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June 11, 2007

File Number 3003900

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

Dear Ms. Mirrasoul:

SUBJECT: General Plan Update - Draft Program Environmental Impact Report

Thank you for notifying SANDAG of the opportunity to comment on the draft Program Environmental Impact Report (PEIR) for the City of San Diego's draft General Plan update. SANDAG's comments are based on the regional planning principles developed and adopted through our Regional Comprehensive Plan (RCP). The RCP promotes coordination between local and regional planning to ensure local development is consistent with regional plans and infrastructure investments. It also encourages a pattern of smart growth development that concentrates housing and employment growth near existing and planned transportation facilities.

We concur with the conclusion in the draft PEIR when it states, "The draft General Plan is consistent with regional plans and strategies by addressing infrastructure challenges, establishing better linkages between transit and land use planning, preserving open spaces, strengthening existing communities, and creating neighborhood mixed-use centers" (pages 2-26). The plan helps implement the strategies in SANDAG's RCP by focusing future development around existing infrastructure; in particular, regional transportation infrastructure. In doing so, the plan establishes a framework for minimizing the impact of future growth on the City of San Diego and the region.

Continued coordinated planning between the City of San Diego, SANDAG, and other local and regional agencies will be essential to addressing the impacts from the region's future growth. SANDAG looks forward to working with the City of San Diego toward that end.

Sincerely,

STEPHAN M. VANCE
 Senior Regional Planner

SVA/dsn

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M-1

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M-1: Comment acknowledged.

AIA San Diego

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June 1, 2007

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

Re: Request for Extension of Time for PEIR Review

Dear Ms. Mirrasoul:

AIA San Diego respectfully requests a 60-day extension of time for the review of the Program Environmental Impact Report (PEIR) for the final draft of the City of San Diego General Plan.

N-1

The PEIR, which is an extensive analysis of the impacts of the General Plan, was released April 25, 2007. Public comments are due on the PEIR by June 8; however, the draft status report on Land Development Code (LDC) changes won't be seen by the Code Monitoring Team for discussion until June 13. The LDC changes should be reviewed in concert with the PEIR.

A 60-day extension would allow the LDC changes to be considered relative to the PEIR and would allow the PEIR to be sufficiently reviewed as relative to the draft General Plan.

AIA San Diego commends all of the hard work that has gone into these documents, particularly the General Plan as it will establish the land-use vision of San Diego for the next 20 years. It is essential for our city's future that a thorough analysis of the documents are conducted, and AIA San Diego is eager to continue our participation in this analysis.

AIA San Diego recognizes that the PEIR can not identify feasible mitigation to address all future project-level impacts as a result of a specific development project, since it is not analyzing a specific development project; however, we are concerned that the PEIR appears to pass the responsibility for mitigation of significant impacts that are created by the policies of the General Plan onto subsequent action by public or private entities.

Should our request for a 60-day, PEIR-review extension be refused, please note the attachment that outlines our preliminary comments on the PEIR. We would be very

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N-1 Pursuant to Section 128.0307 of the Municipal Code and Section 15105 (c) of the State CEQA Guidelines, the City of San Diego Development Services Department extended the public review period for the environmental document to June 25, 2007. Regarding consideration of the Land Development Code revisions, see response B-1.

pleased to present final comments on PEIR in 60 days and reiterate our request for an extension.

Respectfully,



Paul E. Schroeder, AIA
President

Attachment

Cc: Mayor Jerry Sanders, City of San Diego
Scott Peters, Council President, Councilmember, City of San Diego
Kevin Faulconer, Councilmember, City of San Diego
Toni Atkins, Councilmember, City of San Diego
Tony Young, Councilmember, City of San Diego
Brian Maienschein, Councilmember, City of San Diego
Donna Frye, Councilmember, City of San Diego
Jim Madaffer, Councilmember, City of San Diego
Ben Hueso, Councilmember, City of San Diego

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Attachment

**AIA San Diego
 Preliminary Comments**

Program Environmental Impact Report (PEIR)



AIA Comment 1:

Health and Safety (Section 3.5) (page 1.0-9)

A. Environmental Impact-

N-2 The PEIR identifies that "the Airport Environs Overlay Zone (AEOZ) covers less area than the boundaries of the airport influence area, which could allow the development of future projects that could pose a potentially significant impact outside of the AEOZ boundaries, but within the airport influence area." The mitigation should be stated to make the two consistent.

B. Mitigation Framework-

N-3 The PEIR identifies mitigation for discretionary projects, but it fails to address the mitigation for non-discretionary projects.

AIASD Comment 2:

Land Use (Section 3.8) (page 1.0-10)

A. Environmental Impact-

N-4 Though the Draft General Plan does not change land uses, the PEIR must endeavor to identify and evaluate specific inconsistencies between community plans, the Zoning Code, existing land uses and City policies. The PEIR statement that "implementation of the Draft General Plan could yield significant impacts to land use" is inadequate. One specific example is the impact on existing allowable uses in industrial areas, which is not identified in the PEIR. There are others examples and it is the responsibility of the PEIR to identify them.

N-5 It must further identify the significant impacts of those inconsistencies. What is the impact on ability to develop new projects or expand existing facilities, which are consistent with the Land Development Code (LDC) and community plans, but are inconsistent with the General Plan?

B. Mitigation Framework-

N-6 It is the responsibility of the PEIR to identify a mitigation or implementation plan for transitioning community plans, the Zoning Code, existing land uses and city policies toward greater consistency with the General Plan. It is inadequate to defer mitigation of inconsistencies to some unknown date of a community plan update or some unspecified private

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N-2 The City has included the following discussion in the PEIR: The City will either amend the AEOZ or adopt a new overlay zone to be consistent with the airport influence area boundaries after the ALUC adopts updated ALUCPs.

The PEIR has been revised to clarify that compliance with the policies, regulations and criteria in the ALUCPs is required of all projects in an Airport Influence Area (AIA) and is not considered to be mitigation. However, it is possible that for certain projects, adherence to the regulations may not adequately protect health and safety, and such projects would require additional measures to avoid or reduce significant health and safety impacts. These additional measures, to be adopted at the project level, would be considered mitigation.

N-3 The CEQA applies to discretionary and not ministerial projects; therefore, no mitigation for ministerial projects can be required. However, the City has included the following discussion in the PEIR Section 3.5.3: The City will determine the consistency of ministerial projects with the adopted ALUCPs within the boundaries of the airport influence areas. In addition, the City will not approve ministerial projects that require FAA notification without FAA determination of "No Hazard to Air Navigation" for the project. See response to comment N-2.

N-4 The Development Services Department's CEQA Significance Determination Thresholds state that "The project should be assessed for consistency with any of the adopted plans and regulations (City of San Diego Municipal Code) which govern the region and the particular site. An inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental impact to be considered significant under CEQA."

In this case, the project is an update to the City of San Diego's General Plan. The California Supreme Court has called the General Plan the "constitution for future development." It is

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expected that in the course of implementing the General Plan there will be associated plan, policy, and code amendments. The General Plan policies need to be evaluated per CEQA, but the potential inconsistency of a particular code or policy with the Draft General Plan, is not by itself a significant environmental issue. For example, the General Plan contains extensive policies on mixed-use, village development. Not all community plans identify village, or village-like sites, so community plan updates/amendments will be needed to address this issue. A community plan that does not currently identify village sites is not inconsistent with the General Plan it simply does not fully implement the General Plan's recommendations.

The General Plan PEIR concludes that conflicts with other adopted plans are considered "significant and unavoidable" not because the General Plan's policies are incompatible with adopted plans, but rather due to the uncertainty related to future plan amendments and project reviews.

The General Plan does not change the land use designation or zoning of specific properties. The General Plan provides a menu of Industrial Land Use designations that are to be applied as a part of community plan updates and amendments.

The General Plan also contains policies that are to be applied through the processing of discretionary permits. The prime industrial lands policies will be used in the processing of discretionary permits and may result in the prohibitions or limitations on the issuance of conditional use permits for certain sensitive receptor uses (see Economic Prosperity Element Section A). For example, the Prime Industrial Lands map and associated policies provide guidance on how to protect prime industrial lands. To further clarify the purpose of prime industrial land identification on a given property, a policy was added, Policy EP A-15, which states that the identification of Prime Industrial Land on any property does not preclude the development of any site pursuant to the development regulations and uses of the existing zone and community plan designation. Restrictions affecting the issuance of

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conditional use permits do not create community plan inconsistencies, as the primary use of the base zone remains industrial. In fact, the proposed General Plan policies and land use designations are tools to more precisely implement community plan land use designations.

- N-5 If a project is consistent with the community plan land use designation, then by default it is consistent with the General Plan land use designation, since the General Plan land use map is a compilation of the community plan land use maps. To clarify this point, Policy LU-C.1 has been revised to include sub-item “b” as follows: “Rely on community plans for site-specific land use and density/intensity designations and recommendations.” In addition, page 3.8 of the Draft PEIR states “The adopted community plans have been and will remain the authority for land use, density, and site specific recommendations.”
- N-6 An additional policy has been drafted to address policy inconsistencies between a community plan (or a proposed amendment to a community plan) and the General Plan, as follows: “Maintain consistency between community plans and the General Plan, as together they represent the City’s comprehensive plan. In the event of an inconsistency between the General Plan and a community plan, action must be taken to either: 1) amend the community plan, or 2) amend the General Plan in manner that is consistent with the General Plan’s Guiding Principles.” As previously stated, an inconsistency with an adopted plan is not in and of itself a CEQA impact. The inconsistency must relate to a physical environmental impact. Until projects are proposed in the future, it is not possible to determine whether they would result in such impacts, and it is therefore also not possible to identify specific mitigation measures. The Mitigation Framework provides guidance on developing mitigation for future community plan updates and individual development proposals.

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development project. How long does the PEIR anticipate that these significant impacts will exist?

C. Page 3.8-2.9 states, "There may be a situation where a community plan does not implement the General Plan to the maximum extent possible, however, it is anticipated that competing goals can be resolved through discretionary review." What if the project is a ministerial permit?

N-7

AIASD Comment 3:

On page 3.8-27, the PEIR states, "An inconsistency with an adopted plan is not by itself a significant impact. The inconsistency must relate to a physical environmental impact to be considered significant under CEQA."

D. . This is similar to Comment 2. The PEIR must endeavor to identify and evaluate inconsistencies between community plans, the Zoning Code, existing land uses and City policies. The PEIR statement that "implementation of the Draft General Plan could yield significant impacts to land use" is inadequate. One specific example is the impact on existing allowable uses currently allowed in industrial areas, but would be prohibited in the future. This is not identified in the PEIR. There are others examples, and it is the responsibility on the PEIR to identify them.

N-8

2. It must further identify the significant impacts of those inconsistencies. What is the impact on ability to develop new projects or expand existing facilities, which are consistent with the Land Development Code (LDC) or Community Plans, but are inconsistent with the General Plan.

N-9

It is the responsibility of the PEIR to identify a mitigation or implementation plan for transitioning community plans, the Zoning Code, existing land uses and city policies toward greater consistency with the General Plan. Shall the General Plan, Community Plan or the Development Regulations take precedence until such time as consistency is achieved?

N-10

AIA Comment 4:

Economic Prosperity Element-

The PEIR states (page 2-35) "the Element also expands the traditional focus of a general plan to include economic development policies that have a less direct effect on land use." The Chamber of Commerce believes that it is essential that the City of San Diego establishes an Economic Prosperity Policy, but questions the appropriateness of including non-land use policies in the General Plan. With the ever-changing economic environment, the city needs to be in a position to adjust its Economic Prosperity

N-11

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N-7 If a project is consistent with the community plan and the Land Development Code (LDC), and is processed through a ministerial permit, then the General Plan is not a part of the review process. If the project is processed through a discretionary permit, the community plan and General Plan will be used by City staff to evaluate the project.

N-8 See response to comment N-4. Note that an inconsistency is a legal determination, and not a physical impact on the environment.

N-9 See response to comment N-5.

N-10 See response to comment N-5. The General Plan does not change the land use designation or zoning of specific properties. The GP provides a menu of Industrial Land Use designations that are to be applied as a part of community plan updates and amendments. While doing the analysis of the potential future effects of implementing the General Plan policies necessarily involves some degree of forecasting, identifying specific examples of what *could* happen as a result of a future community plan update, amendment, or development proposal is too speculative for detailed evaluation at the General Plan level. Additional environmental review will be conducted as specific proposals for community plan amendments and rezones occur.

If a project is consistent with the community plan land use designation, then by default it is consistent with the General Plan land use designation, since the General Plan land use map is a compilation of the community plan land use maps. To clarify this

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Land use designation, since the General Plan land use map is a compilation of the community plan land use maps. To clarify this point, Policy LU-C.1 has been revised to include a sub-item “b” as follows: “Rely on community plans for site-specific land use and density/intensity designations and recommendations.” In addition, page 3.8 of the Draft EIR states “The adopted community plans have been and will remain the authority for land use, density, and site specific recommendations.” Staff is unable to speculate on physical environmental impacts from potential future development projects.

As described on page 2-29 of the PEIR Project Description, the City is currently developing a work program to regularly update all of the community plans over what is anticipated to be a 12-year cycle. Additional information on this work program is available in the project description.

- N-11 The State of California General Plan Guidelines (2003, Governor’s Office of Planning and Research), indicates that state law requires “each city and county to adopt a general plan for the “physical development of the county or city and any land outside its boundaries which bears relation to its planning.” This indicates that General Plans are mainly land use documents; however, the guidelines add that General Plans may serve to identify a community’s land use, circulation, environmental, economic and social goals and policies as they relate to land use and development. It specifically addresses socio-economic issues as follows: “Because a general plan represents the most comprehensive local expression of the general welfare as it relates to land use, recognizing social and economic concerns may be quite appropriate.” Chapter 6 of the General Plan Guidelines provides more detailed information on economic/fiscal development, including education and social programs. The General Plan goals and policies have been developed through extensive public outreach, beginning prior to adoption of the Strategic Framework in 2002. The Economic Prosperity Element’s goals and policies have been determined relevant to the City’s planning area through the public process.

Policy without requiring an amendment to the General Plan. Only the portions of the Economic Prosperity Element of the General Plan pertaining to Land Use should be included.

N-12 2. The PEIR states (page 3.8-34) "The identification of prime industrial land does not affect existing land-use designation or zoning." Yet, in order to achieve consistencies between the general plan, community plan, and existing zoning, existing land uses such as Coleman College, Marie College, credit unions, and multi-tenant offices, which are currently allowed in community plans such as Kearny Mesa and its underlying zoning will all become previously conforming. That is a significant impact that is not addressed in the PEIR.

N-13 The PEIR fails to identify that the proposed boundary of the Prime Industrial Land Map in Kearny Mesa is within the 1,000 foot buffer of existing residential uses which is contradictory to criteria established in Appendix C EP-2 of the General Plan and is a significant impact.

AIA Comment 4

General Plan Implementation -

N-14 A. The PEIR should identify the key components and timing of the Draft General Plan-Action Plan over the next five years. It should also address how significant impacts will be mitigated during the transition period. Does this mean that all community plans and modifications to the Land Development Code will be made within the next five years? Will the General Plan, Community Plan or the Development Regulations take precedence until such time as consistency is achieved?

N-12 The questions asked in this comment do not constitute physical environmental impacts created by the General Plan. These questions are issues that must be addressed in future community plan updates/amendments and rezones. Identifying specific examples of what *could* happen as a result of a future community plan update, amendment, or development proposal is speculative and beyond the scope of this PEIR. Further environmental review will be required for future community plan and zoning actions involving application of new Land Use categories.

N-13 This comment does not address environmental impacts associated with the identification of prime industrial land. The Prime Industrial Land Criteria specified in Appendix C, EP-1, are utilized when evaluating community plan updates or community plan amendments/rezones for a conversion of industrial land uses to institutional, residential, mixed-use, and commercial retail and service uses; or a collocation (the geographic integration of residential uses and other non-industrial uses stated above into industrial uses located on the same premises) as specified in policy EP A-12. The criteria were also evaluated when determining the original proposed boundaries of prime industrial land, in general, all of the areas designated as prime industrial do not have a preponderance of residential uses. Therefore, since the 1000-foot distance separation is not an environmental threshold, it is not a significant environmental impact.

N-14 Comment noted. The General Plan and the associated Action Plan will be monitored to measure achievement of the General Plan goals.

See responses to comments N-5 & N-4. As described on Page 2-29 of the PEIR Project Description, the City is currently developing a work program to regularly update all of the community plans over what is anticipated to be a 12-year cycle. Additional information on this work program is available in the project description.

**AIA San Diego Comments
Relative to the Program Environmental Impact Review (PEIR)
for the City of San Diego Final Draft General Plan**

- 1. Executive Summary 1.3 Summary of Environmental Impacts and Mitigation Measures** (page 1.0-3): "As such, each of the issue areas identified above describes impacts that may remain significant and unavoidable even with the proposed program level mitigation framework."
Comment: What are the overriding findings to approve the significant unmitigated impacts?
N-15
- 2. Enhanced Sustainability** (page 1.0-5):
Comment: AIASD strongly supports the Enhanced Sustainability Section.
N-16
- 3. Increased Parking Management** (page 1.0-5):
Comment: AIASD understands that a joint Planning Commission and LU&H workshop on parking is scheduled for August 2007. This section appears to establish direction in a General Plan prior to the workshop. The General Plan needs to be written to allow flexibility as different methods of parking management tools are tried, tested, and evaluated. What are the significant impacts of these hypothetical approaches?
N-17
- 4. Table 1.0-1 Summary Table of Significant Impacts and Mitigation Framework to Reduce Impacts**
Air Quality
Comment: The analysis identifies significant, unavoidable impacts due to concentrated carbon monoxide (CO) "hot spots" due to traffic impacts. It should be discussed that many of the "hot spots" are being created due to the higher density development being encouraged and promoted in the General Plan and is therefore a directly a result of the General Plan.
N-18
- 5. Health and Safety** (Section 3.5) (page 1.0-9) (page 3.5-14):
A. Environmental Impact-
The PEIR identifies that "the Airport Environs Overlay Zone (AEOZ) covers less area than the boundaries of the airport influence area, which could allow the development of future projects that could pose a potentially significant impact outside of the AEOZ boundaries, but within the airport influence area."
Comment: No mitigation is proposed. The mitigation should be stated to make the two consistent.
N-19

- N-15 A draft of proposed Findings of Fact and Statement of Overriding Considerations in accordance with CEQA Guidelines section 15091 has not yet been prepared but will be available for review when the staff report to the Planning Commission on the General Plan Amendment is distributed. It is anticipated that the implementation of the General Plan policies will result in beneficial effects in most, if not all, of the issue areas discussed in the PEIR. The beneficial effects will be included in the Statement of Overriding Considerations.
- N-16 The AISD comment of strong support for the Enhanced Sustainability Alternative is noted. This alternative would further reduce environmental effects of the Draft General Plan related to energy and water consumption, solid waste generation, water quality and air quality by adding mandatory policies to the Draft General Plan to enhance the sustainability of future development within the plan area.
- N-17 General Plan parking policies are based on a substantial body of research and public input. Past public events, workshops, and programs that have contributed to the current draft proposal include, but are not limited to: American Planning Association/Women's Transportation Seminar Parking Symposium (2006); Manager's Parking Task Force Report (2004); Council Policy 100-18, Community Parking District Policy (2004); Uptown Parking Summit (2004); Manager's Report No. 03-205 (2003); and Manager's Report No. 03-113 (2003). The policies as drafted are designed to allow for flexibility in implementation.
- N-18 Higher-density development may increase the likelihood of more CO "hot spots," which generally occur during the morning and evening commute periods. However, it is the intent of the General Plan that new higher density development be located in areas served by transit so that an increased percentage of work commute trips during the AM and PM peak traffic periods will use public transit.
- N-19 See responses to comments N-2 and N-3.