

## COMMENTS

**From:** "Randy Berkman" <jrb223@hotmail.com>  
**To:** <mmirasoul@sandiego.gov>  
**Date:** 6/11/2007 6:48:46 AM  
**Subject:** Project #104495: General plan EIR comments

Attention: Marilyn Mirasoul (mmirasoul@sandiego.gov)  
Project No. 104495  
General Plan Draft EIR comments of Randy Berkman

II-1

Is there an option without significant effects? If not, why not?

Is there an option that does not induce growth? If not, why not? An EIR without an option that does not induce growth, is deficient since it does not contain a range of reasonable alternatives as CEQA requires.

Is there an option which does not have significant air quality impacts? Since San Diego is a non-attainment region for air pollution, it is highly irresponsible to approve anything which makes this worse. What effects on health would this have (lung disease, asthma, lung cancer)? How many tons of pollutants/day would the proposed project have compared to No Build, other options, and a non-growth inducing option? What pollutants are expected to have significant increases?

Is there an option which does not have significant traffic impacts? If not, why not?

Is there an option which does not have significant water quality impacts? If not, why not? What water bodies are expected to be impacted and with what pollutants?

Is there an option which does not have significant biological impacts? If not, why not? How many acres of biological resources are expected to be impacted by the various options?

Is there an option which does not have significant hydrology impacts? If not, why not? What hydrology impacts are expected?

Is there an option which does not have significant agricultural impacts? If not, why not?

Is there an option which does not have significant public utilities impacts? If not, why not?

Is there an option which does not have significant public safety impacts? If not, why not? What public safety impacts are expected?

Is there an option which does not have significant neighborhood character impacts? If not, why not? Does this include conversion of single family areas to condos?

II-2

Does the General Plan update include increased densities? If so, please list present versus proposed densities and in what parts of town would densities be increased?

II-3

Is the Sandag population forecast included in the EIR based on higher densities than now exist? In 2002, the City of Villages was rationalized based upon erroneous higher population forecasts of Sandag—which presumed the higher densities of the Village! In other words, higher population was forecast based on increased densities of the City of Villages than compared to existing community plan densities. When the

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II-1 At the program level for this draft General Plan PEIR, impacts to all environmental issue areas were considered significant and not mitigated because the implementation of future projects may lead to impacts that may or may not be mitigable. Staff can not predict at the General Plan level or describe such projects because they are unknown at this time.

The CEQA does not require the inclusion of alternatives to avoid or reduce all of the General Plan potentially significant impacts. In fact, it is unlikely that such an alternative could be developed, as the PEIR identifies the potential for significant and unavoidable impacts in all issue areas. CEQA requires a reasonable range of project alternatives. The alternatives presented in this document are a result of collaboration between DSD and City Planning & Community Investment Department staff and discussion with other environmental professionals with experience in preparing regional level environmental documents.

II-2 The draft General Plan does not propose increased densities over and above what was proposed by the already adopted 1979 General Plan, subsequent updates to the 1979 General Plan (including community plans), and the Strategic Framework Element/City of Villages Strategy.

II-3 Yes, the SANDAG population forecast is based on a higher population than now exists because a forecast is a projection of future population increase. The forecast was not based on the higher densities of the potential villages but was based on a 24 percent increase in the total number of housing units within the capacity of the existing adopted community plans. The environmental document evaluated “no project” alternative but did not evaluate a “no growth” alternative. Such an alternative is infeasible and highly unlikely. Per CEQA Section 15126.6 (a), environmental impact reports are not required to evaluate infeasible alternatives. Also, per CEQA Section 15132, the findings and statement of overriding considerations are included in the public record but not in the final EIR.

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circular nature of this was pointed out to Sandag staff, they revised their population forecasts downward! The "need" for the extra 17,000-37000 condos was eliminated! This (lower population forecast) was reported on the front page of the Union-Tribune. It is extremely misleading to the public and decision makers to base population forecasts on proposed higher densities without disclosing this to the public and without disclosing that lower proposed densities results in lower population forecasts. "If you forecast it, they will build it and they will come"! Again, a non growth inducing option needs to be included in this EIR.

Is a Statement of Overriding Considerations included in the Draft EIR? If not, it is defective.

Randy Berkman

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<http://mobile.msn.com>

## COMMENTS

## RESPONSES

Mrs. Rebecca Robinson-Wood  
12625 Caminito Radiante  
San Diego, California 92130  
June 11, 2007

Mr. Robert J. Manis  
Deputy Director, Development Services Department  
City of San Diego  
1222 First Avenue  
San Diego, California 92101

Mr. Michael Aguirre, City Attorney  
City of San Diego  
1200 3rd Avenue, Suite 1620  
San Diego, California 92101

Mr. William R. Anderson  
Director, Planning Department  
City of San Diego  
202 C Street, 5th Floor  
San Diego, California 92101

RE: JO: 6090, Project No. 104495, SCH No. 2006091032  
Request for removal from 2006 Draft PEIR Storm Water Map 3.7-1  
Request for removal from 2006 Draft Surface & Receiving Water Systems Map 3.7-2  
Request for removal from 2006 Conservation Element Map CE-2

APN 346-802-13, Multi-Family Zoned Site RM-1-1

Attn: Ms. Marilyn Mirasoul, Environmental Planner

Dear Mr. Manis, Mr. Aguirre, and Mr. Anderson:

I request that the public be made aware of the following with respect to the PEIR and the 2006 Draft General Plan and that the following be disclosed clearly in the PEIR and 2006 General Plan documents:

JJ-1

1. The existing 1979 General Plan effectively took, by legislation, the rights of property owners to develop 75 percent of the land area of privately owned properties in the flood plain, areas with 100 foot slope, and areas identified as environmentally sensitive.

JJ-2

2. Rather than reading like an Environmental Impact Report, the draft PEIR reads more like a city policy manual or municipal code including identifying specific and non-specific penalties to be charged to private property owners if certain site characteristics exist. I wonder if the city staff can write their own Environmental Impact Report. If so, I would like to write my own Environmental Impact Report with the development of my property.

JJ-3

3.a. PEIR Page 2-12 & 2-13 Table 2.2-2 Community Planning Area Population Based Park Summary (March 2007) reports a 97.9 percent deficiency in population based park land, showing a total park land of 1,790.27 acres, however, 2,857.9 acres gross are identified as the land area in population based park lands in Table 2.2-1. The Table 2.2-2 under-represented the total land available to use as population based park land by 59.6 percent or 1,067.63 acres. See Paragraph 3.c. below. For the city to say that only 1,790.27 acres are in park use in the city may be considered a misrepresentation.

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- JJ-1 This comment does not address the adequacy of the PEIR.
- JJ-2 This comment does not address the adequacy of the PEIR.
- JJ-3 The referenced tables have been updated for consistency.

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Letter to Mr. Robert Manis, Mr. Michael Aguirre, and Mr. William Anderson, City of San Diego  
Letter from Mrs. Rebecca Robinson-Wood  
Dated June 11, 2007

RE: JO: 6090, Project No. 104495, SCH No. 2006091032  
APN: 346-802-13-00

Request for removal from 2006 Draft PEIR Storm Water Map 3.7-1  
Request for removal from 2006 Draft Surface & Receiving Water Systems Map 3.7-2  
Request for removal from 2006 Conservation Element Map CE-2

**JJ-4** 3.b. Minimally, 25 percent of City owned lands that are in flood plains and sensitive areas may be considered for development as population based parks supplement any and all deficiencies in the city population based park system. This would help developers and the residents of the city to keep the price of housing down, by decreasing the cost to developers.

**JJ-5** 3.c. PEIR Page 2-10 Table 2.2-1 Existing Park and Open Space Acres within the City of San Diego. This is very misleading and may misrepresent the totals. This is evidenced by the fact that the central column says the Total Gross Park and Open Space land is 38,930.3 acres. Dedicated parks at 12,067.7 acres, joint use school sites at 267.4 acres and Footnote 3 at 6,043.86 acres, for a total of 18,378.96 acres or 14.25 acres per 1,000 population.

**JJ-6** Alternatively, PEIR Page 3.8-1 Existing Uses, shows Park, Open Space and Recreation Uses at 60,654 acres, significantly more acres than reported in Page 2.2-2 and Page 2.2-1. This acreage total presumably includes a significant amount of acreage in regional parks owned by other government agencies and lands in private ownership, i.e. golf courses, homes, clubhouses, homeowners association lands, plazas, malls, etc.. The format presented in the 1979 Progress Guide and General Plan, Table 17, Recreation Element 163 is more simplified and easier to read.

**JJ-7** 4. PEIR Page 2-12, Table 2.2-2. Balboa Park and Mission Bay Park are believed to serve the city as a whole.

**JJ-8** 5. As of January 2006, the City of San Diego had removed minimally 239 City of San Diego owned parcels from the Habitat (Multiple Habitat Planning Area-Multiple Species Planning Area). I would also like to remove my property from these overlays.

6. Due to advancements in construction technology, there is much likelihood that future development may significantly improvement the safety, health, and well being of the city as a whole.

**JJ-9** 7. Property ownership is a significant element of the wealth of a community and is a significant influence on the stability of a community. It is important to insure that, through thoughtful planning and structuring of fees, budgeting, etc., that the community may be sustainable and that future generations may also enjoy private ownership of property. The economic viability of property is important to the stability of the community.

The following are items that I recommend for correction and apply specifically to my referenced property APN: 346-802-13-00  
Lot 2 of Map 7174, La Jolla Village Apartments, Unit 2

**JJ-10** A. Please see the San Gis Map provided November 2006 showing that my property is not an open space easement and not located in a storm drainage system in the county. No dedications were required with the Subdivision Map and I have an application in to place the property in Multiple Use. I spoke with the San Diego County Water Authority earlier this year and was informed that my property is not part of a major stormwater system.

JJ-4 The proposed solution is not possible for the following reasons:

1. The City periodically reviews open space lands for the potential to provide population-based park improvements; however, the potential for un-mitigated environmental impacts to the flood plains and sensitive areas leaves little to no potential for development of additional population-based park systems.
2. The undeveloped lands that this comment is addressing are not evenly distributed throughout the City and would not meet the goals of the existing and updated General plan, or provide parks where they are needed the most.

JJ-5 Table 2.2-1, Existing Park and Open Space Acres within the City of San Diego, does not provide the total acres for all parks and open space. Only those park acres identified under population-based Parks are used in calculating the total number of acres required per 1,000 thousand as set forth in the General Plan. The Dedicated parks column is a total for both population-based parks and open space lands. Also, Footnote 3 is for other agency and jurisdictions lands that are not population-based recreation in nature and are not used in calculating population-based acreage for the City of San Diego. Column "Total Parks and Open Space (gross acres)" includes population-based parks, resource-based parks, open space lands, and other park lands, which are all individual categories in the same table. A footnote has been added to the table to reflect what is included in this column. The "Total acres per Thousand" shown for each park category is provided for informational purposes and should not be compared to the population-based park standard. Population-Based parks require 2.8 useable acres per 1000 population. See General Plan Policy RE-F.8.

JJ-6 Comment noted. Table 3.8-1, Existing Uses, "displays generalized land use categories distributed across the City," This Table is not intended as an inventory of park land. Table 2.2-1, Existing Park

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- JJ-7 Comment noted. Both Balboa Park and Mission Bay Park are resource based parks that serve the region as a whole and provide some population-based park amenities to the surrounding communities.
- JJ-8 The Multiple Species Conservation Program (MSCP) is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles in southwestern San Diego County pursuant to the federal and California Endangered Species Acts and the California Natural Community Conservation Planning Act. The MSCP is designed to preserve native habitat for multiple species rather than focusing efforts on one species at a time. This is accomplished by identifying areas for development and core biological areas and linkages for conservation to achieve a workable balance between smart growth and species protection. These areas are delineated by the Multi-Habitat Planning Area to achieve a workable balance between smart growth and species protection. The majority of lands within the City of San Diego MHPA are proposed to be conserved by one of the following methods: 1) conservation of existing public lands; 2) land use restrictions and exactions through development regulations for lands within the MHPA; 3) open space previously set aside on private lands for conservation as part of the development process; and 4) public acquisition of private lands.

Regarding the property, referenced as Lot 2 of Map No. 7174, APN: 346-802-13, the subject property was included in the Multi-Habitat Planning Area (MHPA) because it has been designated Open Space since 1959 and has an Open Space Easement which was granted to the City of San Diego in 1972, prior to the creation of the Multiple Species Conservation Program (MSCP) and MHPA. As such, the property was included as land in the MHPA. MHPA lands are shown on Figure CE-2, Multi-Habitat Planning Area, in the Draft General Plan. The City of San Diego does not plan to remove the property from the MHPA or the MHPA overlay, thus Figure CE-2 will remain unchanged. Please note that

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the Draft General Plan does not establish the MHPA, it merely illustrates the adopted boundaries.

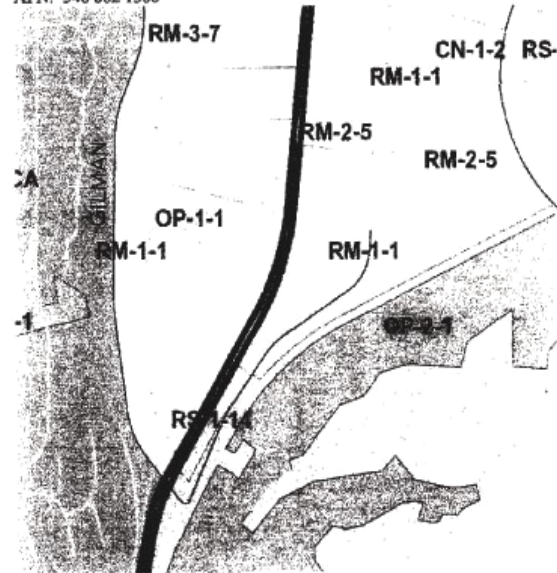
JJ-9 This comment does not address the adequacy of the PEIR.

JJ-10 The subject property has been designated Open Space since creation of the first Master Plan for the University Community planning area which was adopted in 1959, and every comprehensive update to the community plan thereafter. In 1972, as part of the recordation of La Jolla Village Apartments Unit No. 2 Subdivision, six lots were created as depicted in Map No. 7174. An Open Space Easement on Lot 2 of Map No. 7174 was granted to the City of San Diego to ensure the property remains undeveloped open space in perpetuity, consistent with the University Community Plan's designation of the property as Open Space. A copy of the Open Space Easement granted to the City in Map No. 7174 was provided in a letter to you dated October 11, 2006, by Dan Monroe, Senior Planner in City Planning & Community Investment.

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Project Name: La Jolla Meadows  
8300 Gilman Drive or 3101 Via Alicante, San Diego, California 92037  
APN: 346 802 1300



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Letter to Mr. Robert Maris, Mr. Michael Aguirre, and Mr. William Anderson, City of San Diego  
Letter from Mrs. Rebecca Robinson-Wood  
Dated June 11, 2007

RE: JO: 6090, Project No. 104495, SCH No. 2006091032

APN: 346-802-13-00

Request for removal from 2006 Draft PEIR Storm Water Map 3.7-1

Request for removal from 2006 Draft Surface & Receiving Water Systems Map 3.7-2

Request for removal from 2006 Conservation Element Map CE-2

JJ-11

Please stop draining on my property and remove my property from depiction on the following maps: Draft General Plan CE-4 (depicted as a river), PEIR Figure 3.7-1 (depiction as a storm drain channel and minor river), PEIR Figure 3.7-2 (depiction as a small river). Maps I received from the City of San Diego Records Department in 2006 show the storm drains are supposed to be in the street. I do not want your storm drains directing water beyond the end of your drains. I will find the city fully responsible for any onsite property damage due to unauthorized flow onto the property.

Please see that this property is outside of the 500 year flood plain. I received a map from the City Engineering Flood Department informing me of this a few weeks ago. There is no storm channel in the property that I am aware of and the city informed me that the property is not the location of a flood plain, which would probably include storm waters because the property is shown to be outside of the flood plain on the PEIR 3.5-1 Flood Hazard Areas Map, Draft General Plan, Figure CE-5 Flood Hazard Areas Maps. If the flow of city stormwater discharge has extended beyond the limits of existing perimeter easements and caused any subsidence or unstable soils conditions, I will find the city fully responsible for the planning and full costs required to repair and correct the conditions. I will also find the city responsible for any and all claims of loss due to injury, suffering, or death or financial loss due to injury, suffering, or death of a person or family member or guardian, of anyone who, including people I authorize to access on the property due to the cities mismanagement and unauthorized drainage onto the property. My property is not part of an adopted river system which was included as part of the 1979 Progress Guide and General Plan. I do not want my property to be included in any future river system. I do not want my property to be included in an future storm water system.

JJ-12

JJ-13

B. The property is not a site for conservation in the 1979 Progress Guide and General Plan, Conservation Element Page 184. I do not want the site to be included in the 2006 Conservation Element as a site to preserve. This may be supported by the fact that the recently adopted 2005-2020 Land Use and Housing Element shows that this property residentially zoned and has the potential for use as for housing. I have made a formal request to the city attorney to take the property out of the 1965 Williamson Act lands or similar conservation easement. The property was not required for dedication by the council at the time the subdivision map was adopted. The city was intending to purchase all the open space in the city but did not do so. I purchased this property to use according to the zoning regulations. My contractor sought an access permit and building permit for affordable housing and was discouraged and turned away by city staff.

I have included for your review the zoning map and a San Gis map showing that the property has no open space easement.

Respectfully submitted,

Rebecca Robinson-Wood

cc Stacey LoMedico, Director Parks & Recreation Department, Park & Recreation Planning file

Enclosures Current Zoning Map, San Gis Open Space Map 11/2006

JJ-11 Figure CE-4, San Diego County Watersheds, of the Draft General Plan identifies a river symbol on the referenced property (Lot 2 of Map No. 7174, APN: 346-802-13). The river symbol in this figure is not meant to literally identify a river, but instead is used to identify a broad range of waterways including, but not limited to rivers, streams, creeks, and drainages all of which are part of the San Diego County Watershed system. This is further demonstrated on the State of California Regional Water Quality Control Board, San Diego Region (9), San Diego Hydrologic Basin Planning Area map (Attachments 10a. and b.) and on the USGS La Jolla (CA) Quadrangle Topographic Map (Attachment 11a and b). You have requested the removal of the river symbol from the referenced property as depicted in PEIR Figure 3.7-2, and Figure CE-4 of the Draft General Plan Update. Since this map is a generalized identifier for watersheds, and the referenced property is within a watershed, it would be inconsistent for the City of San Diego to remove the river symbol depicted on the property in PEIR Figure 3.7-2 or Figure CE-4 of the Draft General Plan Update.

JJ-12 This comment does not address the adequacy of the PEIR.

JJ-13 The referenced parcel (Lot 2 of Map No. 7174, APN: 346-802-13) has been designated Open Space in the University Community Plan since 1959, was conserved in perpetuity upon recordation of Map No. 7174, in which the City of San Diego was granted an Open Space Easement to preserve this property as natural, undeveloped open space, and is included in the City of San Diego's MHPA. The City of San Diego does not plan to remove this property from Figures CE-2 and CE-4 of the Draft General Plan. The Draft Conservation Element of the General Plan does not establish new areas to be preserved. The Conservation Element addresses and depicts sites that have already been conserved as open space, as your parcel has been.

The California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open



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space use. According to county of San Diego records, there are no Williamson Act Contracts within the City of San Diego. Therefore, the referenced property is not subject to the contract cancellation procedures of the Williamson Act Program.