THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 8, 2010

TO: City of San Diego, Rules Committee

FROM: Cecilia Gallardo, Assistant Deputy Director, Development Services Department

SUBJECT: Proposed Ballot Measure to remove the 1,900-dwelling unit restriction from Ballot Measure M (1998) for Pacific Highlands Ranch, CEQA 15162 Evaluation

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The Development Services Department has completed a CEQA 15162 evaluation for the proposed submission to the voters of a measure to remove the timing restriction on development above 1,900-dwelling-units that was imposed on Pacific Highlands Ranch (PHR) as a part of Proposition M approved in 1998. That timing restriction provides that the ramps for westbound SR-56 connecting with I-5 north and I-5 south connecting with eastbound SR-56 must be constructed and operational before development in PHR exceeds 1,900 dwelling units. This review was limited to consideration of any potential CEQA issues associated with the removal of the timing restriction.

This evaluation was performed to determine if the conditions specified in the State CEQA Guidelines, Section 15162, exist that require the preparation of any additional CEQA documentation. As outlined below, it is the determination of the Development Services Department that the language in the proposed 2010 ballot measure is consistent with the previously certified Master EIR (MEIR) prepared for the Pacific Highlands Ranch Subarea III Plan (LDR No. 96-7918).

In addition, this evaluation supports the use of the Master EIR for the proposed ballot measure pursuant to CEQA Guidelines Section 15179(b)(1).

The Pacific Highlands Ranch Subarea Plan was approved by the City Council in 1998 and ratified by the voters as Proposition M in November 1998. In approving Proposition M, the voters of the City of San Diego directed a Phase Shift of urban reserve lands from Future Urbanizing to Planned Urbanizing, permitting development of PHR to proceed, subject to several conditions. All of the conditions imposed by Proposition M (1998) on PHR have been satisfied.

Since approval of the MEIR in 1998, the City of San Diego has prepared Findings to the MEIR in approving development units in PHR. All of the subsequent approvals were found to be consistent

with the MEIR and no new environmental impacts were identified, and significant effects previously identified in the certified MEIR were not found to be more severe than analyzed in the MEIR

These approvals include the following:

- VTM #99-0547 Approved by the Planning Commission on January 20, 2000
- TM #99-1087 Approved by the City Council on January 17, 2001
- TM #99-1088 Approved by the City Council on January 17, 2001
- CUP 40-0159 Approved by the Planning Commission on June 7, 2001
- VTM #99-1294 Approved by the Planning Commission on July 19, 2001
- VTM #7248 Approved by the City Council on September 24, 2002
- VTM #1693 Approved by the City Council on February 25, 2003
- VTM #4653 Approved by the City Council on September 21, 2004
- VTM # 8878, Approved by the City Council on November 14, 2006
- VTM# 433521 Approved by the City Council on January 26, 2010

Of the 4,974 units allowed by Proposition M and the PHR Subarea Plan, approximately 4,127 units have been approved to date, per the maps and discretionary approvals listed above. Property ownerships that account for the remaining units have not yet obtained discretionary approvals for development of their property. The proposed removal of the timing restriction would not alter or modify any of the existing projects approved in PHR or increase density over the density currently approved in the PHR Subarea Plan.

A condition of Proposition M included a residential dwelling unit restriction, which stated that the development within PHR shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 north and I-5 south connecting with eastbound SR-56 are constructed and operational. This additional condition was not incorporated into Proposition M based on traffic impacts or mitigation requirements identified in the Final MEIR for Pacific Highlands Ranch. The proposed ballot initiative would remove this restriction. This evaluation demonstrates that no new impacts would result from removal of the timing restriction. The following information is the analysis staff used to prepare the 15162 evaluation and provides additional support that no further impacts would result from the proposed Proposition M language modification.

A traffic analysis and transportation phasing plan were prepared as part of the PHR Master EIR in 1998. The analysis examined the project's direct and cumulative impacts both with and without SR-56 and identified on- and off-site transportation mitigation (Final PHR MEIR, Table 4B-14) for direct and cumulative impacts. No impacts were identified in the traffic analysis that would have required a timing restriction on dwelling unit construction as a limitation for development in PHR. All transportation improvements required to date have either been completed or assured. Major transportation improvements are assured by the City's collection of fees at the time of building permit issuance. These fees are used to pay for design and construction of transportation improvements identified in the PHR Public Facilities Financing Plan (PFFP). Transportation improvements other than major transportation improvements, are assured when subdividers posts

security instruments (e.g., bonds, letters of credit, cash) with the City to obtain final maps prior to recordation of the map. The mitigation requirement for a fair share contribution by PHR as set forth in the PHR PFFP toward the construction of the connectors (see Final PHR MEIR, Table 4B-14) would not be affected by the proposed modification to Proposition M of 1998.

Additionally, an environmental document is currently being prepared by Caltrans for the I-5/SR 56 interchange project. The current study for Year 2030-projected ADT of the two missing connectors is 42,220 ADT. This projected total ADT for the connectors along with the contribution of traffic at the ramps from PHR is nearly identical to the volumes anticipated in the traffic analysis prepared for Pacific Highlands Ranch MEIR (Urban Systems Associates 1998), substantiating the traffic documentation in the MEIR.

As noted above, all the development proposals anticipated in the Certified Master EIR for PHR have been approved and most of the 1,900 dwelling units within several of the approved maps have been built. Because the proposed modification does not allow any additional units to be developed in PHR, the modification does not include the approval of any additional development that results in greenhouse gas emissions.

In conclusion, Section 15162 of the State CEQA Guidelines states that when an EIR has been certified or a Negative Declaration adopted for a project, no subsequent or supplemental EIR shall be prepared for that project unless one or more of the following events occur:

1. Substantial changes are proposed to the project
2. Substantial changes occur with respect to circumstances under which the project is being undertaken
3. New information, which was not known or could not have been known at the time the EIR or ND was certified as complete, becomes available.

DSD finds that none of the three events listed above has occurred. Review of the previously certified environmental MEIR has determined that the proposed ballot measure would not result in new impacts or changed circumstances that would require a new environmental document. In addition, this evaluation supports the use of the Master EIR for the proposed ballot measure pursuant to CEQA Guidelines Section 15179(b)(1).

All project issues and mitigation for significant impacts have been adequately addressed pursuant to CEQA for the proposed project.