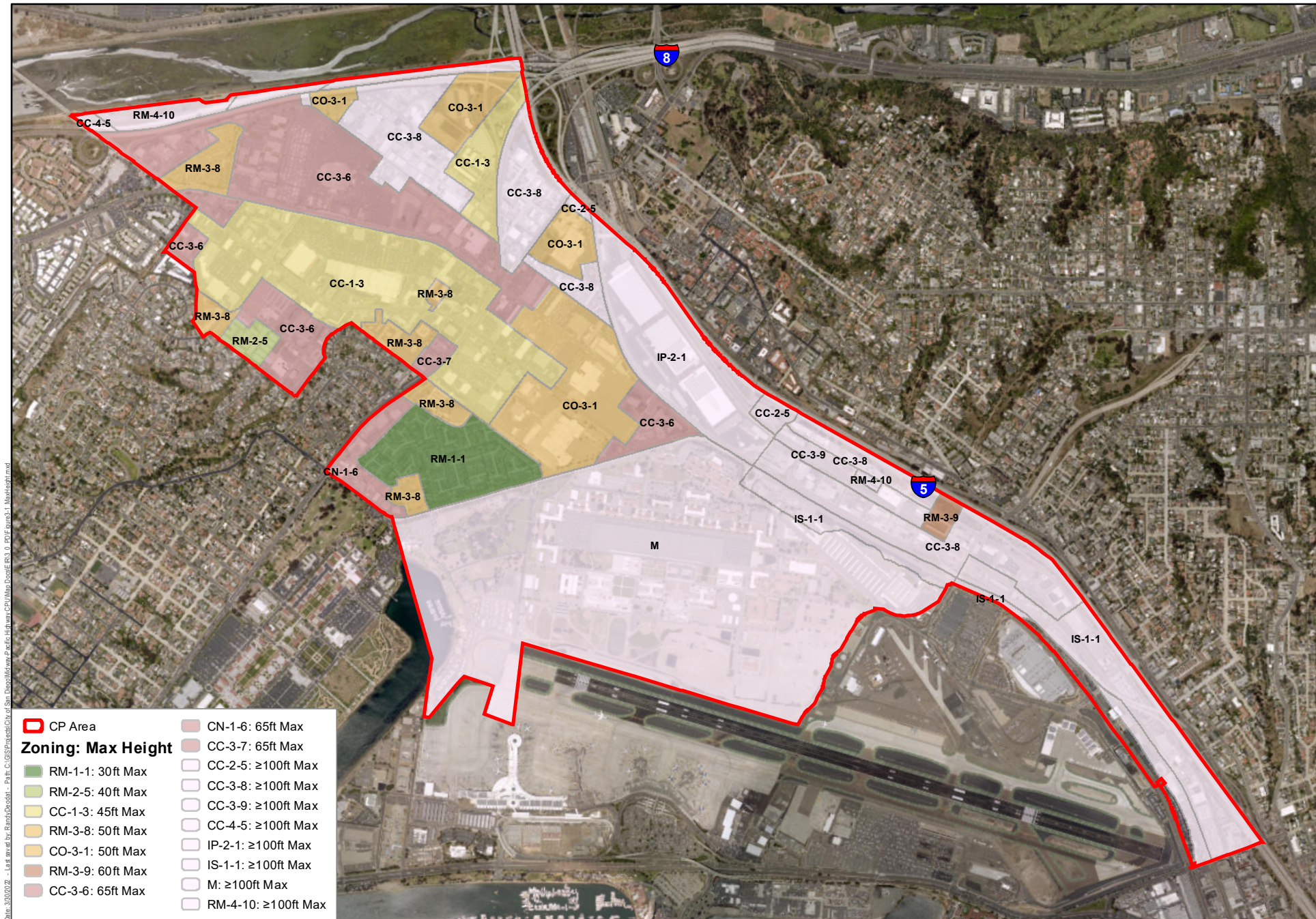
3.7 Future Actions Associated with the 2018 Community Plan and the Project

Due to the lack of site-specific development proposals associated with the project, site-specific environmental analyses of future development anticipated in the CP area were not undertaken in this SEIR and the 2018 PEIR. However, the analysis anticipates that future development would occur in the CP area and would be subject to applicable development regulations and requirements of the CP area, this SEIR, and the 2018 PEIR. Future development in the CP area would involve subsequent approval of public and private development proposals through both ministerial and discretionary reviews in accordance with zoning and development regulations and the 2018 Community Plan policies. These subsequent activities may be public (i.e., road/streetscape improvements, parks, and public facilities) or private projects and are referred to as "future development" or "future projects" in the SEIR. A non-inclusive list of discretionary actions that would occur is listed in Table 3-7, Potential Future Discretionary Actions Associated with the Proposed CPU, in the 2018 PEIR. Table 3-2, Potential Future Discretionary Actions, identifies a list of additional discretionary actions that would occur with the implementation of the project.

Table 3-2. Potential Future Discretionary Actions

Discretionary Action	Agency
Certification of Final SEIR	City of San Diego
Adoption of Findings of Fact	City of San Diego
Adoption of Statement of Overriding Considerations	City of San Diego
Approval of the Ballot Measure	City of San Diego

Notes: SEIR = Supplemental Environmental Impact Report



Source: City of San Diego 2022; SanGIS Imagery 2017.



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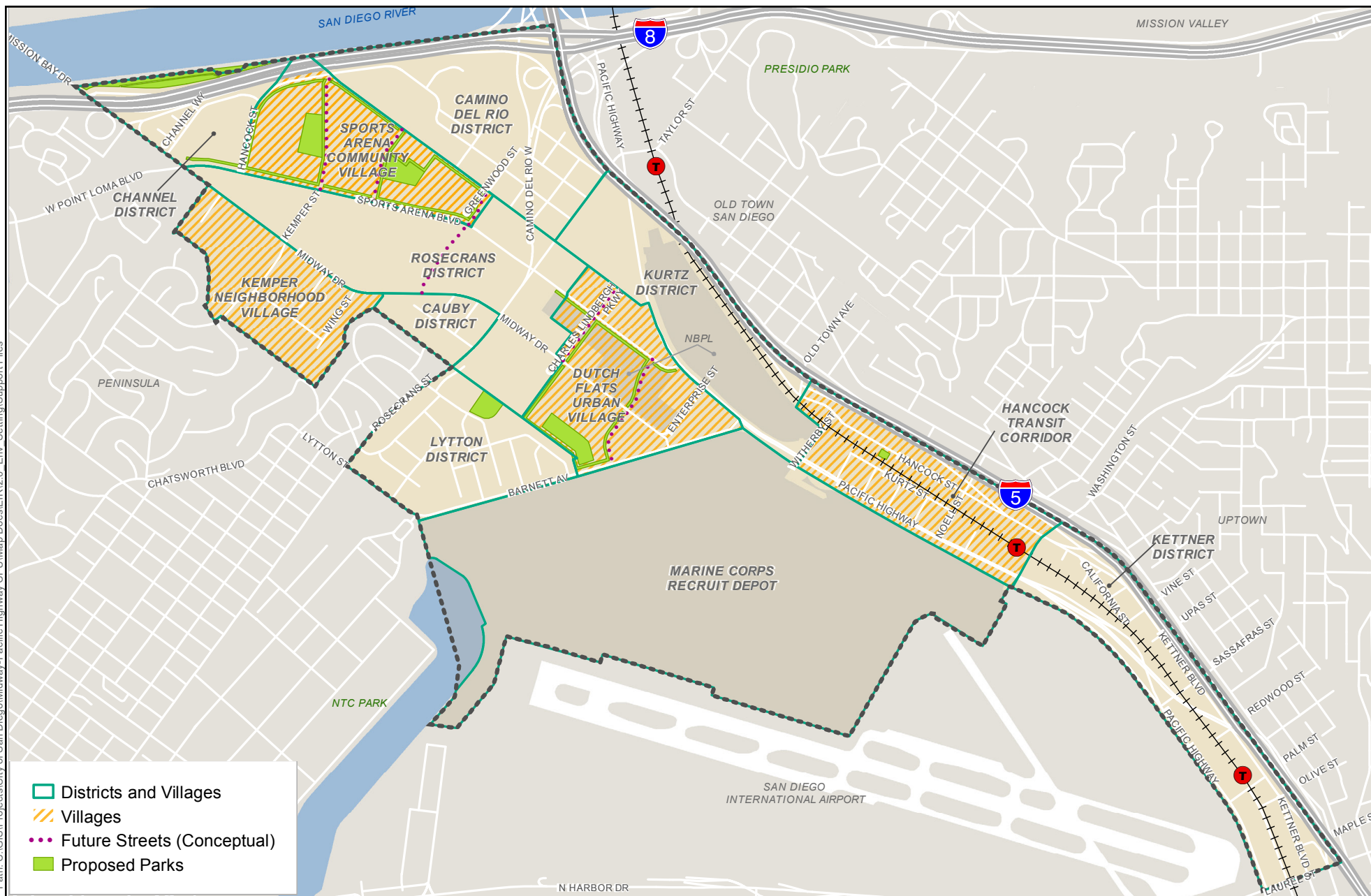
0 1,000 2,000
Feet

Figure 3-1

Maximum Allowable Building Height

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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Source: SanGIS 2021.



Harris & Associates

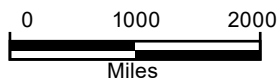


Figure 3-2

CP Area Districts and Villages

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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Chapter 4.0 Regulatory Framework

This chapter includes the regulatory framework applicable to visual effects and neighborhood character addressed in Section 5.1, Visual Effects and Neighborhood Character, in Chapter 5.0, Environmental Analysis, of this Supplemental Environmental Impact Report (SEIR). Please refer to Chapter 4.0, Regulatory Framework, of the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) (Appendix A) for a discussion of the regulatory framework applicable to other environmental topics addressed in the 2018 PEIR.

4.1 Visual Effects and Neighborhood Character

4.1.1 State Regulations

4.1.1.1 California Scenic Highway Program

Recognizing the value of scenic areas and views from roads in such scenic areas, the California Legislature established the California Scenic Highway Program in 1963. This legislation (Senate Bill [SB] 1467 [Farr]) sees scenic highways as “a vital part of the all-encompassing effort . . . to protect and enhance California’s beauty, amenity and quality of life.” Under this program, a number of state highways have been designated as eligible for inclusion as scenic routes. The 1-mile portion of State Route 163, known as the Cabrillo Freeway, between the northern and southern boundaries of Balboa Park is an officially designated state scenic highway (not in the Midway-Pacific Highway Community Planning area [CP area]). Portions of Interstate (I-) 8 and I-5 that are eligible state scenic highways, although not officially designated, are not located in or adjacent to the CP area.

4.1.1.2 California State Housing Law Program

The California State Housing Law Program was established to assure the availability of affordable housing and uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. To fulfill this obligation, the program may propose legislation and regulations. The program oversees the application of state laws, regulations, and code enforcement by a city, county, city and county building, housing, health, and fire department or fire district (HCD 2022).

In the 2021 legislative session, the California Legislature passed a large volume of laws related to housing; some are highlighted below.

Senate Bill 8 (Skinner): Extending Provisions in the Housing Crisis Act

SB 8 limits a locality’s ability to prolong the housing approval process, gives housing applicants an opportunity to invoke vesting rights against later-adopted changes to local ordinances, limits cities’ ability to impose or enforce housing caps and development moratoria, and requires

developers who demolish existing housing to provide replacement housing and relocation benefits. Many of these provisions were originally due to sunset in 2025. SB 8 extends until 2034 the Housing Crisis Act provision that prohibits cities from conducting more than five hearings on an application, as well as provisions that provide vesting rights for housing projects that submit a qualifying “preliminary application.” Applicants who submit qualifying preliminary applications for housing developments prior to January 1, 2030, can now invoke vesting rights until January 1, 2034. SB 8 extends until 2030 provisions that limit localities’ authority to impose shifting requirements as part of application “completeness” review, as well as provisions that require localities to render any decision on if a site is historic at the time the application for the housing development project is deemed complete. SB 8 enacts a series of reforms intended to provide that Housing Crisis Act provisions apply to both discretionary and ministerial approvals and the construction of a single dwelling unit. The bill also makes a series of revisions to the already complex replacement housing and relocation requirements.

Senate Bill 9 (Atkins): Duplexes and Lot Splits

SB 9 provides for the ministerial approval of converting existing residences occupied by a homeowner into a duplex if certain eligibility restrictions are satisfied. It also allows a single-family residence lot to be split into two lots and a duplex to be built on each lot, provided that the initial residence is occupied by an owner who attests that the owner will continue to live in a unit on the property as their primary residence for at least 3 years. The most notable exceptions to duplex and lot split by right approvals are (1) the property could not have been used as a rental for the past 3 years, (2) the property cannot already have an accessory dwelling unit or junior accessory dwelling unit, (3) the new lot may not be less than 40 percent of the property and must be at least 1,200 square feet, (4) modifications to the existing residence may not require the demolition of more than 25 percent of an exterior wall, and (5) neither the new duplex nor the lot split with up to four new units (a duplex on each) may not result in a significant adverse impact on the physical environment. SB 9 does not address covenants, conditions, or restrictions that may prohibit multi-family development or lot splits.

Senate Bill 10 (Wiener): 10-Unit Upzoning

SB 10 states that, if local agencies choose to adopt an ordinance to allow up to 10 dwelling units on any parcel within a transit-rich area or urban infill site, the rezoning will be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), but subsequent project approvals are not necessarily exempt unless the local agency adopts a ministerial approval process or there is another exemption or local law that exempts the project.

Senate Bill 290 (Skinner): State Density Bonus Law Amendments

The State Density Bonus Law grants bonuses, concessions, waivers, and parking reductions to projects with qualifying affordable housing. The law continues to be the most commonly used tool

to increase housing density and production. SB 290 first builds on a 2018 law by Senator Nancy Skinner, SB 1227, providing for density bonuses for projects that included student housing pursuant to the State Density Bonus Law. SB 290 adds the ability to request one concession or incentive for projects that include at least 20 percent of the total units for lower-income students in a student housing development. It also requires the agency to report on student housing projects receiving density bonuses as part of a Housing Element Annual Report.

Senate Bill 478 (Wiener): Minimum Floor Area Ratio/Lot Coverage Standards and Prohibition on Covenants, Conditions, and Restrictions of Floor Area Ratio for Missing Middle Multi-Family Housing

SB 478 prohibits agencies from imposing a floor area ratio (FAR) of less than 1.0 for a housing development project (comprised solely of residential units, a mixed-use development with at least two-thirds of the square footage attributed to residential uses, or transitional or supportive housing as defined in the Housing Accountability Act) consisting of three to seven units and a FAR of less than 1.25 for housing development projects consisting of eight to 10 units. Additionally, an agency may not deny a housing development project on an existing legal parcel solely on the basis that the lot area does not meet the agency's requirement for minimum lot size. To qualify, a project must consist of three to 10 units in a multi-family residential zone or mixed-use zone in an urbanized area and cannot be within a single-family zone or within a historic district. SB 478 also makes any private development covenant, condition, or restriction void and unenforceable if it effectively prohibits or unreasonably restricts an eligible FAR as authorized under the new FAR standards and summarized above (and now found in California Government Code, Section 65913.11).

Assembly Bill 491 (Ward): State Law Requirement for Multi-Family Developments to Integrate Below Market Rate Units and Provide Same Access to Common Areas and Amenities

Assembly Bill (AB) 491 requires that, for any residential structure with five or more residential dwelling units that include both affordable housing units and market rate housing units, the below market rate units must provide the same access to common entrances, areas, and amenities as non-below market rate units, and the building "shall not isolate the affordable housing units within that structure to a specific floor or an area on a specific floor."

Assembly Bill 721 (Bloom): Covenants that Limit Residential Development Rendered Unenforceable Against Affordable Housing Developments

AB 721 makes recorded covenants that limit residential development unenforceable against qualifying affordable housing developments. The law builds on existing law that allows parties to eliminate unenforceable racially restrictive covenants from recorded documents. It also made any recorded covenants, conditions, and restrictions that restrict the number, size, or location of residences that may be built on a property or that restrict the number of people or families who

may reside on a property, unenforceable against the owner of a 100 percent below market rate housing development that is affordable to lower-income households.

4.1.1.3 Senate Bill 743

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and started a process intended to fundamentally change transportation impact analyses as part of CEQA compliance. The Governor's Office of Planning and Research submitted its final recommended Technical Advisory on Evaluating Transportation Impacts in CEQA to the California Natural Resources Agency in November 2017. These changes include elimination of auto delay, level of service, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. The Governor's Office of Planning and Research guidance covers specific changes to the CEQA Guidelines and recommends elimination of auto delay for CEQA purposes and the use of vehicle miles traveled (VMT) as the preferred CEQA transportation metric. This new legislation requires the selection of a VMT analysis methodology, establishment of VMT thresholds for transportation impacts, and identification of feasible mitigation strategies. SB 743 is intended to ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through CEQA, and to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

4.1.1.4 California Environmental Quality Act (California Public Resources Code, Section 21099[d][1])

While the thrust of SB 743 addressed a major overhaul on how transportation impacts are evaluated under CEQA, it also limited the extent to which aesthetics and parking are defined as impacts under CEQA. Specifically, California Public Resources Code, Section 21099(d)(1), states that a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a Transit Priority Area (TPA).

California Public Resources Code, Section 21099(a), defines the following terms:

- "Employment center project" means a project on property zoned for commercial uses with a FAR of no less than 0.75 and that is within a TPA.
- "Infill site" means a lot within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from parcels that are developed with qualified urban uses.
- "TPA" means an area within one-half mile of a major transit stop that is existing or planned. California Public Resources Code, Section 21064.3, defines a "major transit stop" as a site

containing an existing rail transit station, a ferry terminal served by either a bus or rail transit, or an intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

4.1.2 Local Regulations

4.1.2.1 City of San Diego General Plan

The 2008 City of San Diego General Plan Update (General Plan) includes a Citywide urban design strategy, goals, and policies regarding the physical features that define the character of a neighborhood or community. These goals complement the goals for pedestrian-oriented and walkable villages articulated in the City of Villages strategy.

The General Plan Urban Design Element establishes a set of design principles on which its policies are based and on which future public and private development physical design decisions can be based.

The General Plan Urban Design Element states, “As the availability of vacant land becomes more limited, designing infill development and redevelopment that builds upon our existing communities becomes increasingly important. A compact, efficient, and environmentally sensitive pattern of development becomes increasingly important as the City continues to grow. In addition, future development should accommodate and support existing and planned transit service” (City of San Diego 2008).

The General Plan Urban Design Element policies relevant to planning at the community plan level involve architectural and landscape elements and the design of transit and parking facilities, residential development, mixed-use villages and commercial areas, office and business park development, and public spaces and facilities. Policies call for respecting the City’s natural topography and distinctive neighborhoods, providing public art, and encouraging the development of walkable, transit-oriented communities. The General Plan Urban Design Element also provides policies that help reduce the potential for impacts to public views and addresses the natural environment, preserving open space systems and targeting new growth into compact villages through urban form and design policies. The element contains policies that address development adjacent to natural features and visual impacts to scenic areas or viewsheds.

4.1.2.2 Midway-Pacific Highway Community Plan

An update to the previous 1991 Community Plan was adopted by the San Diego City Council on September 17, 2018. The purpose of the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) is to establish a vision with policies to guide the future growth and development in the CP area, consistent with the General Plan; provide strategies and implementing actions to accomplish the vision; provide guidance to design and evaluate development proposals and

improvement projects; and provide the basis for plan implementation, including zoning, development regulations, and a public facilities financing plan.

The 2018 Community Plan includes a Land Use, Villages, and Districts Element and an Urban Design Element. The Land Use, Villages, and Districts Element identifies a vision for each district and village, as well as land use designations and policies to achieve this vision. The Urban Design Element addresses the defining features and relationships of buildings, groups of buildings, development sites, public spaces, and public infrastructure in a community.

The 2018 Community Plan Elements provide policies addressing commercial and mixed-use development and residential infill development. These policies are related to street wall articulation, ground level uses, windows, building materials, lighting, signs, corners, architectural projections, rooftop and mechanical screening, public space, public art, street orientation and setbacks, sustainable building design, height and massing, and development transitions. In addition, the Land Use, Villages, and Districts Element includes specific goals and policies for creating distinctive villages and districts. These policies cover vision, uses, mobility, parks, and urban design and public realm.

The following visual policies identified in the Land Use, Villages, and Districts Element apply to the project (City of San Diego 2018a):

- **LU-4.82.** Provide and emphasize physical access to San Diego Bay via Sassafras, Palm, and Laurel Streets, and maintain bay views from the public right-of-way at Kettner Boulevard and Redwood, Palm, and Olive Streets as feasible.
- **LU-4.63.** Support the development of residential and/or office uses at the MTS [San Diego Metropolitan Transit System] storage yard property adjacent to Hancock Street should the property become available for development.
 - a. Incorporate a plaza or pocket park open to the public to provide a view corridor to Bandini Street.

4.1.2.3 City of San Diego Complete Communities: Housing Solutions and Mobility Choices

The City's Complete Communities: Housing Solutions and Mobility Choices (Complete Communities Program) was adopted by the San Diego City Council on November 9, 2020. The Complete Communities Program focuses on four key areas: housing, mobility, parks, and infrastructure. It includes planning strategies that work together to create incentives to build residences near transit, provide more mobility choices, and enhance opportunities for places to walk, bike, relax, and play. The Complete Communities Program also focuses on locating new development combined with the mobility network to be around transit hubs and existing development to support greenhouse gas emissions reductions (City of San Diego 2020). The

Complete Communities: Housing Solutions is referred to as the “Housing Program,” while the Complete Communities: Mobility Choices is referred to as the “Mobility Choices Program.”

The Housing Program applies Citywide within TPAs in zones that allow multi-family housing. In exchange for new development that provides affordable housing units and neighborhood-serving infrastructure improvements, additional building square footage (and residential units within said building square footage) and height beyond what is otherwise permitted in the respective base zone, Planned District Ordinance, and/or a Community Plan would be allowed (City of San Diego 2020). The majority of the CP area is within a TPA.

The purpose of the Mobility Choices Program is to implement SB 743 by ensuring that new development mitigates transportation impacts based on VMT to the extent feasible while incentivizing development in the City’s urban areas. The Mobility Choices Program aims to provide more mobility options for San Diegans to commute and recreate by streamlining development, such as pedestrian and bicycle facilities, in areas of the City. The Mobility Choices Program supports implementation of an enhanced active transportation network in VMT-efficient areas and implementation of VMT reduction measures to encourage and support the use of the active transportation network. It also identifies several VMT reduction measures required for new development in VMT-efficient areas to offset new VMT impacts (City of San Diego 2020).

4.1.2.4 City of San Diego Parks Master Plan

On August 3, 2021, the San Diego City Council approved the Citywide Parks Master Plan that replaced the City’s 1956 planning document. The 2021 Parks Master Plan makes a firm commitment to equity by prioritizing funding for park-deficient and historically underserved communities, where park needs are greatest. Based on the 2021 Parks Master Plan, the Famosa Slough State Marine Conservation Area is the only open space resource in the CP area (City of San Diego 2021).

The 2021 Parks Master Plan provides additional recreational opportunities for the public by delivering parks of all types, sizes, and features while emphasizing locations where park space is needed most and serves the greatest number of people. The plan also recognizes the importance of safe and enjoyable access by incorporating biking, walking, or rolling and transit options to easily visit local parks (City of San Diego 2021).

4.1.2.5 Mission Bay Park Master Plan Update

The 1994 Mission Bay Park Master Plan was amended on June 17, 2019, with the Fiesta Island Amendment. The fundamental goal of the Master Plan Update is to identify new recreational demands and chart a course for the continuing development of Mission Bay Park, which will sustain the diversity and quality of recreation and protect and enhance Mission Bay’s environment for future generations. This Master Plan Update maintains and expands on Mission Bay Park’s

traditional land and water use objectives. The Master Plan Update does not expand dedicate lease areas but promotes the intensification of certain existing leases to maximize their revenue potential. Key environmental recommendations include the establishment of an 80-acre wetland area at the outfall of Rose Creek and the creation of an overflow parking lot in South Shores. If properly designed, the wetland will help filter pollutants entering the bay through Rose Creek, which drains into a 58-square-mile area; provide increased habitat for wildlife along the Pacific Coast Flyway; and provide the setting for nature-oriented recreational activities, such as bird-watching and canoeing (City of San Diego 2019a).

4.1.2.6 Old Town Community Plan

The Old Town Community Plan was adopted by the San Diego City Council on October 29, 2018. The plan provides a vision with goals and policies to guide the future growth and development in Old Town San Diego consistent with the General Plan. The plan provides strategies and implementing actions to accomplish the vision; guidance to design and evaluate development proposals and improvement projects; basis for implementation, including zoning, development regulations, and a public facilities financing plan; and specific direction for implementing actions that may need to be developed further and/or carried out by the City or another governmental agency (City of San Diego 2018b).

4.1.2.7 Peninsula Community Plan

The Peninsula Community Plan and Local Coastal Program Land Use Plan (Peninsula Community Plan) was adopted on July 14, 1987, by the San Diego City Council and has undergone several updates since, the most recent of which occurred on May 31, 2011. The plan describes a future community composed of residential, community commercial, commercial recreation, naval-related, and park uses. The Peninsula Community Plan's overall community goals include redeveloping the former Naval Training Center with a mix of uses that complement the Peninsula community, conserving the character of existing single-family neighborhoods, and promoting multi-family infill in areas proximate to transit lines to reduce traffic congestion and airport noise pollution. These goals also include providing housing opportunities for residents of all levels and age groups and promoting the continued development and sensitive redevelopment of a mix of community, visitor, and marine-related commercial land uses in the Roseville commercial district and neighborhood commercial uses in the Voltaire commercial district. In addition, the Peninsula Community Plan's overall community goals include increasing coordination between federal, state, and local government; conserving existing open space, including canyons, hillsides, wetlands, and shorelines; enhancing and protecting physical and visual access to the bay and ocean shoreline; developing a balanced transportation system, including alternatives to the automobile; maintaining and complementing the existing scale, architectural features, and vegetation in the Peninsula area; and providing additional park and recreation facilities (City of San Diego 2011).

4.1.2.8 Uptown Community Plan

An update to the 1988 Uptown Community Plan was adopted by the San Diego City Council on November 14, 2016, and provided detailed policy direction to implement the General Plan with respect to the distribution and arrangement of land uses, local street and transit network, prioritization of public facilities, community and site-specific urban design guidelines, and recommendations to preserve and enhance natural open space and historical and cultural resources in the Uptown community. On June 12, 2018, the San Diego City Council approved amendments to the 2016 Uptown Community Plan related to restoring residential density associated with the St. Paul's Senior Services site in the Bankers Hill/Park West neighborhood, allowing the community plan land use density to match the higher density allowed in the former Planned District zone in the Hillcrest neighborhood, and establishing a Community Plan Implementation Overlay Zone for the largely residential areas in the areas of the former MR-1500 zone in University Heights (City of San Diego 2019b).

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Chapter 5.0 Environmental Analysis

This chapter analyzes the potential environmental impacts that may occur as a result of implementation of the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project). The environmental issue addressed in this chapter includes the following:

- Visual effects and neighborhood character

Section 5.1, Visual Effects and Neighborhood Character, includes a description of existing conditions (or a reference to Chapter 2.0, Environmental Setting, for existing conditions), the thresholds for the determination of impact significance; an analysis of impact significance, and a mitigation framework for impacts identified as significant.

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5.1 Visual Effects and Neighborhood Character

This section addresses the visual effects of the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) and the potential for impacts to visual effects and neighborhood character. This section also includes a description of the built and natural visual resources in the Midway-Pacific Highway Community Planning area (CP area). The analysis in this section is based on the information in the Visual Impact Analysis prepared by Harris & Associates (2022) for the project and included as Appendix D. In addition, this section discusses the project's consistency with relevant development regulations, policies, and guidelines, including the 2008 City of San Diego General Plan Update (General Plan), 2018 Midway-Pacific Highway Community Plan (2018 Community Plan), and San Diego Municipal Code (SDMC).

5.1.1 Existing Conditions

The existing environmental setting and regulatory framework are summarized in Chapters 2.0, Environmental Setting, and 4.0, Regulatory Framework, respectively. The following discussion pertains to the existing visual setting of the CP area.

A public viewshed is defined as the area visible from an observer's viewpoint, including the screening effects of intermediate vegetation and structures. Viewshed components include the underlying landform/topography (e.g., foothills, mountains, and flatlands) and the overlaying land cover (e.g., water features, vegetation, cultural sites, and buildings). The project viewshed covers the area in which the project would affect existing views. For the Visual Impact Analysis (Appendix D), the project viewshed generally includes the CP area, Old Town Community Plan area, and portions of the Uptown and Peninsula Community Plan areas and Mission Bay Park. The San Diego International Airport (SDIA) is also within the project viewshed, including abutting portions of San Diego Bay.

The topography varies throughout the viewshed, with elevated terrain in the Uptown and Peninsula Community Plan areas and a portion of the Old Town Community Plan area. These Community Plan areas generally comprise residential neighborhoods and recreational open spaces. It is not feasible to document all views in which the project would be seen; therefore, several key views were selected from representative areas in the viewshed. Ten key views were chosen to evaluate the existing view and the hypothetical view resulting from buildout of the CP area at maximum building height limits. These key view locations are shown on Figure 5.1-1, Key Views in the CP Area. The views were taken from locations accessible to the public, including in residential neighborhoods and parks/trails, and in consideration of the various types of viewers. Figures 5.1-2 through 5.1-11 show the existing conditions and buildout scenario for each key view. A description

of the existing condition for each key view is described below. A description of the buildout scenario for each key view is described in Section 5.1.3.2.

Key View 1 – View South from Sea World Drive Bridge. Key View 1 represents the scene that is viewed looking south from the Sea World Drive bridge overpass where it crosses Interstate (I-) 5 toward the CP area. Views mainly consist of the freeway and landscaping adjacent to the freeway. Some buildings are visible to the southwest; however, the horizon is generally level. Figure 5.1-2, Key View 1 – View South from Sea World Drive Bridge, depicts the existing conditions and buildout scenario.

Key View 2 – View South from Fiesta Island. Key View 2 represents the scene that is viewed looking south from the southern edge of Fiesta Island in Mission Bay toward the CP area. An embankment along the northern edge of Fiesta Island Road partially obstructs eye-level views from farther north in Fiesta Island toward the CP area. Scenery at this key view mainly consists of the water in Mission Bay, landscaping across the water at South Shores Park, and palm trees along Sea World Drive. The Pechanga Arena is visible in the center background view. Figure 5.1-3, Key View 2 – View South from Fiesta Island, depicts the existing conditions and buildout scenario.

Key View 3 – View Southeast from Old Sea World Drive. Key View 3 represents the scene that is viewed from Old Sea World Drive, Sea World Drive, and the South Shores area of Mission Bay Park toward the CP area. Views comprise some landscaping, low-rise buildings directly across the San Diego River, and residential buildings at higher elevations in the Uptown and Peninsula Community Plan areas. The skyline of Downtown San Diego can be seen farther in the distance toward the southeast. Figure 5.1-4, Key View 3 – View Southeast from Old Sea World Drive, depicts the existing conditions and buildout scenario.

View 4 – View East from Robb Athletic Field. Key View 4 represents the scene that is viewed from Robb Athletic Field in the Ocean Beach Community Plan area looking eastward toward the CP area. Foreground and midground views consist of open space and roadways. Background views consist primarily of mature vegetation that hides existing buildings to the east. The CP area is in the center and right background views. Figure 5.1-5, Key View 4 – View East from Robb Athletic Field, depicts the existing conditions and buildout scenario.

View 5 – View Southeast from San Diego River Trail. Key View 5 represents the scene that is viewed from the San Diego River Trail that runs along the northern edge of the CP area. I-8 is slightly elevated between the trail to the north and development to the south. Existing views looking south primarily show building tops due to the lower elevation south of the I-8. The Pechanga Arena is the tallest existing building seen in the center background view. Industrial and commercial development is visible in the left and right background views along with palm trees south of I-8. Figure 5.1-6, Key View 5 – View Southeast from San Diego River Trail, depicts the existing conditions and buildout scenario.

View 6 – View East from Famosa Slough State Marine Conservation Area. Key View 6 represents the scene that is viewed from the Famosa Slough State Marine Conservation Area in the Peninsula Community Plan area along Famosa Boulevard looking east toward the CP area and West Point Loma Boulevard. The area between the slough and the CP area is built out with low-rise residential and commercial buildings shown in the midground and background views. Figure 5.1-7, Key View 6 – View East from Famosa Slough State Marine Conservation Area, depicts the existing conditions and buildout scenario.

View 7 – View West from Presidio Park. Key View 7 represents the scene that is viewed from Presidio Park in the Old Town Community Plan area west toward the CP area. The park lies atop a hill at a higher elevation than the CP area. The slopes in the midground view consist of dense, mature vegetation, roads, and parking areas within the park premises. Intermittent distant views of lower-lying development are visible in the background view in the Peninsula Community Plan area. Figure 5.1-8, Key View 7 – View West from Presidio Park, depicts the existing conditions and buildout scenario.

View 8 – View Southwest from Old Town San Diego State Historic Park. Key View 8 represents the scene that is viewed looking southwest from Old Town San Diego State Historic Park. The park is adjacent to the easterly edge of the CP area in the Old Town Community Plan area. Existing views are generally limited to the immediate vicinity of the park. The mature landscaping and elevation of I-5 generally obstruct views of existing buildings in the CP area. Figure 5.1-9, Key View 8 – View Southwest from Old Town San Diego State Historic Park, depicts the existing conditions and buildout scenario.

View 9 – View West from Andrews Street. Key View 9 represents the scene that is viewed from Andrews Street immediately south of West Washington Street in the Uptown Community Plan area. The residential neighborhood that the view is in is on higher ground than the CP area and has unobstructed views of the CP area, the SDIA, and the Peninsula Community Plan area. Figure 5.1-10, Key View 9 – View West from Andrews Street, depicts the existing conditions and buildout scenario.

View 10 – View Northeast from Liberty Station Naval Training Center Park. Key View 10 represents the scene that is viewed from Liberty Station Naval Training Center Park just west of the CP area in the Peninsula Community Plan area. The park is a large open space with an eye-level view of the CP area. The foreground view is of water in a channel that connects to San Diego Bay to the south with the Marine Corps Recruit Depot Boathouse and Marina and mature landscaping in the midground view, which partially obscures existing low-rise buildings in the background view. Figure 5.1-11, Key View 10 – View Northeast from Liberty Station Naval Training Center Park, depicts the existing conditions and buildout scenario.

5.1.2 Significance Determination Thresholds

The thresholds used to evaluate potential visual effects and neighborhood character impacts are based on the City's California Environmental Quality Act (CEQA) Significance Determination Thresholds (City of San Diego 2020a). The following thresholds are modified from the City's CEQA Significance Determination Thresholds to reflect the programmatic analysis for the project. A significant impact on visual effects and neighborhood character could occur if implementation of the project would:

- **Issue 1:** Result in a substantial obstruction of a vista or scenic view from a public viewing area as identified in the community plan.
- **Issue 2:** Result in a substantial adverse alteration (e.g., bulk, scale, materials, or style) to the existing or planned (adopted) character of the area.
- **Issue 3:** Result in the loss of any distinctive or landmark tree(s) or stand of mature trees as identified in the community plan.
- **Issue 4:** Result in a substantial change in the existing landform.
- **Issue 5:** Create substantial light or glare that would adversely affect daytime and nighttime views in the area.

5.1.3 Impact Analysis

Pursuant to California Public Resources Code, Section 21099(d)(1), aesthetic and parking impacts of residential, mixed-use, or employment center projects on infill sites in a Transit Priority Area (TPA) shall not be considered significant impacts on the environment. As discussed in Chapter 3.0, Project Description, approximately 76 percent of the CP area is in a TPA as shown on Figure 2-5, CP Area Transit Priority Area. TPAs are in the Channel District, Camino Del Rio District, Sports Arena Community Village, Kemper Neighborhood Village, Rosecrans District, Lytton District, Dutch Flats Urban District, Hancock Transit Corridor, Kettner District, and portions of the Kurtz District. Due to the existing developed nature of the CP area, it is anticipated that many future development projects would be considered infill unless a project is larger than 5 acres. Therefore, pursuant to California Public Resources Code, Section 21099(d)(1), aesthetic impacts associated with future residential, mixed-use, or employment center infill projects that are in a TPA in the CP area would be less than significant. However, because some of the CP area is not in a TPA, the following analysis has been prepared to determine whether project impacts would exceed the thresholds normally used by the City for analyzing impacts on visual effects and neighborhood character.

The Visual Impact Analysis (Appendix D) assessed the impacts of the removal of the CP area from the Coastal Height Limit Overlay Zone, which generally limits building height to 30 feet. The Visual Impact Analysis (Appendix D) analyzed the project under a hypothetical scenario in which the CP area would be built out to the maximum building height limit per the development standards

in the SDMC. It also assumed that U.S. Navy-owned properties would be built out at the highest intensity scenario (Alternative 4) identified in the Navy OTC Revitalization Project Environmental Impact Statement. The purpose of analyzing the maximum building height limit is to assess the worst-case scenario from a visual perspective.

The development scenario for buildout with maximum building height was interpreted from approved planning documents, including the 2018 Community Plan and the SDMC. A three-dimensional wire-frame model of the maximum height scenario was created using computer-aided design software for two-dimensional and three-dimensional drawing. Imaging software was used to align the computer model to the site photographs. The computer model was then superimposed over photographs from each key view, and minor camera alignment changes were made to all known reference points within view. Buildings were color coded to distinguish the 30-foot height limit (red) and the Navy OTC development (gray). Estrada Land Planning developed the model and created the rendering perspectives for all 10 key views.

The computer-generated perspective was used to analyze visual impacts from the 10 key views.

Visual impacts resulting from development of the CP area were evaluated by viewing the existing visual character of the landscape from each key view and assessing the degree to which the construction of buildings at maximum height limits would change those views.

5.1.3.1 Issue 1: Scenic Vistas or Views

A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the public's benefit. In addition, some scenic vistas are officially designated by public agencies. A degradation of the view from such a designated viewshed would be a substantial adverse effect on a scenic vista. Public views refer to those that are accessible from public vantage points, such as public rights-of-way, parks, and landmarks. Public views in the community consist of viewsheds, which are generally unobstructed panoramic views from a public vantage point, and view corridors, which are views along public rights-of-way framed by permitted development. According to the 2018 Community Plan, no prominent view corridors or designated scenic vistas are in the CP area.

The 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) concluded that implementation of the 2018 Community Plan would not result in a substantial alteration or blockage of public views from critical view corridors, designated open space areas, public roads, or public parks; new development in the community would take place within the constraints of the existing urban framework and development pattern. Thus, the 2018 PEIR determined that public view impacts would be less than significant.

The project proposes the removal of the 30-foot maximum height limit for buildings in the CP area. The project would not change the underlying base zone regulations, including the base zone's height limit. With the removal of this height restriction, each district or village in the CP area would default to its zoning designation maximum height allowed in the SDMC. As described in Chapter 3.0, maximum heights in the CP area would range from 30 to 100 feet or higher in areas with no height limit. The increases in building height that would result from implementation of the project would not result in the substantial obstruction of a scenic vista or view in the CP area because no prominent view corridors or designated scenic vistas are in the CP area. The 2008 General Plan PEIR identified a public vantage point in the CP area on Pacific Highway between Sassafras Street and Laurel Street. The description of the policy at this location is as follows: "Preserve scenic vistas to the bay and other coastal areas . . . and utilize building design along view corridors to enhance views to the waterfront from public rights-of-way." However, this segment of Pacific Highway is the southwestern edge of the CP area, and views to the bay and coastal areas would not be obstructed by the removal of the 30-foot height limit.

The project viewshed generally includes the CP area, Old Town Community Plan area, and portions of the Uptown and Peninsula Community Plan areas and Mission Bay Park. These plans were reviewed to determine if the increase in building height that would result from implementation of the project would impact scenic vistas or views identified in these Community Plan areas. The topography varies throughout the viewshed, with elevated terrain in the Uptown and Peninsula Community Plan areas and a portion of the Old Town Community Plan area. These Community Plan areas generally comprise residential neighborhoods and recreational open spaces. Therefore, these areas were reviewed to determine if the increase in building height that would result from implementation of the project would impact scenic vistas or views identified in the Old Town, Uptown, or Peninsula Community Plan areas or Mission Bay Park.

The Old Town Community Plan does not identify any specific existing scenic views or vistas in the Old Town community. The Land Use Element of the Old Town Community Plan describes a vision for enhancements to the Presidio Park area (City of San Diego 2018). Key View 7 represents a typical view from a recreational user looking west from Presidio Park. As shown on Figure 5.1-8, under the buildout scenario, taller buildings in the Navy OTC development would be visible from some locations with wide open spaces. However, the Coastal Height Limit does not apply to federal property, and the City does not have land use jurisdiction over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact the future Navy OTC development. In general, viewers would not notice a significant change in the view from future development due to the distance, mature landscaping, and existing developed built environment below and west of the park. Therefore, an impact on a scenic vista or view corridor identified in the Old Town Community Plan would not occur.

The Peninsula Community Plan identifies a number of view corridors throughout the Peninsula Community Plan area that provide scenic vistas of San Diego Bay, Downtown San Diego, Coronado, Mission Bay, and Pacific Beach. These vistas occur primarily from existing roadways, which include Catalina Boulevard, Shelter Island Drive, Rosecrans Street, Talbot Street, Canon Street, Garrison Street, Chatsworth Boulevard, West Point Loma Boulevard, Famosa Boulevard, Santa Barbara Street, Point Loma Avenue, and Sunset Cliffs Boulevard. In addition, Sunset Cliffs Shoreline Park, now called Sunset Cliffs Natural Park, provides an unobstructed view of the ocean (City of San Diego 1987). None of the vistas in the Peninsula Community Plan area would be obstructed by development in the CP area. As an example, Key View 6 represents the scene that is viewed from the Famosa Slough State Marine Conservation Area along Famosa Boulevard looking east toward the CP area and West Point Loma Boulevard. As shown on Figure 5.1-7, under the buildout scenario, visual changes would occur in the background views, past existing buildings and landscaping. Elevated terrain toward the southeast hides views of taller buildings in the industrial zones in the southern portions of the CP area. Therefore, an impact on a scenic vista or view corridor in the Peninsula Community Plan would not occur.

The Urban Design Element of the Uptown Community Plan identifies public view corridors in three primary categories: views looking to the north and west over Mission Valley and to Mission Bay, views looking to the west and south to San Diego Bay, and views looking east to Balboa Park (City of San Diego 2019a). The public view corridors looking north and west to Mission Bay and west and south to San Diego Bay would have the potential to be obstructed by development in the CP area. Key View 9 represents the scene that is viewed from Andrews Street immediately south of West Washington Street in the Uptown Community Plan area. As shown on Figure 5.1-10, under the buildout scenario, visual changes are visible in the midground views, which currently encompass existing development of low-rise structures, large parking surfaces, and the SDIA. Future development in the CP area would change northwestern views due to building heights of 100 feet or more west of I-5. Public view corridors from the Uptown Community Plan could be impacted by implementation of the project. It should be noted that the highest buildings on the right side of the view (350 feet) would be from the Navy OTC development, which is not part of the project because the City lacks land use jurisdiction over federal government property.

The Mission Bay Park Master Plan Update (Master Plan Update) does not identify any specific scenic vistas or public view corridors from the boundaries of the plan area. However, the Master Plan Update envisions a park in which views to the water are maximized (City of San Diego 2019b). Key View 2 represents the scene that is viewed looking south from the southern edge of Fiesta Island in Mission Bay toward the CP area. As shown on Figure 5.1-3, under the buildout scenario, visual change occurs in the background view, with taller buildings primarily toward the southeastern horizon upon development of the CP area at maximum building height. The most noticeable changes would be seen in the left and center background portions of the view. Building heights above 40 feet can be seen from this key view, which changes the view quality of the horizon. The development

would not obstruct views to the water from Key View 2. Therefore, an impact on a scenic vista or view corridor in the Master Plan Update plan area would not occur.

Future development consistent with the project would result in increased building height that could obstruct scenic vistas and views from public viewing locations outside the CP area. Impacts on scenic vistas and views would be potentially significant.

5.1.3.2 Issue 2: Neighborhood Character

The CP area is a developed, urbanized community, although not all lot or building sites are currently built to their allowable capacity under the 2018 Community Plan. The 2018 PEIR concluded that, with implementation of the 2018 Community Plan Urban Design Element and Land Use, Villages, and Districts Element policies, zoning, and the City's Land Development Code (LDC) regulations, future development would be consistent with, and even improve, the existing neighborhood character. The 2018 PEIR determined that impacts related to substantial alterations on the existing or planned character of the area would be less than significant.

The project proposes the removal of the 30-foot maximum height limit for buildings in the CP area. The project would not change the underlying base zone regulations, including the base zone's height limit. With the removal of this height restriction, each district or village in the CP area would default to its zoning designation maximum height allowed in the SDMC. As described in Chapter 3.0, maximum heights in the CP area would range from 30 feet to 100 feet or higher in areas with no height limit. The removal of the 30-foot height restriction has the potential to degrade neighborhood character due to the future development of taller buildings that would result in increased bulk and scale.

Visual impacts are associated with changes in either the human-made or natural environment, can be short or long term in duration, and can be beneficial or detrimental. Changes to views during construction of the project are considered short-term visual impacts. Long-term changes are associated with altering the natural topography, building permanent structures (e.g., buildings, bridges, walls), and removing vegetation, including mature trees. The focus of this analysis is on the long-term physical changes that are permanent in nature.

The evaluation of visual effects is largely subjective and depends on the degree of alteration, scenic quality of the area disturbed, and sensitivity of the viewers, which are defined as follows:

- “Degree of alteration” refers to the extent of change to the natural landform and the introduction of urban elements into an existing natural environment while acknowledging any unique topographical formations or natural landmarks.
- “Sensitive viewers” are those who use the outdoor environment or value a scenic viewpoint to enhance their daily activity and are typically residents, recreational users, or motorists in scenic areas.

The visual impacts of the project were determined based on the degree of change to the existing setting that would occur from the increased height of buildings in the view; the degree to which these features would obstruct, diminish, or dominate existing view qualities; and the sensitivity of the viewer.

The key views were assessed using the following criteria:

- **Low:** Minor adverse change in visual quality caused by the project only slightly affecting the resource. Viewers are not sensitive to change or are at a great distance from the change.
- **Moderate:** Major adverse change in visual quality caused by the project. Existing landscaping provides some coverage to help maintain visual quality. Viewers are not highly sensitive to change or are at a distance from the change.
- **High:** Major change in visual quality caused by the project to the extent that landscape treatment or other measures cannot mitigate the problem. Viewers are sensitive to change or are within the vicinity of the change.

In addition, sight distance is defined as foreground (0–0.25 mile), midground (0.25– 3 miles), and background (3 miles and farther). The final determination of significance considered the existing visual quality and the anticipated viewer response.

As discussed in Section 5.1.1, Existing Conditions, it is not feasible to analyze all views in which the project would be seen; therefore, representative key views were selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Ten key views were chosen to evaluate the existing view and the hypothetical view resulting from buildout of the CP area at maximum building height limits. Visual impacts resulting from development of the CP area were evaluated by viewing the existing visual character of the landscape from each key view and assessing the degree to which construction of buildings at maximum height limits would change those views and result in a substantial adverse alteration (e.g., bulk, scale, materials, or style) to the existing or planned (adopted) character of the area. If the level of change was identified as moderate to high, a significant impact was identified. An analysis of each key view is provided below.

Key View 1 – View South from Sea World Drive Bridge

Visual changes in Key View 1 are generally in the background views. Foreground and midground views would not change. Taller buildings are visible along the horizon, primarily toward the southeast, with development of the CP area at maximum building height. The most visible buildings are the Navy OTC buildings (shown in gray) in the center-left background view and buildings in the Sports Arena area (shown in beige) in the center-right background view as shown on Figure 5.1-2. As stated above, the Coastal Height Limit does not apply to federal property, and the future Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property.

Key View 1 represents a typical view from a southbound I-5 traveler. Viewers will notice a change in the view; however, the level of impact on view quality would depend on distance from their vantage point and the density of traffic. There would be an increase in sense of direction and destination given the concentrated presence of taller buildings in the direction travelers are headed. Overall viewer response would be low to moderate depending on the vantage point.

Under the buildout scenario, Key View 1 would result in a low to moderate level of change as a result of the project, which would result in a potentially significant impact.

Key View 2 – View South from Fiesta Island

Visual changes at Key View 2 occur in the background view with taller buildings primarily toward the southeastern horizon upon development of the CP area at maximum building height. The most noticeable potential changes would be seen in the left and center background portions of the view. Building heights above 40 feet can be seen from this key view, which changes the view quality of the horizon. The taller buildings associated with the Navy OTC development (shown in gray) are not part of the project because the Coastal Height Limit does not apply to federal property, and the City lacks land use jurisdiction over federal government property. The development would not obstruct views beyond the CP area due to the distance of the vantage point. Figure 5.1-3 depicts the existing conditions and buildout scenario at Key View 2.

Key View 2 represents a typical view from travelers (motorists, bicyclists, and pedestrians) on Fiesta Island Road. Despite the change in horizon, the development would neither obstruct views beyond the CP area due to the distance of the vantage point nor change the views in the immediate vicinity, which attracts recreational users to the area. Overall viewer response would be moderate.

Under the buildout scenario, Key View 2 would result in a moderate level of change as result of the project, which would result in a potentially significant impact.

Key View 3 – View Southeast from Old Sea World Drive

Visual changes at Key View 3 are in the midground views, with significant potential changes of the horizon toward the CP area. The building heights would obstruct views toward Downtown San Diego and of higher-elevation neighborhoods in the Peninsula and Uptown Community Plan areas. The tallest buildings in the Navy OTC development are visible, but the massing of buildings in the Sports Arena area have the greatest potential impact on views from this vantage point. Figure 5.1-4 depicts the existing conditions and buildout scenario at Key View 3.

Key View 3 represents a typical view from recreational users and motorists, who are considered temporary visitors to the area, on Old Sea World Drive, motorists on Sea World Drive, and recreational users at South Shores Park. These viewers will notice a significant change in the view due to the proximity and heights of development in the CP area. Overall viewer response would be high.

Under the buildout scenario, Key View 3 would result in a high level of change, which would result in a potentially significant impact.

View 4 – View East from Robb Athletic Field

Visual changes in the background views at Key View 4 show portions of buildings in the center-right view above 80 feet in height. The combination of undulating terrain and existing mature trees works to partially cover the buildings and lessen the impact on the skyline. The tallest buildings visible are in the Navy OTC development. As stated above, the Coastal Height Limit does not apply to federal property, and the Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property. Figure 5.1-5 depicts the existing conditions and buildout scenario at Key View 4.

Key View 4 represents a typical view from recreational users at Robb Athletic Field. Views in the immediate vicinity would not change, and due to the distance of the view and natural landscaping partially blocking the buildings, the development would not be highly noticeable. Overall viewer response would be low.

Under the buildout scenario, Key View 4 would result in a low level of change as a result of the project. Impacts would be less than significant.

View 5 – View Southeast from San Diego River Trail

The view from Key View 5 would change significantly with development in the CP area at maximum height limits. Pechanga Arena would no longer be visible due to the new intervening development that could be constructed adjacent to the I-8, obstructing it from the Key View 5 location. The skyline would primarily comprise new development of 65- to 100-foot-tall buildings. Figure 5.1-6 depicts the existing conditions and buildout scenario at Key View 5.

Key View 5 represents a typical view from recreational users on the San Diego River Trail. These viewers will notice a significant change in the view due to the proximity of the development in the CP area and the additional height of the buildings. Overall viewer response would be high.

Under the buildout scenario, Key View 5 would result in a high level of change as result of the project, which would result in a potentially significant impact.

View 6 – View East from Famosa Slough State Marine Conservation Area

Visual changes at Key View 6 would occur in the background views past existing buildings and landscaping. Higher floors of the buildings in the Navy OTC development can be seen in the center background view but do not significantly change the view quality. Elevated terrain toward the southeast hides views of taller buildings in the industrial zones in the southerly portions of the CP area. Figure 5.1-7 depicts the existing conditions and buildout scenario at Key View 6.

Key View 6 represents a typical view from visitors to the Famosa Slough State Marine Conservation Area, a wetlands preserve and open space area within a built environment, and from residents, pedestrians, and motorists in the vicinity of West Point Loma Boulevard. These viewers will not notice a significant change in the view due to the elevated terrain of the Peninsula Community Plan area and the existing built environment. Overall viewer response would be low.

Under the buildout scenario, Key View 6 would result in a low level of change as a result of the project. Impacts would be less than significant.

View 7 – View West from Presidio Park

Visual changes at Key View 7 are primarily in the background views showing buildings of over 100 feet in height. There is little change to the horizon toward the CP area, with the exception of the Navy OTC buildings to the left of the view. Taller buildings in the Navy OTC development would be visible from some locations with wide open spaces. However, the Coastal Height Limit does not apply to federal property, and the future Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property. In general, the dense and mature foliage provides coverage of much of the built environment despite the elevated terrain at this vantage point. Figure 5.1-8 depicts the existing conditions and buildout scenario at Key View 7.

Key View 7 represents a typical view from a recreational user looking west from Presidio Park. Viewers will not notice a significant change in the view due to the distance, mature landscaping, and existing developed built environment, including the Navy OTC buildings, below and west of the park. Overall viewer response would be low.

Under the buildout scenario, View 7 would result in a low level of change as a result of the project. Impacts would be less than significant.

View 8 – View Southwest from Old Town San Diego State Historic Park

Visual changes at Key View 8 would occur in the midground views, especially looking southwest toward the Navy’s proposed future development of the Navy OTC site. At the maximum 350-foot height, the large massing of the buildings in the Navy OTC development would, for the most part, intrude on views of the open sky, and future development that could occur in the CP area would be mostly obscured by the Navy OTC development. Some future development in the Commercial-Community (CC)-2-5 and CC-3-8 zones of up to 100 feet would also be visible but would not obstruct the view. Figure 5.1-9 depicts the existing conditions and buildout scenario at Key View 8.

Key View 8 represents a typical view from a visitor at the Old Town San Diego State Historic Park. These viewers will notice a significant change in the view due to the proximity of the Navy OTC development in the CP area. However, as noted above, the Coastal Height Limit does not apply to federal property, and the future Navy OTC development is not part of the project because

the City lacks land use jurisdiction over federal government property. Thus, overall viewer response to future development with the potential to be affected by the project would be low.

Under the buildout scenario, Key View 8 would result in a low level of change as a result of the project. Impacts would be less than significant.

View 9 – View West from Andrews Street

Visual changes at Key View 9 are visible in the midground views, which currently encompass existing development of low-rise structures, large parking surfaces, and the SDIA. Development in the CP area would change northwestern views due to building heights of 100 feet or more west of I-5. The Navy OTC development up to 350 feet in height would be visible in the right midground view. However, the Coastal Height Limit does not apply to federal property, and the future Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property. The majority of the background view of the SDIA and the Peninsula Community Plan area would be unchanged. Figure 5.1-10 depicts the existing conditions and buildout scenario at Key View 9.

Key View 9 represents a typical view from a resident in the western Uptown Community Plan area. These viewers will notice a change in the built landscape; however, the change may not be perceived as detrimental compared to the existing views. Overall viewer response would be low to moderate.

Under the buildout scenario, Key View 9 would result in a low to moderate level of change as a result of the project, which would result in a potentially significant impact.

View 10 – View Northeast from Liberty Station Naval Training Center Park

Visual changes at Key View 10 would occur in the background views, primarily to the skyline in the center and right view areas. The changes would be greater toward the north and south where buildings have a maximum height of 100 feet or more. The highest buildings visible are the Navy OTC development with heights up to 350 feet. As stated above, the Coastal Height Limit does not apply to federal property, and the future Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property. The development would not additionally obstruct views beyond the CP area. Figure 5.1-11 depicts the existing conditions and buildout scenario at Key View 10.

Key View 10 represents a typical view from a visitor to the Liberty Station Naval Training Center Park. These viewers will notice a change in the view along the skyline; however, due to distance and existing vegetation between this vantage point and the larger buildings in the CP area, the overall viewer response would be low.

Under the buildout scenario, Key View 10 would result in a low level of change as a result of the project. Impacts would be less than significant.

Future discretionary development would be required to incorporate design features that enhance neighborhood character and minimize adverse impacts associated with increased bulk, scale, and height, including building materials, style, and architectural features, as identified in the 2018 Community Plan Urban Design Element and Land Use, Villages, and Districts Element policies, zoning, and the City's LDC regulations. Nevertheless, implementation of the project could result in development at heights that would substantially alter the existing neighborhood character. The removal of the height limit would result in a major change in bulk and scale of buildings in the CP area, which would result in a high level of change for Key Views 1, 2, 3, 5, and 9. Therefore, the project would have the potential to result in a substantial adverse alteration to the character of the CP area and its surroundings. Impacts would be significant.

5.1.3.3 Issue 3: Distinctive or Landmark Trees

One tree with historical importance was identified in the CP area in the 2018 PEIR. The tree was identified as an olive tree west of the intersection of Midway Drive and Rosecrans Street that was planted as part of an effort by the San Diego Historical Society to mark the La Playa Trail, which is known as an ancient Kumeyaay path. However, upon further investigation, there is no such olive tree in this area. Although an olive tree was likely planted at this location when the San Diego Historical Society was marking the trail in the 1930s, both Rosecrans Street and Midway Drive have been expanded multiple times since then. It is likely that the olive tree was removed as part of the street expansions. Regardless, the project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. The project would not change the potential for street trees to be removed during development of future land uses allowed under the 2018 Community Plan. Consistent with the 2018 PEIR, future development would be subject to San Diego City Council Policy 900-19, which provides protection for street trees. As such, implementation of the project would not result in the loss of any distinctive or landmark trees or any stand of mature trees. Impacts would be less than significant.

5.1.3.4 Issue 4: Landform Alteration

The CP area is largely developed with existing urban land uses. The 2018 PEIR concluded that the 2018 Community Plan would intensify some uses in the CP area, which could result in landform alteration. The 2018 Community Plan policies ensure that redevelopment takes into account existing development and landform. New development and redevelopment would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies,

which support conservation of existing landforms and open space and support the design of buildings that respect existing landforms and comply with the City's LDC for grading. The 2018 PEIR determined that compliance with the 2018 Community Plan policies and the City's LDC would reduce impacts to a less than significant level.

The project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. Consistent with the 2018 PEIR, the project would require future development to comply with the 2018 Community Plan and the City's LDC, which would reduce potential landform alteration. Impacts would be less than significant.

5.1.3.5 Issue 5: Light or Glare

The 2018 PEIR concluded that future development may introduce new light sources and/or necessitate the use of additional light fixtures and may contribute to existing conditions of light and glare. In addition, the 2018 PEIR concluded that lighting impacts could occur at existing Multi-Habitat Planning Areas (MHPA) adjacent to the CP area along the San Diego River. All new development and redevelopment would be required to comply with the 2018 Community Plan Urban Design Element policies that support pedestrian-oriented street lighting with appropriate shielding and low heights to minimize light spillage. In addition, the policies support using design measures for signage and materials that would reduce glare without negatively impacting visibility. In addition, future projects would be required to comply with Section 142.0740 of the City's LDC, which includes regulations to minimize negative impacts from light pollution, including light trespass, glare, and urban sky glow, and promote lighting design that provides public safety and conserves electrical energy. Additionally, future project would be required to comply with Section 142.0730 of the City's LDC, which limits a maximum of 50 percent of the exterior of a building to be composed of reflective material that has a light reflectivity factor greater than 30 percent (City of San Diego 2021). In addition, all future projects would be required to comply with the MHPA Land Use Adjacency Guidelines, which require lighting of developed areas adjacent to the MHPA be directed away from the MHPA (City of San Diego 1997). The 2018 PEIR determined that compliance with the 2018 Community Plan Urban Design Element, the City's LDC, and the City's MHPA Land Use Adjacency Guidelines would reduce impacts to a less than significant level.

The project would be limited to the CP area footprint and land use, density, and zoning analyzed in the 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable density buildout in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. Consistent with the 2018 PEIR, future development in the CP area consistent with the project could introduce new sources of light and glare due to higher building

heights. Sources of daytime glare include direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination and associated glare are generally divided into two sources: stationary and mobile. Stationary sources include structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile sources are primarily headlights from motor vehicles. Consistent with the 2018 PEIR, future development projects would be required to comply with the 2018 Community Plan Urban Design Element, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's MHPA Land Use Adjacency Guidelines. Therefore, impacts would be less than significant.

5.1.4 Significance of Impacts

5.1.4.1 Issue 1: Scenic Vistas or Views

Implementation of the project could obstruct scenic views and vistas from public viewing locations in the Uptown Community Plan area due to building height increases in the CP area. Project impacts on scenic views and vistas would be potentially significant. Representative key views were evaluated to make this determination. The City considered mitigation measures to limit building heights in scenic view corridors to reduce the impact; however, the expansive scenic views across the CP area would require height restrictions in most of the higher density zones in the CP area. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan. In addition, some areas are governed by other regulating documents, such as the Port Master Plan, SDIA Airport Land Use Compatibility Plan, and Navy OTC Revitalization Project Environmental Impact Statement where the City does not have building height regulatory authority. Finally, the City's Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area (City of San Diego 2020b). Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people. Therefore, impacts would remain significant and unavoidable.

5.1.4.2 Issue 2: Neighborhood Character

Implementation of the project could result in future building heights up to and greater than 100 feet that could result in a substantial adverse alteration to the character of the area. Impacts would be potentially significant. The City considered mitigation measures to limit building heights in areas where neighborhood character would be impacted, including Key Views 1, 2, 3, 5, and 9. However, these views do not represent all possible views of the CP area; they are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Restricting building height limits in these areas would not necessarily reduce impacts from all possible view locations or improve the impact on neighborhood character in all areas of the CP.

Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan. In addition, some areas are governed by other regulating documents, such as the Port Master Plan, SDIA Airport Land Use Compatibility Plan, and Navy OTC Revitalization Project Environmental Impact Statement, where the City does not have building height regulatory authority. Finally, the City's Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area (City of San Diego 2020b). Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people. Therefore, impacts would remain significant and unavoidable.

5.1.4.3 Issue 3: Distinctive or Landmark Trees

The project would not change the potential for street trees to be removed during development of future land uses allowed under the 2018 Community Plan. Consistent with the 2018 PEIR, future development would be subject to San Diego City Council Policy 900-19, which provides protection for street trees. Implementation of the project would not result in the loss of any distinctive or landmark trees or any stand of mature trees; therefore, impacts would be less than significant. No mitigation is required.

5.1.4.4 Issue 4: Landform Alteration

Implementation of the project would not result in a substantial change in the existing landform because the CP area is already largely developed. Consistent with the 2018 PEIR, the project would require future development to comply with the 2018 Community Plan and the City's LDC, which would reduce potential effects from landform alteration. Thus, impacts related to landform alteration would be less than significant, and no mitigation is required.

5.1.4.5 Issue 5: Light or Glare

Implementation of the project would not create substantial light or glare that would adversely affect daytime and nighttime views in the area. Consistent with the 2018 PEIR, future development projects would be required to comply with the 2018 Community Plan Urban Design Element, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's MHPA Land Use Adjacency Guidelines, which would reduce potential impacts from light and/or glare. Thus, impacts relative to lighting and glare would be less than significant, and no mitigation is required.

5.1.5 Mitigation Framework

As discussed in Sections 5.1.4.1 and 5.1.4.2, no feasible mitigation measures are available to reduce the significant impacts associated with scenic vistas or views and neighborhood character to a less than significant level. These impacts would remain significant and unavoidable.

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Source: Estrada 2022.



Harris & Associates

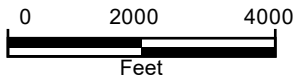


Figure 5.1-1

Key Views in the CP Area

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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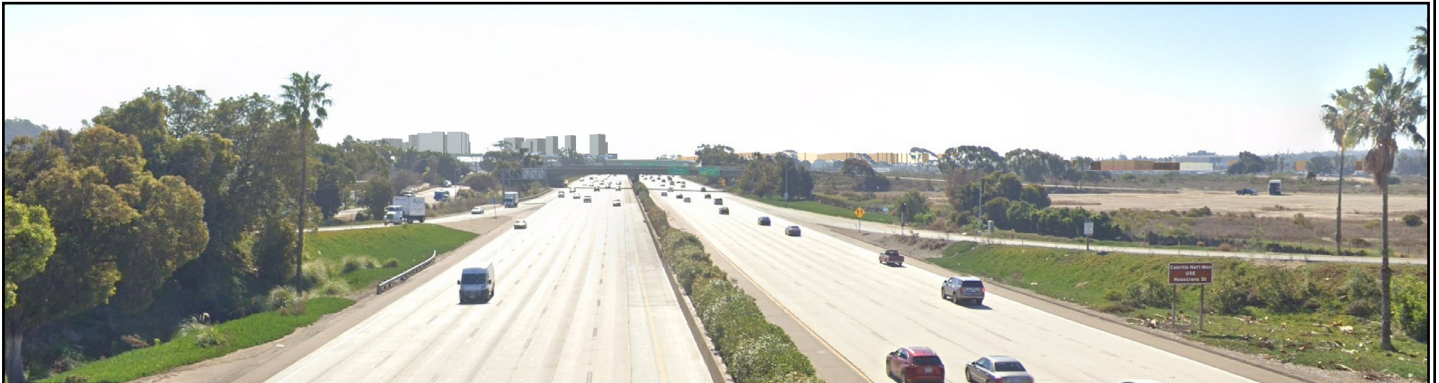
Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-2

Key View 1 - View South from Sea World Drive Bridge

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-3

Key View 2 - View South from Fiesta Island

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-4

Key View 3 - View Southeast from Old Sea World Drive

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-5

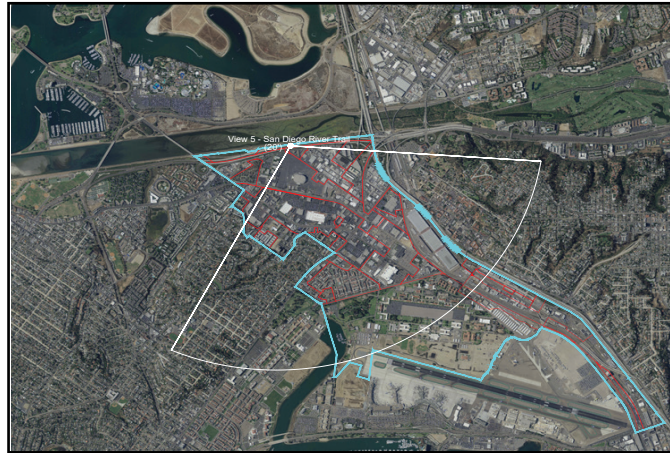
Key View 4 - View East from Robb Athletic Field

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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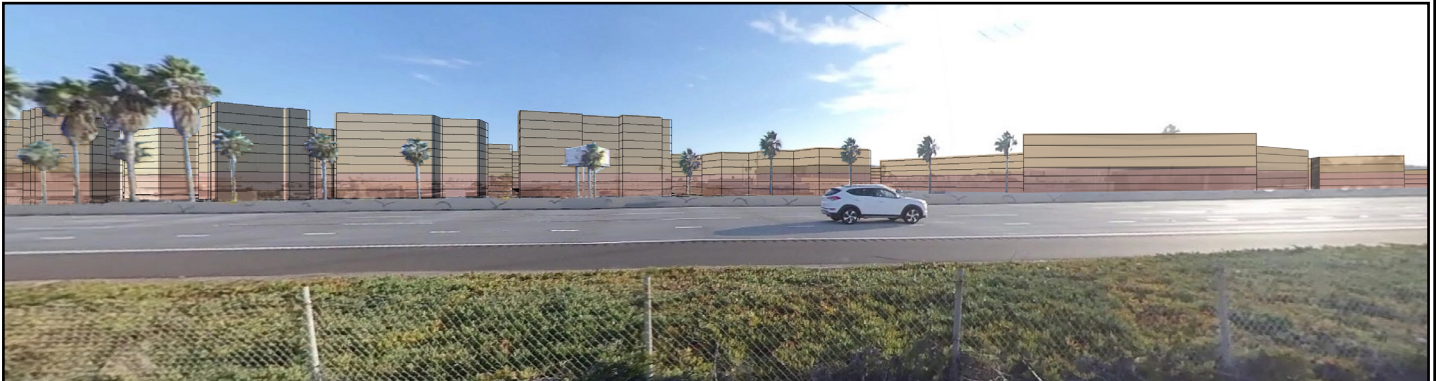
Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-6

Key View 5 - View Southeast from San Diego River Trail

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-7

Key View 6 - View East from Famosa Slough State Marine Conservation Area

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-8

Key View 7 - View West from Presidio Park

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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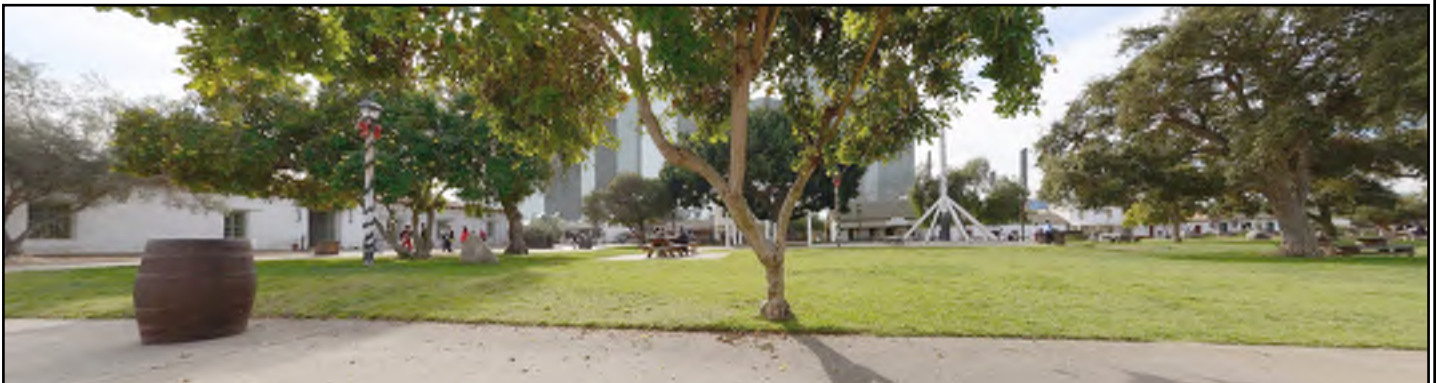
Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-9

Key View 8 - View Southwest from Old Town San Diego State Historic Park

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Source: Estrada 2022.

Figure 5.1-10

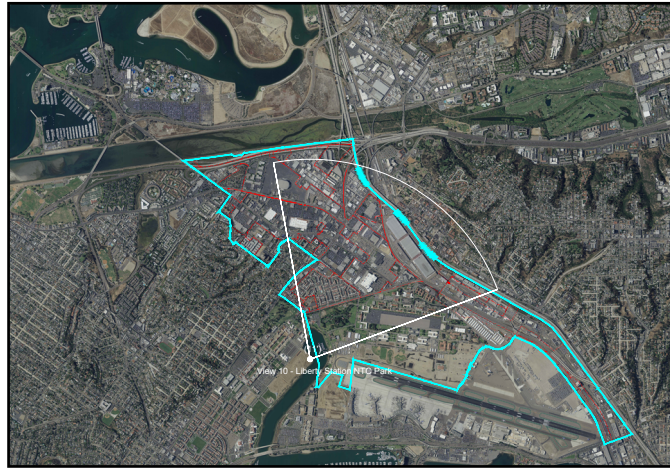
Key View 9 - View West from Andrews Street

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit



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Key Map



Existing Conditions



Buildout Scenario



Path: C:\GIS\Projects\City of San Diego\Midway-Pacific Highway CPU\Map Docs\IEIR\5_1_VisualImpacts

Source: Estrada 2022.

Figure 5.1-11



Harris & Associates

Key View 10 - View Northeast from Liberty Station Naval Training Center Park

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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Chapter 6.0 Cumulative Impacts

6.1 Introduction

The California Environmental Quality Act (CEQA) Guidelines, Section 15355, defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” These individual effects may include changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of a project when added to other past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects occurring over a period of time.

CEQA Guidelines, Section 15130, requires that an Environmental Impact Report (EIR) discuss the cumulative impacts of a project when a project’s incremental effect would potentially be cumulatively considerable. Cumulatively considerable, as defined in CEQA Guidelines, Section 15065(a)(3), means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, other current projects, and probable future projects. Where a lead agency determines a project’s incremental effect would not be cumulatively considerable, a brief description of the basis for such a conclusion must be included. In addition, the CEQA Guidelines allow for a project’s contribution to be rendered less than cumulatively considerable with implementation of appropriate mitigation.

According to CEQA Guidelines, Section 15130(b), the discussion of cumulative impacts “need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness.” Additionally, one of the following two possible approaches is required for considering cumulative effects:

- A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.
- A summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document that has been adopted or certified, that described or evaluated region- or area-wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

Pursuant to CEQA Guidelines, Section 15130(d), cumulative impact discussions may rely on previously approved land use documents, such as General Plans, Specific Plans, and Local Coastal Plans, and may be incorporated by reference. In addition, no further cumulative impact analysis is required when a project is consistent with such plans and the lead agency determines that the regional or area-wide cumulative impacts of a project have already been adequately addressed in

a certified EIR for that plan. CEQA Guidelines, Section 15130(e), also states that “if a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j).”

The cumulative impacts assessment of visual effects and neighborhood character in this chapter primarily relies on the cumulative impact determinations in the City of San Diego Final Program EIR for the Draft General Plan (i.e., 2008 City of San Diego General Plan Update [General Plan]) (General Plan PEIR) (City of San Diego 2007) and the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) (Appendix A). The General Plan PEIR identified a cumulatively significant impact for visual effects and neighborhood character. In addition, the 2018 PEIR identified a cumulatively significant impact for transportation and circulation, paleontological resources, and historical and Tribal Cultural Resources. Consistent with CEQA Guidelines, Section 15130(e), where significance of cumulative impacts was previously identified for the General Plan PEIR and the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) would be consistent, those impacts do not need to be analyzed further.

6.2 Cumulative Analysis Setting and Methodology

6.2.1 Plans and Programs Evaluated for Cumulative Impacts

The General Plan, 2018 Midway-Pacific Highway Community Plan (2018 Community Plan), Old Town Community Plan, Uptown Community Plan, Peninsula Community Plan, Mission Bay Park Master Plan Update, and City of San Diego’s (City’s) Land Development Code were used to evaluate cumulative impacts. These documents are on file at the City’s Planning Department, 9485 Aero Drive, San Diego, California 92123, and available online at the URLs below:

- City of San Diego Plans: <https://www.sandiego.gov/planning>
- City of San Diego Land Development Code: <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>

6.3 Assessment of Cumulative Impacts

The geographic scope for the analysis of cumulative impacts depends on the nature of the issue and the project and varies depending on the environmental issue being analyzed. Often, cumulative impacts are not limited by jurisdictional boundaries. The geographic scope for the cumulative analysis for the project includes the Midway-Pacific Highway Community Planning area (CP area); the Old Town, Uptown, and Peninsula Community Plan areas; and Mission Bay Park.

6.3.1 Visual Effects and Neighborhood Character

The approach to the cumulative analysis used the summary of projections in the General Plan and assumed buildout of the CP area; Old Town, Uptown, and Peninsula Community Plan areas; and Mission Bay Park. In addition, the cumulative analysis includes the redevelopment of the Navy Old Town Campus (OTC) site adjacent to Pacific Highway and Interstate (I-) 5 as described in Alternative 4 (preferred alternative with maximum development height up to 350 feet) of the Navy OTC Revitalization Project Environmental Impact Statement. There is also potential for future redevelopment of the Pechanga Arena site in the CP area. However, due to the speculative nature of future project-specific site development details, the analysis in this Supplemental EIR (SEIR) uses the development assumptions from the 2018 PEIR. Changes in visual character and quality resulting from buildout of the CP area; Old Town, Uptown, and Peninsula Community Plan areas; and Mission Bay Park could contribute incrementally to cumulative impacts with regard to visual effects and neighborhood character. The most sensitive viewers are typically recreational users of public parks/trails, residents in neighborhoods adjacent to the CP area, and residents at higher elevations than the CP area, such as in the Uptown and Peninsula Community Plan areas.

Future development in accordance with the CP area and surrounding communities is likely to take place on infill sites or as redevelopment of previously developed locations. Compliance with the San Diego Municipal Code, City's Land Development Code, and 2018 Community Plan would ensure that the cumulative loss of any distinctive or landmark trees or stand of mature trees, landform alteration, and light and glare impacts are avoided.

The 2018 Community Plan and surrounding communities' land use plans contain policies to ensure that new development is consistent with the existing character and protects public views. However, viewers would still notice a significant change in views due to the proximity and heights of future development in the CP area from the increase in building heights allowed by the project coupled with cumulative development. As depicted on Figures 5.1-2 through 5.1-11, the majority of the CP area is currently developed to a maximum height of 30 feet, and the project would allow heights up to 100 feet or higher in areas with no height limit, while the Navy OTC development would allow heights up to 350 feet. The cumulative development would impact Key Views 1, 2, 3, 5, 8, and 9 as follows:

- **Key View 1.** Future buildings would be visible along the horizon, primarily toward the southeast, with development of the CP area at maximum building height. The most visible buildings are the Navy OTC buildings (shown in gray) in the center-left background view and buildings in the Sports Arena area (shown in beige) in the center-right background view as shown on Figure 5.1-2, Key View 1 – View South from Sea World Drive Bridge. Under the buildout scenario, the project would result in a significant cumulative impact at Key View 1.

- **Key View 2.** Future development would be visible in the left and center background portions of the view, primarily toward the southeastern horizon, upon development of the CP area at maximum building height. The most noticeable potential changes would be seen in the left and center background portions of the view. Building heights above 40 feet can be seen from this key view, which changes the view quality of the horizon as shown on Figure 5.1-3, Key View 2 – View South from Fiesta Island. Under the buildout scenario, the project would result in a significant cumulative impact at Key View 2.
- **Key View 3.** The building heights of future development would obstruct views toward Downtown San Diego and of higher-elevation neighborhoods in the Peninsula and Uptown Community Plan areas in this view. The tallest buildings in the Navy OTC development would be visible, but the massing of buildings in the Sports Arena area have the greatest potential impact on views from this vantage point as shown on Figure 5.1-4, Key View 3 – View Southeast from Old Sea World Drive. Under the buildout scenario, the project would result in a significant cumulative impact at Key View 3.
- **Key View 5.** Due to the development in the CP area at maximum height limits, the Pechanga Arena would no longer be visible because intervening future development could be constructed adjacent to the I-8 as shown on Figure 5.1-6, Key View 5 – View Southeast from San Diego River Trail. The skyline would primarily comprise new development of 65- to 100-foot-tall buildings. Under the buildout scenario, the project would result in a significant cumulative impact at Key View 5.
- **Key View 8.** Future development would be visible in the midground views, especially looking southwest toward the Navy’s future development of the Navy OTC site. At the maximum 350-foot building height, the large massing of the buildings in the Navy OTC development would, for the most part, intrude on views of the open sky, and future development that could occur in the CP area would be mostly obscured by the Navy OTC development as shown on Figure 5.1-9, Key View 8 – View Southwest from Old Town San Diego State Historic Park. Some future development in the Commercial-Community (CC)-2-5 and CC-3-8 zones of up to 100 feet would also be visible but would not obstruct the view. Under the buildout scenario, the project would result in a significant cumulative impact at Key View 8.
- **Key View 9.** Future development would be visible in the midground views and would change northwestern views due to building heights of 100 feet or more west of I-5 as shown on Figure 5.1-10, Key View 9 – View West from Andrews Street. The Navy OTC development up to 350 feet in height would be visible in the right midground. Under the buildout scenario, the project would result in a significant cumulative impact at Key View 9.

Therefore, cumulative impacts associated with visual effects and neighborhood character would be potentially significant.

Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan. In addition, some areas are governed by other regulating documents, such as the Port Master Plan, San Diego International Airport's Airport Land Use Compatibility Plan, and Navy OTC Revitalization Project Environmental Impact Statement, where the City does not have building height regulatory authority. Finally, the City's Complete Communities: Housing Solutions and Mobility Choices program encourages development in Transit Priority Areas, which applies to the majority of the CP area. As stated above, restricting the height may impede the City's ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people. Therefore, cumulative impacts associated with visual effects and neighborhood character would remain significant and unavoidable.

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Chapter 7.0 Other Mandatory Discussion Areas

The California Environmental Quality Act (CEQA) Guidelines require that an Environmental Impact Report (EIR) contain a discussion of impacts associated with growth inducement, effects found not to be significant, significant unavoidable environmental impacts, and significant irreversible environmental changes. Each of these discussion areas is addressed in the following sections.

7.1 Growth Inducement

This Supplemental EIR (SEIR) must examine the potential growth-inducing impacts of the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project). More specifically, CEQA Guidelines, Section 15126.2(e), requires that an EIR:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. . . . It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

According to the City of San Diego’s (City’s) CEQA Significance Determination Thresholds, growth inducement “is usually associated with those projects that foster economic or population growth, or the construction of additional housing, either directly or indirectly, which may result in the construction of major new infrastructure facilities. Also, a change in land use policy or projects that provide economic stimulus, such as industrial or commercial uses, may induce growth. Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the surrounding environment.” In addition, the thresholds state that “the analysis must avoid speculation and focus on probable growth patterns or projects” (City of San Diego 2020).

The 2018 Midway-Pacific Highway Community Plan Update Revised Final Program EIR (2018 PEIR) determined that the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan) would serve as a comprehensive, long-term plan for the physical development of the Midway-Pacific Highway Community Planning area (CP area) and would be intended to manage and address future growth to support transit use and multimodal mobility. Based on the previously forecasted population, the population in the CP area would grow whether or not the 2018 Community Plan was adopted. The 2018 Community Plan included policies that directed housing growth to areas suitable for infill and new development with a focus on integrating residential uses into the planned mixed-use villages in

the community. It provided guidance on orderly growth and redevelopment in accordance with smart growth principles and, therefore, would not result in growth-inducing impacts.

The project would be limited to the CP area footprint and land use, density, and zoning analyzed in 2018 PEIR. The removal of the 30-foot height restriction would not result in a change to total allowable buildout density in the CP area; would not change the underlying base zone regulations, including the base zone's height limit; and would not allow development to extend beyond the footprint analyzed in the 2018 PEIR. With implementation of the project, the CP area population would not increase beyond what was previously analyzed in the 2018 PEIR. Therefore, the project would not be growth inducing but growth accommodating and would provide comprehensive planning for management of CP area population growth.

7.2 Effects Found Not to Be Significant or Adequately Examined in the 2018 PEIR

CEQA Guidelines, Section 15128, requires that an EIR contain a brief statement disclosing the reasons why various possible significant effects of a project were found not to be significant and, therefore, are not discussed in detail in the EIR. An Initial Study (IS) (included as Appendix B) was prepared in accordance with CEQA Guidelines, Section 15063(c), during the environmental scoping process. The IS was circulated for a 30-day public review period with the Notice of Preparation. Based on tiering and subsequent review concepts identified in the CEQA Guidelines, the City determined that the following environmental resources were adequately examined in the 2018 PEIR:

- Agriculture and forestry resources
- Air quality
- Biological resources
- Energy
- Geologic conditions
- Greenhouse gas emissions
- Health and safety
- Historical and Tribal cultural resources
- Hydrology/water quality
- Land use
- Mineral resources
- Noise
- Paleontological resources
- Population and housing
- Public services and facilities
- Public utilities
- Transportation and circulation
- Wildfire

Refer to the IS (Appendix B) for a detailed discussion of the project's impacts regarding each environmental resource listed above.

7.3 Significant Unavoidable Environmental Impacts

In accordance with CEQA Guidelines, Section 15126.2(c), any significant unavoidable impacts of a project, including those impacts that can be mitigated but not reduced to below a level of significance despite implementation of feasible mitigation measures, must be identified in the EIR.

For the project, impacts related to visual effects and neighborhood character would remain significant and unavoidable (refer to Section 5.1, Visual Effects and Neighborhood Character, in Chapter 5.0, Environmental Analysis, of this SEIR for more detail).

7.4 Significant Irreversible Environmental Changes

CEQA Guidelines, Section 15126.2(d), requires an evaluation of significant irreversible environmental changes that would occur should the project be implemented. Irreversible changes typically fall into one of three categories:

- **Primary impacts**, such as the use of nonrenewable resources (i.e., biological habitat, agricultural land, mineral deposits, water bodies, energy resources, and cultural resources)
- **Primary and secondary impacts**, such as highway improvements that provide access to previously inaccessible areas
- **Environmental accidents** potentially associated with future development under the project

CEQA Guidelines, Section 15126.2(d), states that irretrievable commitments of resources should be evaluated to assure that current consumption of such resources is justified.

Construction of development implemented in accordance with the project would require the irreversible consumption of natural resources and energy. Natural resources consumption would include lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long-term future date, for practical purposes, would be permanently consumed. Energy derived from nonrenewable sources, such as fossil fuels, would be consumed during construction and as a result of operational lighting, heating, cooling, and equipment and transportation uses. This commitment of natural resources and energy would be irreversible. The commitment of natural resources required for the construction and operation of the project would limit the availability of such resources for future generations or for other uses during the life of the project. Given the low likelihood that the land will revert to lower-intensity uses or its current form, the project would generally commit future generations to these environmental changes. Therefore, similar to the conclusion in the 2018 PEIR, the project would result in significant irreversible environmental changes.

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Chapter 8.0 Alternatives

The California Environmental Quality Act (CEQA) Guidelines, Section 15126.6, requires that an Environmental Impact Report (EIR) compare the effects of a “reasonable range of alternatives” to the effects of a project. The CEQA Guidelines further specify that the alternatives selected should attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project. The “range of alternatives” is governed by the “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency and to foster meaningful public participation (CEQA Guidelines, Section 15126.6[f]).

CEQA generally defines “feasible” to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time while also taking into account economic, environmental, social, technological, and legal factors (CEQA Guidelines, Section 15126.6[f][1]).

As discussed in the direct and cumulative impact analyses in Sections 5.1, Visual Effects and Neighborhood Character, in Chapter 5.0, Environmental Analysis, and 6.3.1, Visual Effects and Neighborhood Character, in Chapter 6.0, Cumulative Impacts, respectively, the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) would result in direct and cumulative significant environmental impacts related to scenic vistas or views and neighborhood character. In developing the alternatives to be addressed in this chapter, consideration was given regarding the alternatives’ ability to meet the basic objectives of the project and the potential to eliminate or substantially reduce the significant environmental impacts.

The following specific objectives identified in the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) (Appendix A) and this Supplemental EIR (SEIR) support the purpose of the project, assist the City of San Diego (City) as the lead agency in developing a reasonable range of alternatives to evaluate in this SEIR, and will ultimately aid the lead agency in preparing findings and overriding considerations, if necessary. The primary objectives of the project are as follows:

1. Establish multiple-use villages and districts within the community;
2. Enhance community identity and visual character through land use and urban design;
3. Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks;
4. Create a Bay-to-Bay pedestrian and bicycle linkage;
5. Identify park and recreation facilities to serve the community;
6. Provide housing and commercial uses in proximity to transit;
7. Maintain employment uses including industrial, business park, and commercial office uses to support the City’s economy;

8. Improve localized water quality and conveyance through facility improvements and design;
9. Identify future alternative uses for government-owned land in the community; and
10. Encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices.

The alternatives addressed in this SEIR were selected in consideration of one or more of the following factors (CEQA Guidelines, Section 15126.6[e]):

- The extent to which the alternative would feasibly accomplish most or all of the basic objectives;
- The extent to which the alternative would avoid or substantially lessen any of the identified significant environmental impacts of the project;
- The feasibility of the alternative, taking into account site suitability, economic viability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The appropriateness of the alternative in contributing to a “reasonable range” of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA Guidelines to consider a “no project” alternative and to identify an “environmentally superior” alternative in addition to the no project alternative.

Based on the criteria described above, this SEIR considers the following project alternatives:

- No Project Alternative (Maintain the Coastal Height Limit)
- Reduced Height Alternative
- Reduced Density Alternative

General descriptions of the characteristics of each of these alternatives, along with a discussion of their ability to reduce the significant environmental impacts associated with the project, are provided in the following subsections.

8.1 No Project Alternative (Maintain the Coastal Height Limit)

8.1.1 Description

Under the No Project Alternative (Maintain the Coastal Height Limit), the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone would continue to apply to future development in the Midway-Pacific Highway Community Planning area (CP area) that is subject to the City’s land use authority. The adopted 2018 Midway-Pacific Highway Community

Plan (2018 Community Plan) would continue to guide development in the CP area. See Figure 8-1, No Project Alternative (Maintain the Coastal Height Limit).

8.1.2 Analysis of No Project Alternative (Maintain the Coastal Height Limit)

a. Visual Effects and Neighborhood Character

The No Project Alternative (Maintain the Coastal Height Limit) would retain the 30-foot building height limit for future development within the Coastal Height Limit Overlay Zone. Future development under the No Project Alternative (Maintain the Coastal Height Limit) would be limited in building height compared to the project where building height would range from 30 feet to 100 feet or higher in areas with no height limit in the CP area. Impacts on scenic vistas or views under the No Project Alternative (Maintain the Coastal Height Limit) would be reduced compared to the impacts under the project. The degree of change would be less compared to the project because the height of buildings would be limited to 30 feet, and existing view corridors and key views would not substantially change from the existing 30-foot building heights. In addition, significant impacts associated with a substantial adverse alteration to the character of the area would be reduced compared to impacts under the project because the degree of change in bulk and scale of future buildings in the CP area would be reduced due to the 30-foot building height restriction.

Similar to the project, the No Project Alternative (Maintain the Coastal Height Limit) would result in less than significant impacts related to distinctive or landmark trees, landform alteration, and light and glare because future development projects in the CP area would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies, the outdoor lighting regulations outlined in Section 142.0740 of the City's Land Development Code (LDC), the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines.

The No Project Alternative (Maintain the Coastal Height Limit) would meet all project objectives identified in the 2018 PEIR except Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. Therefore, compared to the project, impacts on visual effects and neighborhood character would be avoided under the No Project Alternative (Maintain the Coastal Height Limit).

8.2 Reduced Height Alternative

8.2.1 Description

Under this alternative, building heights would be limited to 50 feet in areas along the northeastern boundary south of Interstate (I-) 8, including the Camino Del Rio District and the northern portions of

the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District, as shown on Figure 8-2, Reduced Height Alternative. The following zones would be height restricted to 50 feet by the Reduced Height Alternative: Residential Multi-Family (RM)-4-10; Commercial-Community (CC)-2-5, CC-3-8, and CC-3-9; and Industrial-Small Scale (IS)-1-1. These areas have the potential to cause the most impacts to visual resources and neighborhood character because they would have a maximum building height of 100 feet or no maximum height under the project. Table 8-1, Comparison of Maximum Building Heights under the Reduced Height Alternative, identifies the heights allowed in each zone under the project and the Reduced Height Alternative.

Table 8-1. Comparison of Maximum Building Heights under the Reduced Height Alternative

Village, District, or Area	Zoning Designation ¹	Project Maximum Height Limit	Reduced Height Alternative Maximum Height Limit
Sports Arena Community Village	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet	40 feet
	RM-3-8	50 feet	50 feet
	CC-1-3	45 feet	45 feet
	CC-3-6	65 feet	65 feet
Dutch Flats Urban Village ²	CO-3-1	50 feet	50 feet
	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Camino Del Rio District	CC-1-3	45 feet	45 feet
	CC-3-1	50 feet	50 feet
	CC-3-8	100 feet	50 feet
Channel District	RM-3-8	50 feet	50 feet
	CC-3-6	65 feet	65 feet
Rosecrans District	CC-1-3	45 feet	45 feet
	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Cauby District	CC-1-3	45 feet	45 feet
	CC-3-7	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Lytton District	CN-1-6	65 feet	65 feet
	RM-1-1	30 feet	30 feet
	RM-3-8	50 feet	50 feet
Kurtz District ²	CO-3-1	50 feet	50 feet
	CC-2-5	100 feet	50 feet
	CC-3-8	100 feet	50 feet
	IP-2-1	No limit	No limit

Table 8-1. Comparison of Maximum Building Heights under the Reduced Height Alternative

Village, District, or Area	Zoning Designation ¹	Project Maximum Height Limit	Reduced Height Alternative Maximum Height Limit
Hancock Transit Corridor	CC-2-5	100 feet	50 feet
	CC-3-8	100 feet	50 feet
	RM-3-9	60 feet	60 feet
	CC-3-9	No limit	50 feet
	RM-4-10	No limit	50 feet
Kettner District	CC-3-8	100 feet	50 feet
	IS-1-1	No limit ³	50 feet
MCRD ⁴	None	None	None

Source: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy Old Town Campus Revitalization Project Environmental Impact Statement proposes buildings of up to 350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over the federal property (i.e., MCRD).

Under this alternative, a Community Plan Implementation Overlay Zone would be established as a mechanism to implement reduced height limits in these areas. Per Chapter 13, Article 2, Division 14, Section 132.1401, of the San Diego Municipal Code (SDMC), the purpose of a Community Plan Implementation Overlay Zone is to provide supplemental development regulations that are tailored to specific sites in Community Plan areas of the City. The intent of these regulations is to ensure that development proposals are reviewed for consistency with the use and development criteria that have been adopted for specific sites as part of the Community Plan Update process. In addition, the City does not have land use authority on lands regulated by the Port Master Plan and/or the San Diego International Airport's Airport Land Use Compatibility Plan.

Similar to the project, under the Reduced Height Alternative, building heights in the remainder of the CP area would continue to be regulated by the zoning designation maximum height allowed in the SDMC.

8.2.2 Analysis of Reduced Height Alternative

a. Visual Effects and Neighborhood Character

Under the Reduced Height Alternative, future development along the northern, eastern, and southern CP area boundaries would have a limited building height of 50 feet compared to a maximum building height of 100 feet or no maximum, pursuant to the zoning designation in the

SDMC. The following zones would be height restricted to 50 feet by the Reduced Height Alternative: Residential Multi-Family (RM)-4-10; Commercial-Community (CC)-2-5, CC-3-8, and CC-3-9; and Industrial-Small Scale (IS)-1-1.

Impacts on scenic vistas under the Reduced Height Alternative would be reduced compared to the project. Specifically, the level of change to public view corridors outside the CP area would be reduced in the Uptown Community Plan area, represented by Key View 9 (Figure 5.1-10, Key View 9 – View West from Andrews Street). This is identified as a significant impact for the project. Under the Reduced Height Alternative, future development west of I-5 in the Pacific Highway corridor would be lower in height than depicted in the buildout scenario on Figure 5.1-10. The Coastal Height Limit does not apply to federal property, and the City does not have land use jurisdiction over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact the future Navy Old Town Campus (OTC) development, and the taller buildings associated with the development in the right midground view would remain unchanged. The project's direct impact from Key View 9 would be reduced under this alternative but not to below a level of significance because viewers would still notice a change in the built landscape.

In addition, impacts associated with a substantial adverse alteration to the character of the area would be reduced compared to the project. Specifically, the level of change to the existing setting would be reduced in Key Views 1, 2, 3, 5, and 9 due to the elimination of the potential for future development of 65- to 100-foot-tall buildings along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District (see Figure 8-2). In addition, because the Reduced Height Alternative would restrict building heights to 50 feet in these areas, viewer sensitivity would also be reduced because future development would not be as noticeable in Key Views 1, 2, 3, 5, and 9. A description of each of these key views under the Reduced Height Alternative is provided below:

- **Key View 1.** Development to the right of I-5 would be lower in height than depicted in the buildout scenario on Figure 5.1-2, Key View 1 – View South from Sea World Drive Bridge. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development along the left side of I-5 would be unchanged. The project's direct impact from Key View 1 would be reduced under this alternative.
- **Key View 2.** Future mid-rise development in the center of the view immediately to the right of the Pechanga Arena would be lower in height than depicted in the buildout scenario on Figure 5.1-3, Key View 2 – View South from Fiesta Island, and more consistent with existing development. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property

(i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development shown in gray in the left side of the view would be unchanged. The project's direct impact from Key View 2 would be reduced under this alternative.

- **Key View 3.** Future development across the viewshed would be lower in height than depicted in the buildout scenario on Figure 5.1-4, Key View 3 – View Southeast from Old Sea World Drive. In particular, the buildings on the left side of the view would be reduced from 100 feet in height to 50 feet, which would provide a better view of the Navy OTC development behind them. A significant change in neighborhood character would still occur from Key View 3 under this alternative.
- **Key View 5.** Future development to the left of the Pechanga Arena would be lower in height than depicted in the buildout scenario on Figure 5.1-6, Key View 5 – View Southeast from San Diego River Trail. The heights in this area would be similar or less than the heights depicted in the development to the right of the Pechanga Arena. A significant change in neighborhood character would still occur from Key View 5 under this alternative.
- **Key View 9.** Future development in the Pacific Highway corridor would be lower in height than depicted in the buildout scenario on Figure 5.1-10. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development along the right side of the view would be unchanged. The project's direct impact from Key View 9 would be reduced under this alternative.

The Reduced Height Alternative would reduce some, but not all, of the project's significant impacts associated with a substantial adverse alteration to the character of the area. In addition, the 10 key views of the CP area are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Restricting building height limits in these areas would not necessarily reduce impacts from all possible view locations or improve the impact on neighborhood character in all areas of the CP. Therefore, impacts would be reduced compared to the project but not to below a level of significance.

Similar to the project, the Reduced Height Alternative would result in less than significant impacts related to distinctive or landmark trees, landform alteration, and light and glare because future development projects in the CP area would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's MHPA Land Use Adjacency Guidelines.

The Reduced Height Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. The height restrictions in the northern, eastern, and southern CP area boundaries would limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people.

Therefore, compared to the project, visual effects and neighborhood character would be substantially reduced under the Reduced Height Alternative but not to below a level of significance. Impacts would remain significant and unavoidable under this alternative.

8.3 Reduced Density Alternative

8.3.1 Description

Under this alternative, density in certain areas in the CP area would be reduced to accommodate lower building heights through rezoning. The lower density areas for the Reduced Density Alternative would be similar to the reduced height areas for the Reduced Height Alternative because these areas have the potential to cause the most impacts to visual resources and neighborhood character. As shown on Figure 8-3, Reduced Density Alternative, lower density would occur along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District. In these areas, the Commercial-Community (CC)-3-8 and CC-3-9 would be rezoned to CC-3-7 and Residential Multi-Family (RM)-4-10 would be rezoned to RM-3-9. Building heights would be regulated by the zoning designation maximum height allowed in the SDMC. The Commercial-Community (CC)-3-7 zone allows for a maximum building height of 65 feet, and Residential Multi-Family (RM)-3-9 allows for a maximum building height of 60 feet. Table 8-2, Comparison of Maximum Building Heights under the Reduced Density Alternative, identifies the zoning designation and heights allowed in each zone under the project and the Reduced Density Alternative.

Table 8-2. Comparison of Maximum Building Heights under the Reduced Density Alternative

Village, District, or Area	Project Zoning Designation ¹	Project Maximum Height Limit	Reduce Density Alternative Zoning Designation	Reduced Density Alternative Maximum Height Limit
Sports Arena Community Village	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet	RM-2-5	40 feet
	RM-3-8	50 feet	RM-3-8	50 feet

Table 8-2. Comparison of Maximum Building Heights under the Reduced Density Alternative

Village, District, or Area	Project Zoning Designation ¹	Project Maximum Height Limit	Reduce Density Alternative Zoning Designation	Reduced Density Alternative Maximum Height Limit
	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-6	65 feet	CC-3-6	65 feet
Dutch Flats Urban Village ²	CO-3-1	50 feet	CO-3-1	50 feet
	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Camino Del Rio District	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-1	50 feet	CC-3-1	50 feet
	CC-3-8	100 feet	CC-3-7	65 feet
Channel District	RM-3-8	50 feet	RM-3-8	50 feet
	CC-3-6	65 feet	CC-3-6	65 feet
Rosecrans District	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Cauby District	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-7	65 feet	CC-3-7	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Lytton District	CN-1-6	65 feet	CN-1-6	65 feet
	RM-1-1	30 feet	RM-1-1	30 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Kurtz District ²	CO-3-1	50 feet	CO-3-1	50 feet
	CC-2-5	100 feet	CC-2-5	100 feet
	CC-3-8	100 feet	CC-3-7	65 feet
	IP-2-1	No limit	IP-2-1	No limit
Hancock Transit Corridor	CC-2-5	100 feet	CC-2-5	100 feet
	CC-3-8	100 feet	CC-3-7	65 feet
	RM-3-9	60 feet	RM-3-9	60 feet
	CC-3-9	No limit	CC-3-7	65 feet
	RM-4-10	No limit	RM-3-9	60 feet
Kettner District	CC-3-8	100 feet	CC-3-7	65 feet
	IS-1-1	No limit ³	IS-1-1	No limit
MCRD ⁴	None	None	None	None

Source: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy Old Town Campus Revitalization Project Environmental Impact Statement proposes buildings of up to

350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over federal property (i.e., MCRD).

The City has no land use authority on lands regulated by the Port Master Plan and/or the San Diego International Airport's Airport Land Use Compatibility Plan.

8.3.2 Analysis of Reduced Density Alternative

a. Visual Effects and Neighborhood Character

Under the Reduced Density Alternative, future development along the northern, eastern, and southern CP area boundaries would be rezoned to have a limited building height of 60–65 feet as designated by the SDMC compared a maximum building height of 100 feet under their current zoning designations as allowed by the project. Zones Commercial-Community (CC)-3-8 and CC-3-9 would be rezoned to CC-3-7, and Residential Multi-Family (RM)-4-10 would rezoned to RM-3-9 under the Reduced Density Alternative.

Impacts on scenic vistas under the Reduced Density Alternative would be reduced compared to the project. Specifically, the level of change to public view corridors outside the CP area would be reduced in the Uptown Community Plan area, represented by Key View 9 (Figure 5.1-10). This is identified as a significant impact for the project. Under the Reduced Density Alternative, future development west of I-5 in the Pacific Highway corridor would be lower in height than depicted in the buildout scenario on Figure 5.1-10. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development in the right midground view would remain unchanged. Therefore, the project's direct impact from Key View 9 would be reduced under this alternative but not to below a level of significance because viewers would still notice a change in the built landscape.

In addition, impacts associated with a substantial adverse alteration to the character of the area would be reduced compared to the project. Specifically, the level of change to the existing setting would be reduced in Key Views 1, 2, 3, 5, and 9 due to the elimination of the potential for future development of up to 100-foot-tall buildings along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and the Kettner District (see Figure 8-3). In addition, because the Reduced Density Alternative would result in a rezone limiting building heights to 65 feet in these areas, viewer sensitivity would also be reduced because future development would not be as noticeable in Key Views 1, 2, 3, 5, and 9. A description of each of these key views under the Reduced Density Alternative is provided below:

- **Key View 1.** Development to the right of I-5 would be lower in height than depicted in the buildout scenario primarily toward the southeast as building heights would be limited to 60–65 feet compared to maximum buildout of 100 feet as shown on Figure 5.1-2. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development along the left side of I-5 would be unchanged. The project’s direct impact from Key View 1 would be reduced under this alternative.
- **Key View 2.** Future mid-rise development in the center of the view immediately to the right of the Pechanga Arena would remain the same as depicted in the buildout scenario on Figure 5.1-3. In addition, development to the left would be lower in height as depicted in the buildout scenario. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development shown in gray in the left side of the view would be unchanged. The project’s direct impact from Key View 2 would be reduced under this alternative.
- **Key View 3.** Future development across the viewshed would be lower in height than depicted in the buildout scenario on Figure 5.1-4. In particular, the buildings on the left side of the view would be reduced from 100 feet in height to 60–65 feet, which would provide a better view of the Navy OTC development behind them. A significant change in neighborhood character would still occur from Key View 3 under this alternative.
- **Key View 5.** Future development to the left of the Pechanga Arena would be lower in height than depicted in the buildout scenario on Figure 5.1-6. The heights in this area would be similar or less than the heights depicted in the development to the right of the Pechanga Arena. A significant change in neighborhood character would still occur from Key View 5 under this alternative.
- **Key View 9.** Future development in the Pacific Highway corridor would be lower in height than depicted in the buildout scenario on Figure 5.1-10. The Coastal Height Limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development along the right side of the view would be unchanged. The project’s direct impact from Key View 9 would be reduced under this alternative.

The Reduced Density Alternative would reduce some, but not all, of the project’s significant impacts associated with a substantial adverse alteration to the character of the area. In addition, the 10 key views of the CP area are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Restricting development density through rezoning

in these areas would not necessarily reduce impacts from all possible view locations or improve the impact on neighborhood character in all areas of the CP area. Therefore, impacts would be reduced compared to the project but not to below a level of significance.

Similar to the project, the Reduced Density Alternative would result in less than significant impacts related to distinctive or landmark trees, landform alteration, and light and glare because future development projects in the CP area would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's MHPA Land Use Adjacency Guidelines.

The Reduced Density Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit; Project Objective 7 to maintain employment uses including industrial, business park, and commercial office uses to support the City's economy to the same extent as the project; or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. This is due to the reduced development density in the northern, eastern, and southern CP area boundaries, which would impede the City's ability to achieve the buildout density identified in the 2018 Community Plan. Furthermore, this alternative would limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people.

Therefore, compared to the project, visual effects and neighborhood character would be substantially reduced under the Reduced Density Alternative but not to below a level of significance. Impacts would remain significant and unavoidable under this alternative.

8.4 Environmentally Superior Alternative

CEQA Guidelines, Section 15126.6(e)(2), requires the identification of an environmentally superior alternative among the alternatives analyzed in an EIR. The guidelines also require that, if the No Project Alternative (Maintain the Coastal Height Limit) is identified as the environmentally superior alternative, then another environmentally superior alternative must be identified. Table 8-3, Summary of Impacts for Alternatives Compared to the Project, provides a summary comparison of the alternatives with the project to highlight if the alternatives would result in a similar, greater, or lesser impact regarding potentially significant impacts.

Table 8-3. Summary of Impacts for Alternatives Compared to the Project

Impact	Project		Alternatives		
	Without Mitigation	With Mitigation	No Project (Maintain the Coastal Height Limit)	Reduced Height Alternative	Reduced Density Alternative
Visual Effects and Neighborhood Character					
Issue 1: Scenic Vistas or Views	PS	SU (direct and cumulative impact)	<	<	<
Issue 2: Neighborhood Character	PS	SU (direct and cumulative impact)	<	<	<
Issue 3: Distinctive or Landmark Trees	LS	LS	=	=	=
Issue 4: Landform Alteration	LS	LS	=	=	=
Issue 5: Light or Glare	LS	LS	=	=	=

Notes: LS = Less than Significant Impact; NI = No Impact; PS = Potentially Significant Impact; SU = Significant and Unavoidable
 = Impacts would be similar to those of the project.
 > Impacts would be greater than those of the project.
 < Impacts would be less than those of the project.

Based on a comparison of the alternatives' overall environmental impacts and their compatibility with the project's goals and objectives, the Reduced Height Alternative is the environmentally superior alternative for this SEIR. Under the Reduced Height Alternative, building heights would be limited to 50 feet compared to 60–65 feet under the Reduced Density Alternative. The Reduced Height Alternative would reduce impacts on visual effects and neighborhood character compared to the project, although not to below a level of significance.

Regarding attaining most of the basic project objectives, the Reduced Height Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. This is due to the potential for the height restrictions in the northern, eastern, and southern CP area boundaries to limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people.

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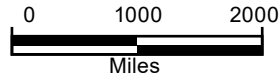


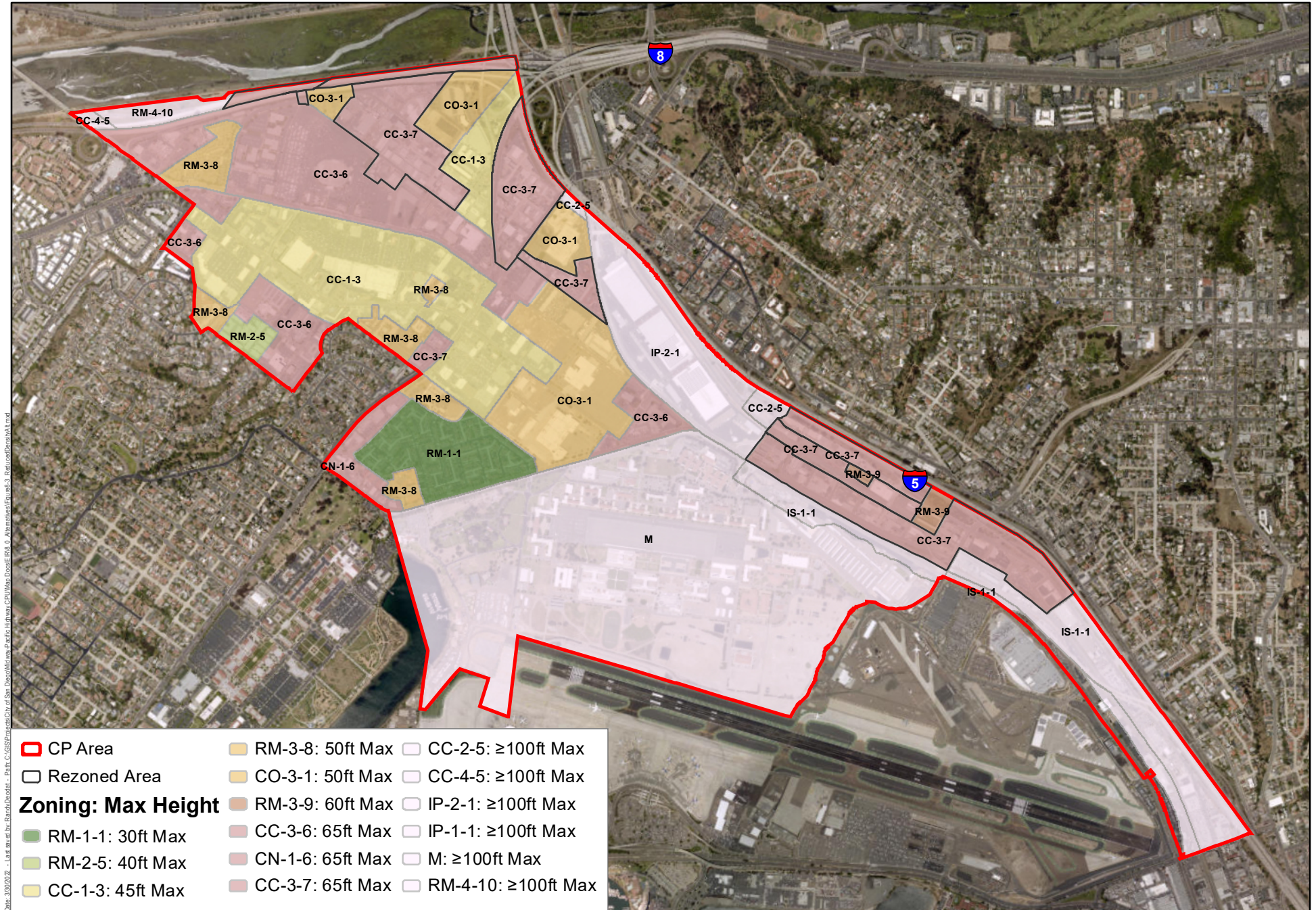
Figure 8-1

No Project Alternative(Maintain the Coastal Height Limit)

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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Source: City of San Diego 2022; SanGIS Imagery 2017.



Harris & Associates



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Feet

Figure 8-3

Reduced Density Alternative

Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

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Chapter 9.0 References Cited

Executive Summary

- City of San Diego 2018. Midway-Pacific Highway Community Plan. Accessed April 2022. <https://www.sandiego.gov/planning/community/profiles/midwaypacifichwy/plan>.
- City of San Diego. 2022. San Diego Municipal Code. Accessed April 2022. <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>.

Chapter 1.0, Introduction

- City of San Diego. 2005. Environmental Impact Report Guidelines. May. Accessed April 2022. https://www.sandiego.gov/sites/default/files/legacy/cip/pdf/stadiumeir/2005-12_eir-guidelines-update.pdf.
- City of San Diego. 2007. Final Program Environmental Impact Report for the Draft General Plan. Accessed April 2022. <https://www.sandiego.gov/planning/genplan/documents/peir>.
- City of San Diego. 2008. City of San Diego General Plan. March 10. Accessed April 2022. <https://www.sandiego.gov/planning/genplan>.
- City of San Diego. 2015. Climate Action Plan.
- City of San Diego. 2020a. CEQA Significance Determination Thresholds. December. Accessed April 2022. <https://www.sandiego.gov/sites/default/files/sdtceqa.pdf>.
- City of San Diego. 2020b. Final Program Environmental Impact Report for Complete Communities: Housing Solutions and Mobility Choices. SCH No. 2019060003. May. Accessed April 2022. https://www.sandiego.gov/sites/default/files/final_peir_for_complete_communities_housing_solutions_and_mobility_choices.pdf.
- City of San Diego. 2020c. Complete Communities: Housing Solutions and Mobility Choices.
- City of San Diego 2021. City of San Diego General Plan Housing Element 2021–2029. Accessed April 2022. <https://www.sandiego.gov/planning/programs/genplan/housingelement>.
- City of San Diego. 2022. San Diego Municipal Code. Accessed April 2022. <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>.

Chapter 2.0, Environmental Setting

None.

Chapter 3.0, Project Description

- City of San Diego 2018. Midway-Pacific Highway Community Plan. Accessed April 2022. <https://www.sandiego.gov/planning/community/profiles/midwaypacifichwy/plan>.
- City of San Diego. 2022. San Diego Municipal Code. Accessed April 2022. <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>.

Chapter 4.0, Regulatory Framework

- City of San Diego. 2008. City of San Diego General Plan. March 10. Accessed April 2022. <https://www.sandiego.gov/planning/genplan>.
- City of San Diego 2011. Peninsula Community Plan and Local Coastal Program Land Use Plan. Adopted July 14, 1987. Updated by City Council on June 20, 1989, and January 19, 1999. Last amended May 31. Accessed April 2022. <https://www.sandiego.gov/planning/community/profiles/peninsula/plan>.
- City of San Diego 2018a. Midway-Pacific Highway Community Plan. Accessed April 2022. <https://www.sandiego.gov/planning/community/profiles/midwaypacificwy/plan>.
- City of San Diego 2018b. Old Town Community Plan. Accessed April 2022. <https://www.sandiego.gov/planning/community/profiles/oldtown/plan>.
- City of San Diego. 2020. Complete Communities: Housing Solutions and Mobility Choices.
- City of San Diego. 2019a. Mission Bay Park Master Plan Update. Adopted August 2, 1994. Last amended June 17. Accessed April 2022. https://www.sandiego.gov/sites/default/files/mb_park_master_plan.pdf.
- City of San Diego. 2019b. Uptown Community Plan. November. Accessed April 2022. https://www.sandiego.gov/sites/default/files/uptown_cpu_book_11.18.19.pdf.
- City of San Diego. 2021. Parks Master Plan. August. Accessed April 2022. <https://www.sandiego.gov/planning/parks-master-plan>.
- HCD (California Department of Housing and Community Development). 2022. “State Housing Law Program.” Accessed April 2022. <https://www.hcd.ca.gov/state-housing-law-program>.

Chapter 5.0, Environmental Analysis

None.

Section 5.1, Visual Effects and Neighborhood Character

- City of San Diego. 1987. Peninsula Community Plan and Local Coastal Program Land Use Plan. Accessed April 2022. <https://www.sandiego.gov/sites/default/files/legacy//planning/community/profiles/peninsula/pdf/peninsulacp082312.pdf>.
- City of San Diego. 1997. “Section 1.4.3, Land Use Adjacency Guidelines.” In City of San Diego MSCP Subarea Plan. Multiple Species Conservation Program. March. Accessed April 2022. <https://www.sandiego.gov/sites/default/files/legacy/planning/programs/mscp/pdf/subareafullversion.pdf>.
- City of San Diego. 2018. Old Town Community Plan. Accessed April 2022. https://www.sandiego.gov/sites/default/files/old_town_san_diego_community_plan_0.pdf.
- City of San Diego. 2019a. Uptown Community Plan. November. Accessed April 2022. https://www.sandiego.gov/sites/default/files/uptown_cpu_book_11.18.19.pdf.

City of San Diego. 2019b. Mission Bay Park Master Plan Update. Adopted August 2, 1994. Last amended June 17. Accessed April 2022. https://www.sandiego.gov/sites/default/files/mb_park_master_plan.pdf.

City of San Diego. 2020a. CEQA Significance Determination Thresholds. December.

City of San Diego. 2020b. Complete Communities: Housing Solutions and Mobility Choices.

City of San Diego. 2021. Land Development Code. Presented to City Council on December 13. Accessed April 2022. <https://www.sandiego.gov/planning/programs/land-development-code>.

Chapter 6.0, Cumulative Impacts

City of San Diego. 2007. Final Program Environmental Impact Report for the Draft General Plan. Accessed April 2022. <https://www.sandiego.gov/planning/genplan/documents/peir>.

Chapter 7.0, Other Mandatory Discussion Areas

City of San Diego. 2020. CEQA Significance Determination Thresholds. December. Accessed April 2022. <https://www.sandiego.gov/sites/default/files/sdtceqa.pdf>.

Chapter 8.0, Alternatives

City of San Diego 2018. Midway-Pacific Highway Community Plan. Accessed April 2022. <https://www.sandiego.gov/planning/community/profiles/midwaypacifichwy/plan>.

City of San Diego. 2022. San Diego Municipal Code. Accessed April 2022. <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>.

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Chapter 10.0 Individuals and Agencies Consulted

Refer to the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR) for individuals and agencies consulted during the 2018 PEIR process. No additional individuals or agencies were consulted during the preparation of this Supplemental EIR (SEIR).

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Chapter 11.0 Certification

This Supplemental Environmental Impact Report (SEIR) has been completed by the City of San Diego's Planning Department and is based on independent analysis and determinations made pursuant to the San Diego Municipal Code, Section 128.0103. The following individuals contributed to the preparation of this SEIR.

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