

COMMENTS

RESPONSES

Comments and Questions Pertaining the Draft General Plan
Program EIR - prepared by Lee Campbell 6/24/07
Project No. 104495, SCH No. 2006091032

1. Para 1.2 states:

'Because less than four percent of the City's land remains vacant and available for new development the Plan's policies represent a shift in focus from how to develop vacant land to how to reinvest in existing communities. Therefore, the City has drafted new policies and programs to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers/

It appears from the above quote, that with the implementation of the city of villages/ general plan creating traffic corridors through the villages that are now communities with defined character, the city plans to be in a perpetual redevelopment mode. Communities that now are planned communities will likely begin to look like truck stops.

FF-1 Could the general plan a plan for perpetual redevelopment? If not please explain?

2. Maps are not of sufficient resolution on the dvd copy to use
In many cases. See land use 3.8-1.

FF-2 a. Will you correct and if not then explain why?
Are the maps in the PEIR provided from the Draft General Plan database?.

FF-3 b. Why is it that map 3.3-2 does not show the area between Rueda Drive and MTRP at Via Promesa and Palabra Ct. as MHPA? See excerpt below.

FF-1 The State of California mandates that all local jurisdictions prepare a general plan that establishes policies and standards for future development, housing affordability, and resource protection. The PEIR project summary describes the General Plan as the "long range, comprehensive framework for how the City could grow and develop, provide public services, and maintain the qualities that define San Diego for the next 20-plus years." The general policy direction for the General Plan update was provided by the adopted Strategic Framework Element which includes the City of Villages growth strategy. The City of Village concept is a land use and growth strategy that supports the development of mixed-use village centers served by higher frequency transit service.

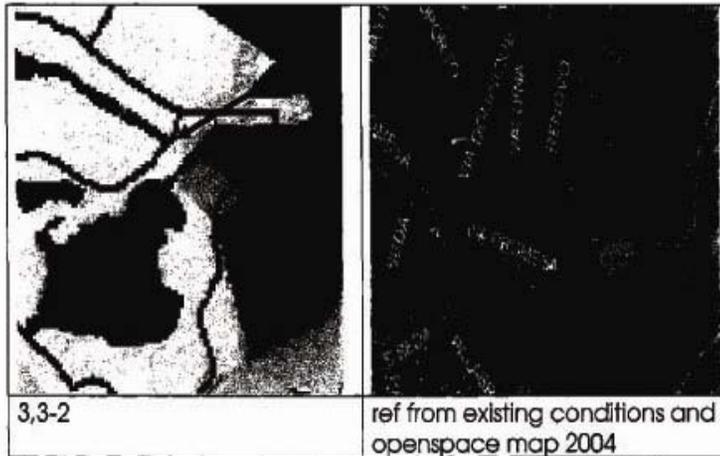
The General Plan does not establish new redevelopment areas nor does it identify village areas. Village area criteria is incorporated into the General Plan, however site specific village locations will be identified at the community plan level. The General Plan is a comprehensive policy document that intends to guide all development in the City, not just those areas that may become village locations. Individual property owners have the right to pursue development opportunities on their property and the General Plan policies will be used to guide these urban infill and revitalization efforts.

FF-2 Many of the maps used in the PEIR are the same maps used in the General Plan. The PEIR Figure 3.8-1 Map, Generalized Land Use and Street System Map, is a generalized land use map and is also referred to in the General Plan as Figure LU-2. The map is a composite of the more detailed land uses and circulation system maps found in each community plan and is an illustrative map to show the City's diversity of land use and how it is dispersed around the City. For specific land use designations and street circulation information refer to the adopted community plans which are available on-line on the City's CPCI Department's web site or offices at 202 'C' Street, 4th floor.

FF-3 The PEIR and General Plan do not provide site specific mapping or analysis. Map information provided is a composite of the City's adopted community land use plans and does not change the underlying designations of those documents.

COMMENTS

RESPONSES



FF-4

c, Maps show Clairemont Mesa Blvd connected to Colina Dorada in Tierrasanta when Calle de Vida intersects Rueda and Rueda intersects Clairemont Mesa Blvd. (see fig. segment 3.3-2 above) Will you correct and if not then please explain why?

FF-5

d, Figure 3.15-1 "Existing and Proposed Bikeways" shows a bikeway connecting from Tierrasanta Blvd to Mission Gorge Rd. The proposed bikeway was requested to be removed from the Master Bicycle Plan and from the Tierrasanta Community Plan. (See below.) Please remove from Figure 3.15-1 or explain why it will not be removed.

FF-6

e, the bikeway referenced above is diagramed in figure 3.15-1 on U.S. Government open space land. Although this route was suggested by a citizen as a possible alternative route and was not to be strictly a bicycle route but was suggested to be a multiuse trail it was never brought before the public for review and is not consistent with the Tierrasanta community plan. Please remove for the map and explain why if not removed?

- FF-4 See response to comment FF-3. Please refer to the adopted community plans for site specific circulation and bike path recommendations. All roadway classifications and connections are assumed to be planned as indicated in the latest adopted Community Plan unless a community plan amendment has been completed and approved by City Council. The roadway connections mentioned in the May 8, 2002 memo from Councilmember Jim Madaffer; Tierrasanta Boulevard, Clairemont Mesa Boulevard and Santo Road have not been officially deleted from the Tierrasanta Community Plan via the community plan amendment process.
- FF-5 The City's Bicycle Master Plan is currently being updated and the Community's request to delete the bikeway connection from Tierrasanta Blvd to Mission Gorge Road has been acknowledged and will be proposed as part of the update. If the City Council approves the deletion of this bikeway, then it will be reflected in the plan.
- FF-6 See response to comment FF-4.



THE CITY OF SAN DIEGO

TR 264,113

AUGUST 7, 2002

Mr. Stephan Vance
Senior Transportation Planner
SANDAG
401 'B' Street, Suite 800
San Diego, CA 92101

Dear Mr. Vance:

The San Diego Association of Governments (SANDAG) awarded the City of San Diego a total of \$410,000 in TransitNet Bikeway grant funding in Fiscal Year 2002 for the design of Tierrasanta Bike Path. Of the total grant amount, a \$205,000 payment has been made to the City.

Some preliminary engineering work as well as consultant interviews have been conducted for the Tierrasanta Bike Path project. The project has also been presented to the Tierrasanta Community Council twice. The community voiced strong opposition to the proposed bike path and requested that the project be cancelled. Councilmember Jim Madaffer held a public meeting discussing the project and the community took a vote against it. In addition, the City Council directed City staff to amend the Tierrasanta Community Plan and the Bicycle Master Plan to delete the proposed bikeway between Tierrasanta Boulevard and Mission Gorge Road. Therefore, the City will be cancelling this project and returning to SANDAG a balance of \$184,805 out of the \$205,000 payment received.

If you have any questions, please contact Sam Harazin at (619) 533-3088.

Sincerely,

Larry V. Way
Larry V. Way
Senior Caltrans Coordinator

RYH:jm

- cc: Councilmember Jim Madaffer, City Council District Seven
- Aimee Faucett, Chief of Staff, City Council District Seven
- D. Cruz Gonzalez, Director, Transportation Department
- Allen Holden, Deputy Director, Traffic Engineering Division
- Ali Darvishi, Associate Civil Engineer, Traffic Engineering Division
- Marilyn Nguyen, Accountant, Auditor and Comptroller
- Karim Goleana, Accountant, Auditor and Comptroller
- Andrew Field, CIP Coordinator, Financial Management



Traffic Engineering Division • Transportation
1910 Second Avenue, Suite 800 • San Diego, CA 92101
Tel: (619) 533-3126 Fax: (619) 533-3131

FF-7

f, Figure 3, 15-3 'Existing and planned Circulation', shows Santo Road extended to Friars Road as an existing linkage. This road extension and other road extensions have been requested to be removed from the City circulation elements. See insert below for the text of the request which includes Santo Road. Please remove or explain why it is shown as an existing linkage?

FF-7 See response to comment FF-4.

City of San Diego
COUNCILMEMBER JIM MADAFFER
 DISTRICT SEVEN
 MEMORANDUM

M 02-05-02 *Please refer to this number when responding to this memo*

DATE: May 8, 2002

TO: City Manager Michael Uberuaga

FROM: Councilmember Jim Madaffer

SUBJECT: Tierrasanta Community Plan Update

There is an issue that surfaces from time to time that stirs confusion and fear in the Tierrasanta community. This issue is the proposed extension of four roads that would change the character of Tierrasanta forever.

Several planning documents, including the Tierrasanta Community Plan and the Tierrasanta Public Facilities Financing Plan, reference these road connections that the community and that I, for nearly 20 years as a Tierrasanta resident, have clearly stated we are not interested in.

The Tierrasanta Community Plan is in desperate need of an update, as it has been decades since the last one. I have recently received a letter from the Tierrasanta Community Council formally asking me to initiate a community plan update.

In order to once and for all dispel any fear or confusion among residents of Tierrasanta with regard to any road extensions, I am requesting that the Tierrasanta Community Plan be updated immediately and that the following projects be removed:

PROJECT NUMBER	PROJECT DESCRIPTION
47-04B	Tierrasanta Boulevard-Colina Dorado to Mission Gorge Road
47-06B	Clairemont Mesa Boulevard-Rueda Drive to Jackson Drive
47-07	Jackson Drive-Mission Gorge Road to SR52
47-11	Santo Road-Patriot Street to Ambrosia Drive

The Tierrasanta Community Council should be directly involved in the process to ensure that there is adequate community input.

Thank you for your prompt attention to this matter.

COMMENTS

RESPONSES

3, Para 2,2 starting page 2-15 and Figure 2.2-7 'fire response graduated timing'

- FF-8** a, Please identify on the map where the 22 additional stations should be located?
- FF-9** b, If the exact locations cannot be identified then will you identify the communities and the number of additional stations needed for each community and if not explain why?
- FF-10** c. will you provide time stats from the time that the dispatcher receives the call (picks up the phone) until the fire unit(s) is noticed under both day and night conditions and if not then explain why?
- FF-11** d. Was San Diego compared to the national average for response times to fires how does San Diego compare?
6. See insert below:
- FF-12** a, With the 1979 progress guide and general plan, providing a very strong statement that protects communities from through traffic, what is the explanation for how neighborhood character impacts that 'may remain significant and unavoidable' under the program plan (where the city communities will become 'freeway on-ramps for adjacent communities') will be 'similar' (that is, may remain significant and unavoidable) under the no project plan?
- FF-13** b, If this statement ('may remain significant and unavoidable' under the program plan) applies to not all communities please identify which communities with their level of impact for both plans?

- FF-8** The existing conditions of the Fire-Rescue Service are discussed in the Project Description, Section 2.0, of the PEIR. The siting and location of new stations is not within the scope of the PEIR or General Plan effort. The PEIR states that "*The Fire-Rescue department is in the process of preparing a Fire Station/Lifeguard Facility Master Plan to identify a phased approach for the development of fire stations and lifeguard facilities that will address siting, priority of construction, and funding.*" However, the Fire-Rescue department has model predictions for nine additional fire stations planned through FY 2012. Beyond FY 2012, the Fire-Rescue department has projected the need to add an additional 13 fire stations in communities that are not adequately covered based on current data. However, a phased plan to build these 13 stations is not complete and it is unknown when, if, and where the stations will be located. The Fire Station Master Plan is anticipated to be completed by the end of 2007, and will provide more detailed information on location.
- FF-9** See response to comment FF-8.
- FF-10** The General Plan provides policies in the Public Facilities, Services and Safety Element, Section D. Fire-Rescue which call for attainment of established response times as well as additional more detailed level of service and response time objectives. Additional information regarding the National Fire Protection Association 1710 standards and the Master Plan has been included in the PEIR.
- FF-11** This data is not available at this time and was not available when the Standards of coverage was prepared several years ago.
- FF-12** This comment asserts that the 1979 General Plan offers more protection to communities from through traffic, and thus questions the EIR analysis of potential community impacts associated with the Draft General Plan as compared to the No Project (1979 General Plan) Alternative. The reviewer is correct that as a matter of policy, the Draft General Plan seeks to attain greater street connectivity than the 1979 General Plan. However, street connectivity is to be achieved through a design that minimizes "landform and community character impacts" and traffic calming

measures are to be installed “to reduce vehicle speeds or discourage shortcutting traffic” (see ME-C.3 and ME-C.5 and PEIR Section 3.8.3). The PEIR addresses the street connectivity issue under the following Threshold of Significance: “Physically divides an established community (see Section 3.8.2).” The PEIR concludes that potential impacts in this issue area are similar for the Draft General Plan and the 1979 General Plan. An additional sentence has been added to Section 7.3.2 under “No Project” to clarify that both plans offer policy protections for community character and rely on adopted community plan to establish the local street network.

- FF-13 Overall, the PEIR concludes that the project results in significant environmental impacts in all issue areas. Impacts were due to population growth and uncertainty of future actions, not due to specific General Plan policies. Impacts within each community are not known at the program level of analysis within this PEIR. Therefore, mitigation was not feasible at the program level, so most impacts remained “significant and unavoidable.” Future impacts and potential mitigation measures will be determined and analyzed at the community plan level and/or project level.

(Begin insert) the 1979 progress guide and general plan states the following:

on page 266:

- PROTECT THE RESIDENTIAL AREAS FROM THROUGH TRAFFIC,

Studies show that an increase of traffic on residential streets cause families to move, to withdraw from the street to reduce their feeling of responsibility for it. Cars are noisy, polluting, and dangerous. There are simple ways of controlling traffic volume and speed. Diagonal diverters can be built at four-way intersections; street entrances can be necked down, traffic islands erected. By making some gridiron streets into cul-de-sacs, while using the alleys for auto access, clustered parking can be provided, as well as open space for neighborhood use.

And page 274:

THE RATE AND CHARACTER OF DENSIFICATION SHOULD NOT DESTROY EXISTING COMMUNITY CHARACTER. Particular guidelines will be needed for each community. Guidelines can deal with the control of parking and paved areas, the provision of landscaping, the design of buildings so as not to destroy the privacy or overshadow smaller neighbors, the use of materials/ and the activities which front the street. It will depend on the neighborhood character to be preserved. Where possible residential streets should be short loops or cul-de-sacs. These streets tend to have a higher safety factor and a higher level of commitment from the residents. In general, additional units should be low, scattered, and added gradually. Relaxed spacing and density rules must be accompanied by new performance standards. Consideration should be given to reinstatement of those development regulations used in initial development of the community.
The 2006 draft gp Para 1.3, page 1.0-3 states:

The Program EIR determined that the Draft General Plan could result in significant project-level and cumulative impacts to each environmental issue area analyzed within the EIR, including: ... and neighborhood character,

And the draft General Plan states:
Para 1.3, page 1.0-5 states:
 The No Project Alternative would generally meet all of the project objectives. Impacts associated with ... and neighborhood character,... would be similar compared to the Draft General Plan.

With the following as 'policies'!!!
The 2006 draft general plan Para ud -b.5 states:

b. Avoid closed loop subdivisions and extensive cul-de-sacs systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources.

c. Design open ended cul-de-sacs to accommodate visibility and pedestrian connectivity, when development of cul-de-sacs is necessary.

(end insert)

FF-14 c. What is the analytical data for this similarity?

7. Analytical Data

FF-15 a. Is there another volume or set of work sheet for the PEIR that has not been provided to the public that contains the analytical data beyond the subjective and less than scientific discussion in section 5.0, Cumulative Impacts?

FF-16 b. If this volume(s) exists then please provide or explain why it will not be provided?

FF-14 There is no additional volume of analytical data for the EIR.

FF-15 See response to comment FF-14.

FF-16 See response to comment FF-14.

COMMENTS

RESPONSES

8. (see Table 7.4-1 below).

FF-17

a. Please provide in table form and explain the degree of confidence that was determined for each of the 'comparison of impacts by alternative' in Table 7.4-1. For example, for the 'No Project/... Traffic Impact identified as 'similar', is the degree of confidence 95%, 80%, etc?

b. If you cannot then explain why?

FF-17-19 The scientific methods recommended by the commenter is not a feasible approach for a program level EIR analysis of alternatives, nor is such an approach required by CEQA. The conclusions included within the PEIR are based on expert analysis and research given the data available.

**Table 7.4-1
Comparison of Impacts by Alternative**

Resource	Enhanced Sustainability Alternative	Draft General Plan	Enhanced Sustainability Alternative	Enhanced Sustainability Alternative	Enhanced Sustainability Alternative
Agricultural Resources	Significant and unavoidable	Similar	Similar	Similar	Similar
Air Quality	Significant and unavoidable	Greater	Less	Less	Similar
Biological Resources	Significant and unavoidable	Similar	Similar	Similar	Similar
Geologic Conditions	Significant and unavoidable	Similar	Similar	Similar	Greater
Health and Safety	Significant and unavoidable	Similar	Similar	Similar	Greater
Historic Resources	Significant and unavoidable	Similar	Similar	Similar	Greater
Hydrology	Significant and unavoidable	Similar	Less	Similar	Similar
Land Use	Significant and unavoidable	Greater	Similar	Similar	Greater
Mineral Resources	Significant and unavoidable	Similar	Less	Similar	Similar
Noise	Significant and unavoidable	Similar	Similar	Similar	Similar
Paleontological Resources	Significant and unavoidable	Similar	Similar	Similar	Similar
Population and Housing	Significant and unavoidable	Similar	Similar	Similar	Less
Public Services and Facilities	Significant and unavoidable	Similar	Similar	Similar	Similar
Public Utilities	Significant and unavoidable	Similar	Less	Similar	Similar
Traffic	Significant and unavoidable	Greater	Similar	Less	Similar
Visual Effects and Neighborhood Character	Significant and unavoidable	Similar	Similar	Similar	Similar
Water Quality	Significant and unavoidable	Similar	Less	Similar	Similar

As the table shows, the Enhanced Sustainability alternative would be environmentally superior to the Draft General Plan.

FF-19

c. Explain the methodology that defined the degrees of impact, For example:

COMMENTS

RESPONSES

Each negative component of impact was listed by committee and was given points. An average number was calculated and anything above the average was to be significant and unavoidable; equal was defined as similar; less than average was defined as less.

9. Refer to figures 3.15-5 and 7 in the PEIR

FF-20

a. Please refer to the Grantville Redevelopment Plan EIR and explain how the traffic level of service (LOS) can be A, B or C when significant portions of the Mission Gorge Rd. are at a (LOS) 'F' currently according to the Grantville Redevelopment Plan EIR?

FF-21

b. Please explain from your analysis of the SANDAG maps figures 3.15-4, 5 why the Mission Gorge Road was not included in the traffic (LOS) for 2003 (fig. 3.15-7

FF-22

c. Refer to the Grantville Redevelopment Plan EIR and explain from your analysis of the SANDAG maps figures 3.15-4, 5 how portions of the Mission Gorge Road will not be impacted by 175,000 trips per day (way into the upward infinite range of a LOS 'F') as projected by the Grantville Redevelopment Plan EIR will not be a significant impact.

FF-23

d. Was the Grantville EIR used in the initial analysis? If not please explain why?

FF-24

e. Figures 3.15-4 and 3.15-7 are inconsistent because arterials are not included in 3.15-7. Please correct 3.15-7 and if not please explain why?

10. Refer to:

http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf Page 8, and explain the following: Since 'must' or 'shall' are only used in the Housing element does that mean that there are no 'statutory or other legal requirements' in the other elements?

FF-25

FF-20 – FF-23 The roadway and land use assumptions in the General Plan EIR are based on existing adopted Community Plans and current amendments. The General Plan EIR analyzed the traffic from a citywide perspective and is not intended to look at the traffic from a community plan area or project level. The Level of Service is indicated by roadway miles and vehicle miles traveled citywide.

FF-24 The Level of Service for arterial roadway segments will be analyzed at the Community Plan level and project level.

FF-25 The Housing Element is subject to a number of very specific regulations in state law such as a requirement that zoning and land use be in place to allow a certain number of future housing units. The other elements of the General Plan do not have such specific requirements. It should be noted that the Housing Element does not specify where housing units should be located. Therefore, requirements for housing can be balanced with other competing needs with housing and other uses being located where they are appropriate.

According to the State of California Guidelines, General Plan Guidelines, "all elements of the General Plan have equal legal status." (12, 2003) The Housing Element does not have more weight than other elements of the General Plan. However, since it must conform to State Housing Element law, which mandates specific quantifiable requirements and an update to the element every five or six years, it differs in emphasis from the other elements which are not required to meet specific quantifiable goals.

11. The Housing Element is a more formally legal than the remaining elements of the general plan because of the use of .e.g., 'shalls', It is a state requirement that all elements 'shall' have the same weight. (See insert 1 below)

(Begin insert1)

Source: <http://www.archives.gov/federal-register/write/legal-docs/clear-writing.html>

shall	imposes an obligation to act, but may be confused with prediction of future action
will	predicts future action
must	imposes obligation, indicates a necessity to act
should	infers obligation, but not absolute necessity
may	indicates discretion to act
may not	indicates a prohibition

(end insert 1)

COMMENTS

RESPONSES

(Begin insert2)

Also from :

<http://www.sandiego.gov/planning/genplan/Index.shtml>

Housing Element - The Housing Element differs from the other elements in the General Plan in several respects. The state requirements for the Housing Elements are more specific than for other General Plan elements and require that quantifiable goals be established and that specific programs be identified to meet these goals. In addition the Housing Element must be updated every five to seven years. Therefore, the format and timeline of the Housing Element differs significantly from that of the other elements.

(end insert 2)

a. The housing element EIR:

Environmental analysis for the Housing Element was through an Addendum to EIR No. 40-1027 (the City of Villages Growth Strategy Strategic Framework Element EIR). Link = <http://www.sandiego.gov/planning/community/pdf/cpc/agendas/attachments/heeiraddendum.pdf>
Will you please attach the full text of this doc to the DEIR as a reference?

FF-26

b. Since the Strategic Framework Element has now been incorporated into the Draft General Plan and has certain portions omitted or rewritten is there a need to produce another EIR for the Housing Element? Please explain?

FF-27

c. How can the housing element be weighted the same when the housing element is written using legally binding terms and the other elements have seemingly unquantifiable terms such as 'support', and 'encourage'?

FF-28

FF-26 The Housing Element environmental document is not attached to the PEIR because the other elements of the General Plan are the project under consideration. Please note that the Housing Element is on a five-year cycle while the General Plan is on a 20-year cycle. As stated in the PEIR, the Housing Element was subject to public review and approved by the City Council on December 5, 2006. A copy of the Housing Element may be reviewed at the offices of CPCI Department, 202 'C' Street, 4th floor.

FF-27 An environmental document was prepared for the Housing Element which incorporated the City of Villages Strategy. The draft General Plan incorporates and expands upon the Strategic Framework plan policies but does not change the intent. There is no need to prepare a new environmental document for the adopted Housing Element because it is not part of the proposed project and will not be changed by the proposed project. Note that additional environmental analysis will be required for the update of the Housing Element required within the next three years.

FF-28 The fact that the Housing Element differs from the other elements in being more specific and quantifiable does not indicate that it has more weight or importance than the other elements or that goals in the Housing Element are more important than or should take precedence over those in other elements.

COMMENTS

RESPONSES

12. Table 1 below lists action verbs used primarily in the land use and recreation elements. The citizens of San Diego must depend on the results of EIRs to understand what the City really has in mind for their communities. When such non-precise and questionable verbs are used to define policies, the citizens will be forced to rely upon the interpretations of city staff during the community plan update process which could initiate heated and prolonged discussion.

FF-29

a. Referring to question 11 - insert 1, please provide a chart using insert 1 as an example for how the DEIR authors and analysts interpreted the policies of the General Plan with the legal meaning of each verb as they perceived was the intension of the meaning in the general plan?

For example:

require	Must be complied with since there is an existing ordinance, program or plan.
---------	--

b. Similar to insert 1 above prioritize the verbs by the strength of the verbs by listing from top to bottom?

c. If there is a more inclusive list of these verbs covering all elements of the general plan then please provide?

Table 1 action verbs

accept	
acknowledge	
affirm	
analyze	
assist	
assure	
balance	
build upon	
comply	
consult	
coordinate	

FF-29 All policies in the General Plan carry equal weight. Any questions related to the definition of a word used in a policy should consult, first, the General Plan Glossary and, second, the English dictionary.

COMMENTS

RESPONSES

correct develop disperse eliminate expand follow-up group improve incorporate initiate integrate obtain plan prioritize revise revitalize support purchase pursue recommend refine treat update verify address adopt apply assess consider create design designate implement include maintain prepare recognize review subject submit use	
---	--

COMMENTS

RESPONSES

utilize work encourage establish increase strive determine draft identify require provide evaluate ensure encourage strive support pursue maximize emphasize limit participate explore review continue to participate coordinate involve work avoid	
---	--

13. programs, plans or ordinances

- FF-30 a. Was there analysis of any existing programs, plans or ordinances that were referenced from any or each of the General Plan policies? If not please explain why?
- FF-31 b. Could impacts of the General Plan policies be more precisely determined if related existing programs, plans or ordinances were included or referenced by the general plan.

- FF-30 Policies formulated during the General Plan update process were evaluated, referenced and analyzed against existing regulations, ordinances, and other policy documents.
- FF-31 Reference to these regulations, ordinances, plans and programs are provided in the various General Plan introduction and discussion sections and in the PEIR Section 2.0 Project Description and the Existing Condition subsections under each Environmental Analysis section.

COMMENTS

- FF-32** 14. As part of the analysis were their requests for any policy applicable, programs, plans or ordinances to help provide a more complete and precise PEIR?
a. If not then why were these not requested?
b. If they were requested and not provided then please explain the reason for not complying with the requests?
- FF-33** 15. How can the general plan be consistent throughout if the housing element defines programs but no other element does?
- FF-34** 16. Pg 13 of the general plan states:
'State law requires internal consistency, meaning that policies within the components of the General Plan cannot conflict with one another, and that no one element may take precedence over another.'

How can the housing element not take precedence over the other elements since the other elements:
a. are not required to be approved by the state?
2. may be legally interpreted in multiple ways the city planning department, development services, developers, the communities, the county or any individual sect sees best to perceive them.?
- FF-35** 17. How did the PEIR analysts determine the internal consistency of the general plan.
- FF-36** 18. Explain how the general plan with the exception of the housing element is not a wish list by stating the law(s) that make it enforceable?
- FF-37** 19. Explain how the housing element is not a wish list by stating the law(s) that makes it enforceable?
- FF-38** 20. DEIR page 2-49 states:
'The Housing Element is intended to assist with the provision of adequate housing to serve San Diegans of every economic level and demographic group. The state directs that a Housing Element shall be updated at five-year intervals and shall consist of standards and plans for the improvement of housing

RESPONSES

- FF-32** References to applicable regulations, ordinances, plans and programs are provided in the PEIR Section 2.0 Project Description and the Existing Condition subsections under each Environmental Analysis section.
- FF-33** For the purposes of the PEIR, 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. Although the General Plan does not propose any direct or indirect physical changes, it is assumed that future development proposed following the adoption of the General Plan may result in conflicts between plans and this is the reason the issue of consistency is "significant and unavoidable." The fact that the Housing Element differs from the other elements in being more specific and quantifiable does not indicate that there is an inconsistency between elements.
- FF-34** See response to comments FF-25 and FF-29. (Same as response 11 and 11c.) According to the State of California Guidelines, General Plan Guidelines, "all elements of the general plan have equal legal status." (12, 2003) The Housing Element does not have more weight than other elements of the General Plan. The fact that the Housing Element differs from the other elements in being more specific and quantifiable does not indicate that it has more weight or importance than the other elements or that goals in the Housing Element are more important than or should take precedence over those in other elements.
- FF-35** Policies formulated during the General Plan update process were evaluated, referenced and analyzed by staff to determine internal consistency within the General Plan based on the five criteria detailed in the State of California Guidelines, General Plan Guidelines.
- FF-36** There are seven state mandatory elements/topics. Appendix A, SF-1, in the General Plan provides a table showing where each of the mandatory topics are discussed in the General Plan. Refer to the State of California Guidelines, General Plan Guidelines for information on state statues and laws requiring long term general plans.

COMMENTS

RESPONSES

- FF-37 The Housing Element is a mandatory element of the General Plan. See response to comment FF-36.
- FF-38 The process for updating and amending the General Plan requires public input and City Council action. The process for updating and amending the General Plan is located in the Land Use and Community Planning Element Section D. Plan Amendment Process. The process for amending land use plans is currently located in the Municipal Code, §122.0101 and the General Plan proposes to relocate the process for amending the General Plan and associated community plans to the General Plan.

COMMENTS

RESPONSES

and for the provision of adequate sites for housing,' and shall "make adequate provision for the housing needs of all segments of the community."

The Housing Element update was distinct from the rest of the General Plan due to the need for frequent Housing Element updates to facilitate compliance with the state reporting requirements.'

a. Does the General plan including the housing element always get updated with review through outreach to the public before it goes to the Planning Commission?

21. PEIR page 2-49 states:

'The Housing Element is consistent with the other elements of the Draft General Plan and incorporates the City of Villages strategy as one of its key components of the City's housing strategy.'

FF-39

a, This doesn't appear to be true because of the legal weight of the housing element due to the use of shalls, shoulds, etc, and the remaining elements of the general plan that use action verbs such as 'support' and 'encourage'. In a court of law would the housing element have a stronger legal weight than the other elements? Please explain?

b. the general plan page sf-28 states:

'It (the housing element) must remain consistent with the other elements of the General Plan and incorporate the City of Villages strategy as one of its key components of the City's housing strategy.' (notice the word 'must'.)

FF-40

1. Will you identify the city or state law that makes it a must that the housing element incorporates the city of villages strategy?

FF-41

2. If there is no state or city law then explain why the housing element must incorporate the city of villages strategy?

FF-39 See response to comments FF-25, FF-29, and FF-34. According to the State of California Guidelines, General Plan Guidelines, "all elements of the General Plan have equal legal status." (12, 2003) The Housing Element does not have more weight than other elements of the General Plan. The fact that the Housing Element differs from the other elements in being more specific and quantifiable does not indicate that it has more weight or importance than the other elements or that goals in the Housing Element are more important than or should take precedence over those in other elements.

FF-40 According to the State of California Guidelines, General Plan Guidelines, "all elements of the General Plan, whether mandatory or optional, must be consistent with one another. The court decision in *Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166 Cal.App.3d 90* illustrates this point." (13, 2003) The Housing Element incorporates the City of Villages strategy that was adopted as part of the Strategic Framework Element in 2002.

FF-41 See response to comment FF-40.

COMMENTS

RESPONSES

3. Does the sentence actually mean:

FF-42

The housing element must remain consistent with the other elements of the General Plan and it incorporates the City of Villages strategy as one of its key components of the City's housing strategy? Please explain?

FF-43

c. Since the city of villages is identified in the strategic framework element and the strategic framework has been modified and incorporated into the general plan then should not the city of villages growth strategy be reconsidered as independent? Please explain?

22. Page 2-52 General Plan Implementation states: Community plans will play a major role in the implementation of the General Plan. They provide the site-specific recommendations that translate policies into actions.

Also

Page 2-29 states:

While the community plan addresses specific community needs, its policies and recommendations must remain in harmony with other community plans, the overall General Plan, and citywide policies.

FF-44

a. Will the community plan policies also be translated into recommendations?

FF-45

b. Will an environmental review be required as part of each of the community plan updates that will supplement the general plan PEIR or make it more precise ? Please explain?

23. Page lu-21 Roles and Relationships - General Plan and Community Plans states:

'The City of San Diego has more than fifty planning areas, as illustrated on FigureLU-3, Planning Areas Map. The community planning program has a long and diverse history, with the

FF-42 The Strategic Framework Element and City of Villages strategy was adopted in 2002 and provided the policy direction for the General Plan update.

FF-43 The City of Villages strategy is part of the General Plan update and will be considered with the entire General Plan update effort.

FF-44 As community plans are updated, the community plans will provide site specific recommendations and policies.

FF-45 As community plans are updated, they will require separate environmental review. Page 2-29 of the PEIR describes the community plan update and environmental review process.

COMMENTS

RESPONSES

earliest community plans being adopted in the 1960s. Each document is a unique reflection of the issues and trends facing the community and corresponding strategies to implement community goals.'

And
'Community plans are the vehicle for implementing state law pertaining to provision of housing opportunities.'

And
'Implementation of community-based goals may cause a shift in densities within or between community planning areas, but together they must maintain or increase overall density and housing capacity.'

Page 2-29 states:

'As community plans designate land use and density, they must preserve or increase the planned density of residential land uses to ensure that the City is able to meet its share of the region's housing needs. Implementation of community based goals may cause a shift in densities within or between community planning areas but together they must maintain or increase overall housing capacity.'

FF-46 a. What law requires that Implementation of community-based goals that may cause a shift in densities within or between community planning areas together must increase overall density and housing capacity?

FF-47 b. refer to table 7.4-1. If there is no law, then please explain how the communities would be impacted if the requirement for overall density increase is not mandated?

24. Page 2-29 and page LU-21 states:
'While the community plan addresses specific community needs, its policies and recommendations must remain in harmony with other community plans, the overall General Plan, and citywide policies.'

FF-46 See response to comment FF-25. The Housing Element is subject to a number of very specific regulations in state law such as a requirement that zoning and land use be in place to allow a certain number of future housing units. The other elements of the General Plan do not have such specific requirements.

FF-47 It should be noted that the Housing Element does not specify where housing units should be located. Therefore, requirements for housing can be balanced with other competing needs with housing and other uses being located where they are appropriate through the community plan update process. Community plan updates will require additional environmental review.

COMMENTS

RESPONSES

The State General Plan Guidelines state the meaning :

'Consistency; Consistent with:

Free from significant variation or contradiction. The various diagrams, text goals, policies, and programs in the general plan must be consistent with each other, not contradictory or preferential, The term "consistent with" is used interchangeably with "conformity with." The courts have held that the phrase "consistent with" means "agreement with; harmonious with." The term "conformity" means in harmony therewith or agreeable to (Sec 58Ops.Cal.Atty.Gen. 21, 25 (1975)). California law also requires that a general plan be internally consistent and also requires consistency between a general plan and implementation measures such as the zoning ordinance. As a general rule, an action program or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.'

The above State guideline does not state that community plans must be in harmony with each other. What is said is that, goals, policies, and programs in the general plan must be consistent with each other.

- FF-48** a. Did the DEIR team find the same interpretation of the State guidelines as interpreted by the general plan authors and stated in the general plan? Please explain?
- FF-49** b. The statement that community plan its policies and recommendations must remain in harmony with other community plans is unreasonable when all communities are unique and conformity because of this uniqueness. Please explain how unique communities can conform to each other?
- FF-50** c. Is there a state law or current city law that requires this? Please explain?

- FF-48 Policies formulated during the General Plan update process were evaluated, referenced and analyzed by staff to determine internal consistency within the General Plan based on the five criteria detailed in the State of California General Plan Guidelines. Consistency between General Plan policies and adopted land use plans are discussed in the PEIR Environmental Analysis Section 3.8.3.
- FF-49 The Development Services Department's Significance Determination Thresholds required that the General Plan be analyzed for potential "conflicts with the environmental goals of adopted community plans, land use designations or any other applicable land use plans, policies or regulations of state or federal agencies with jurisdiction over the City." As far as community plans are concerned, policies and recommendations are site specific within the individual boundaries of the community planning area and conflicts between community plans is unlikely. Any adjacency issues will need to be analyzed at the time that community plans are updated. The General Plan provides the overall policy guidance for community plans; and community plans will provide the land use designations, density, intensity and other policy recommendations for each community.
- FF-50 The Development Services Department's Significance Thresholds required that the General Plan be analyzed for potential "conflicts with the environmental goals of adopted community plans, land use designations or any other applicable land use plans, policies or regulations of state or federal agencies with jurisdiction over the City."

COMMENTS

FF-51 d, Will the policies in the community plans reflect the same strength of commitment as the policies in the general plan? Please explain?

FF-52 e, Please define the word 'harmony' in legal terms within the context of the draft general plan as interpreted by the PEIR reviewers,

25. Table me-26 (shown below) the traffic calming toolbox is included in the general plan (as *Is o pedestrian improvement tool box and a parking strategies tool box - not shown but both are similar to the traffic calming toolbox*) and the detail these 'toolboxes' show are inconsistent with the content of any other portions of the general plan. The traffic calming toolbox for example is an elaborated copy of portions the city's street design manual (see the table of contents excerpt from the street design manual below).

a. These toolboxes have been used as selling points for the general plan and they come closest to 'implementation or implementation plans' than any other portions of the general plan. Did the inclusion of these 'toolboxes' have any affect on the 'analysis' for traffic impact when comparing the proposed project to the no project alternative because the 1979 General Plan did not include these tool boxes (see table 7.4-1 of the draft General Plan). Please explain?

FF-53

FF-54 b. Why is there not a consistent level of 'tool box' coverage for

- 1.) street lighting and
- 2.) traffic level of service

in the general plan as there is for traffic calming?

FF-55 c. Would it have made a difference in levels of impact if toolboxes for these issues were included? Please explain?

FF-56 d. Is there a rewrite of the traffic design manual in the plans to conform to the general plan?

RESPONSES

FF-51 The General Plan provides the overall policy guidance for community plans and community plans will provide the land use designations, density, intensity and other policy recommendations on a site specific level. The community plans comprise part of the Land Use and Community Planning Element and are considered a part of the General Plan.

FF-52 The word "harmony" on Page 2-30 of the EIR is synonymous with the word "consistent" as used in the State of California, General Plan Guidelines.

FF-53 The "toolboxes" included in the Mobility Element are designed to allow for flexible implementation of Mobility Element policies related to pedestrian improvements, traffic calming, and parking management. Policies are provided to guide use of the toolboxes. The level of detail of the policy statements are similar to other policy statements throughout the Draft General Plan, and the level of detail of the toolboxes themselves are similar to that found in other elements on a variety of topics such as that shown on Table PF-4, Table RE-3, and Table NE-3. Additional language has been added to the introduction of the Mobility Element to clarify the intended use of toolboxes which are used to clarify the intent of General Plan policies. The use of the toolboxes did not influence the level of analysis in the EIR for the project and the no project alternative.

FF-54 The role of the Mobility Element is to provide policies to achieve a multi-modal transportation network that supports the City's land use plan. The Street Design Manual is intended to help implement the General Plan and provides guidance for the design of the public right-of-way. The two documents are complementary and do not conflict with each other. The Mobility Element toolboxes provide an overview of some of the specific transportation design and management tools that are available in order to more effectively communicate General Plan policies and help ensure that future implementation will take place.

FF-55 The use of the toolboxes did not influence the level of analysis in the EIR.

FF-56 See response to comment FF-54.

COMMENTS

RESPONSES

FF-57

e. Does not it make it more difficult to evaluate a general plan (and further complicate other city efforts) when there is duplicate documentation that must be considered (i.e., the toolboxes and the street design manual)?

FF-57 The toolboxes were provided to clarify the intent of the General Plan policies.



Mobility Element

TABLE ME-2 Traffic Calming Toolbox

Speed Control Tools		
Angled Parking	Angled Parking is generally used to increase the number of on-street parking spaces. However, a positive by-product can be a reduction in vehicle speeds due to narrowing of the travelway and driver anticipation of vehicles backing out of parking spaces.	
Angled Slow Point	Angled Slow Points are created by installing triangular curb extensions on opposite sides of the road. This creates a narrow travelway between the extensions that deflates approaching vehicles' paths of travel. Drivers must slow down to maneuver through the curve to negotiate this device.	
Chicanes	Chicanes are created by installing a series of two or more curb extensions, alternating from one side of the roadway to the other. This creates an S-shaped path of travel for vehicles. To reduce speeds, chicanes rely on a curvilinear path and potential conflicts between opposing traffic.	
Chokers	Chokers are created by installing curb extensions at opposing locations on a roadway. This narrows the travelway, but maintains two-way traffic. This device works best at mid-block locations that have volumes sufficient enough that opposing traffic would be approaching or passing through the choker at the same time.	

Pd	Pedestrian Design	61
	1. Understanding ADA & Designing for Various Disabilities and Ages	63
	2. Street Design	65
	3. Intersection Design and Operation	67
	4. Sight Distance	66
	5. Pedestrian Crossings	68
	6. Pedestrian Refuge Islands	72
	7. Sidewalks for Overpasses, Underpasses and Highway On/Off Ramps	72
	8. Crossing Pedestrian Realm	73
Tc	Traffic Calming	77
	General Guidelines	79
	Traffic Calming Techniques	80
	Horizontal Deflections	80
	Vertical Deflections	81
	Intersection Pop-outs	82
	Traffic Diverters	83
	Channelization	83

Below are excerpts from the State of California General Plan Guidelines are for reader reference only.

(link

http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf)

Page 8:

The General Plan Guidelines is advisory, not mandatory. Nevertheless, it is the state's only official document explaining California's legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the General Plan Guidelines for help when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adheres to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice. When the words "shall" or "must" are used, they represent a statutory or other legal requirement. "May" and "should" are used when there is no such requirement.

Page 12: INTERNAL CONSISTENCY

The concept of internal consistency holds that no policy conflicts can exist either textual or diagrammatic, between the components of an otherwise complete and adequate general plan.

Different policies must be balanced and reconciled within the plan, The internal consistency requirement has five dimensions, described below.

"In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." (§65300.5)

page 12: Equal Status Among Elements

All elements of the general plan have equal legal status. For example, the land use element policies are not superior to the policies of the open-space element. A case in point: in *Sierra Club v. Board of Supervisors of Kern County* (1981) 126 Cal.App.3d 698, two of Kern County's general plan elements, land use and open space, designated conflicting land uses for the same property. A provision in the general plan text reconciled this and other map inconsistencies by stating that "if in any instance there is a conflict between the land use element and the open-space element, the land use element controls." The court of appeal struck down this clause because it violated the internal consistency requirement under §65300.5. No element is legally subordinate to another; the general plan must resolve potential conflicts among the elements through clear language and policy consistency.

Page 13

Consistency Between Elements

All elements of a general plan, whether mandatory or optional, must be consistent with one another. The court decision in Concerned Citizens of Calaveras County v, Board of Supervisors (1985) 166 Cal.App,3d 90 illustrates this point. In that case, the county land use element contained proposals expected to result in increased population. The circulation element however, failed to provide feasible remedies for the predicted traffic congestion that would follow. The county simply stated that it would lobby for funds to solve the future traffic problems. The court held that this vague response was insufficient to reconcile the conflicts. Also, housing element law requires local agencies to adopt housing element programs that achieve the goals and implement the policies of the housing element. Such programs must identify the means by which consistency will be achieved with other general plan elements (§65583(c)), especially with regard to small areas. The court noted that the area plan's more specific "urban residential" designation was pertinent and that there was no inconsistency between the countywide general plan and the area plan (Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles (1986) 177 Cal.App.3d 300). However, the court also noted that in this particular case the geographic area of alleged inconsistency was quite small.

Page 13:

Consistency Within Elements

Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another. Established goals, data, and analysis form the foundation for any ensuing policies. For example, if one portion of a circulation element indicates that county roads are sufficient to accommodate the projected level of traffic while another section of the same element describes a worsening traffic situation aggravated by continued subdivision activity, the

element is not internally consistent (Concerned Citizens of Calaveras County v. Board of Supervisors (1985)166 Cal.App.3d 90).
Law, 1998 edition, p. 18)

Without consistency in all five of these areas, the general plan cannot effectively serve as a clear guide to future development. Decision-makers will face conflicting directives; citizens will be confused about the policies and standards the community has selected; findings of consistency of subordinate land use decisions such as rezonings and subdivisions will be difficult to make; and land owners, business, and industry will be unable to rely on the general plan's stated priorities and standards for their own individual decision-making. Beyond this, inconsistencies in the general plan can expose the jurisdiction to expensive and lengthy litigation.