

San Diego River Conservancy

DRAFT PRELIMINARY COMMENTS ON DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT GRANTVILLE REDEVELOPMENT PROJECT

March 13, 2005

The San Diego River Conservancy's (Conservancy's) Draft Preliminary Comments on the Draft Program Environmental Impact Report (Draft Program EIR or draft EIR) for the Grantville Redevelopment Project are organized into two sections: (I) Summary of Initial Concerns Based on Preliminary Review; and (II) Verbatim Public Comments by Governing Board Members. The "Summary of Initial Concerns" is consistent with and builds upon the Board Member's public comments.

Draft Preliminary Comments

The Conservancy wishes to emphasize that the "Summary of Initial Concerns" below is very *preliminary* in nature. It represents a list of issues that staff has initial or potential concerns about and wishes to review in greater detail. Because the time schedule for moving the Grantville Redevelopment Project forward is very tight, we have decided to submit Preliminary Draft Comments *in advance of completing our review* in order to make you aware as early as possible that we have concerns. Because these comments are preliminary (made before our review is complete), the Conservancy reserves the right to refine, modify, and expand its comments. It is likely that some concerns below will be developed further while others may fall off the list upon further review. In addition it is possible that new concerns may be identified upon closer examination.

The Conservancy's comments below speak *only to the adequacy of the environmental analyses* contained in the Draft Program EIR. The comments do not address the relative merits of the Redevelopment Project itself (or whether or not the area should be designated as a redevelopment area).

I. Summary of Initial Concerns Based on Preliminary Review

Based on a preliminary review of the Grantville Redevelopment Project Draft EIR, the San Diego River Conservancy has the following initial concerns which warrant Conservancy staff's further review:

1. Adequacy of Impact Analyses

Several *Impact Analyses* contained in the draft EIR appear to be incomplete, inadequate, or incorrect and require further evaluation including:

- Hydrology / Water Quality
- Biological Resources
- Air Quality
- Cumulative Impacts Analysis
- Alternative Analyses

- Growth Inducement
- Cultural Resources
- Aesthetics (views, light/glare)
- Noise

2. **Consistency with Relevant Planning and Regulatory Documents**

It appears that portions of the draft EIR may not be consistent with the “letter” or “spirit” of the following planning or regulatory documents (or portions thereof):

- Navajo Community Plan
- Tierrasanta Community Plan
- City’s MSCP Subarea Plan
- City’s Environmentally Sensitive Lands Regulations & Biology Guidelines
- City of San Diego’s River Park Master Plan
- San Diego Conservancy Act (Enabling Statute)
- Conceptual Plan for the San Diego River Park
- Resource Agencies’ wildlife corridor “minimum width” recommendations
- SANDAG’s Regional Growth Management Strategy
- San Diego Municipal Storm Water Permit (MS4 NPDES permit issued by Regional Water Quality Control Board)

In addition it appears that the two major applicable Community Plans may not be fully consistent with each other. Also it appears that portions of the documents listed above are inconsistent with portions of other documents listed above.

3. **Evidence and Conclusions Must be Persuasive**

Several conclusions reached in the draft Program EIR are not convincing and appear to not be supported by the evidence provided. Portions of the Program EIR appear too broad and generic to facilitate meaningful comment and review.

4. **Further Environmental Review of Specific Development in Project Area**

By using a “Program EIR” it was not necessary for the City of San Diego to address the impacts of specific future development projects (which will be part of the overall redevelopment) since these component projects are “currently unknown”. They appear to be mentioned only in a very superficial way. Furthermore the use of “Program EIR” may allow the City to circumvent the need for additional environmental review of these future projects (beyond the Program EIR). Pursuant to CEQA regulations, if specific development activities (which are components of the overall redevelopment program) involve no new significant impacts (beyond those already analyzed in the Program EIR) OR if any new impacts can be adequately handled by mitigation measures (previously identified in the Program EIR), *there is no need for additional environmental analyses of subsequent projects* because they are components of the overall Program EIR

(footnote citation). For this reason, it becomes even more important that the impact analyses in the Program EIR be thorough and accurate.

5. **Consideration of Environmentally Superior “Project Alternative”**

The draft EIR identifies a *project alternative* that is “environmentally superior” to the *proposed project* (i.e., results in fewer environmental impacts) *and* would meet most of the basic objectives of the proposed project. When such an alternative can be identified, it is the intent of CEQA that the alternative be given full consideration and should be implemented in lieu of the proposed project unless it is found to be infeasible.

6. **Comprehensive Area-Wide Hydrology Assessment**

The draft EIR lacks a comprehensive area-wide hydrology assessment to evaluate current conditions (establish baseline), predict the individual and cumulative impacts of the overall redevelopment project and its component projects, and recommend improvements to restore (or improve) the functions and benefits of the River’s natural hydrologic regime. In light of the major existing flooding problems in this area, including recent motorist rescues, we recommend that a large-scale hydrology study (that covers the project area at a minimum) be conducted before any redevelopment activities are allowed to commence in the area.

7. **Cumulative Impacts Assessment**

“Program EIRs” should be particularly effective in evaluating cumulative impacts over time. It appears however that the draft Grantville Program EIR fails to adequately evaluate the cumulative impacts of the Redevelopment Project on a long-term basis. The draft EIR repeatedly recommends evaluation of the impacts of each specific redevelopment project on an individual case-by-case basis. This approach seems short-sighted and may miss the long-term “cumulative” impacts of the overall redevelopment project over time (next 30 years).

8. **SDSU Development Project: Cumulative Impacts**

The draft EIR fails to evaluate (or even mention?) the concurrently proposed San Diego State University (SDSU) development project immediately upstream which will certainly exacerbate the hydrologic and water quality impacts of the Grantville Redevelopment Project on the San Diego River. The individual and cumulative impacts of these significant projects must be evaluated thoroughly.

9. **Floodplain / Floodway Guidelines**

The Draft EIR fails to establish project development guidelines to protect the River (e.g., no building in the floodway / floodplain).

10. **Commitment to Enforce City Building Code or Other Ordinances**

The Draft EIR relies on the fact that redevelopment activities will be subject to, and must be compliant with, existing regulations and permits. Yet it fails to commit to conduct the

associated assessment and enforcement needed to ensure that compliance is achieved. Further there is no evidence to suggest that the City will be more inclined to use its legal authority after Grantville is redeveloped than it currently is. At the present time, the City appears to be unwilling (or unmotivated?) to enforce the numerous existing building code violations that are currently identified in the Grantville draft EIR. City staff has indicated that the City's lack of code enforcement is due, at least in part, to "limited resources". Given the tract record, why should the public have confidence that the City will enforce the BMPs and mitigation measures promised in the Draft EIR (or ensure compliance with regulatory permits) when it seems unwilling to enforce the numerous building code violations already documented in the Grantville Redevelopment Project draft EIR?

11. **Underlying Cause of Flooding**

The draft EIR (barely acknowledges) and fails to address/remedy the underlying cause of the major flooding problems near the Alvarado Creek / San Diego River confluence. The proposed redevelopment activities will likely exacerbate (rather than mitigate) the existing flooding problems.

12. **Underlying Cause of Water Pollution**

The draft EIR fails to adequately address/remedy the underlying cause of water pollution and water quality impairments near the Alvarado Creek / San Diego River confluence. Pollution prevention and source control appear to not be mentioned. The draft EIR relies on treatment controls to remove pollutants at the end-of-pipe, rather than identifying and abating pollutants at their source. Proposed redevelopment activities will likely exacerbate (rather than mitigate) existing water quality problems.

13. **Minimum Wildlife Corridor Widths**

The draft EIR fails to comply with minimum wildlife corridor width recommendations provided by the Department of Fish and Game and US Fish and Wildlife.

14. **Significant Unavoidable Impacts**

The draft EIR finds that the proposed project will result in significant unavoidable impacts to (1) Transportation /Circulation; and (2) Air Quality. To move forward with the proposed project, despite these impacts, the City need only make a "finding of overriding consideration".

15. **Valuable Cultural Resources**

Very valuable cultural resources are located in the Project area but are not identified the draft EIR and will therefore not be protected. These resources are of statewide and national significance and are currently at risk of being lost forever.

II. Verbatim Public Comments By Governing Board Members

The following comments on the Grantville Redevelopment Project Draft Program Environmental Impact Report were made by the Governing Board Members of the San Diego River Conservancy at their public meeting on February 11, 2005. Yellow highlighting has been added to emphasize key sentences.

Jim Peugh, Board Member:

I noticed that you mentioned that there is some flooding in the area and I noticed in the objectives that there is a number 13 “Support habitat conservation and restoration” but there is nothing that I noticed in the objectives or in your talk about what to do about the hydrologic problems. The fact that you have flooding in the area now where you are going to invest more money into it and you know and the approach well you could do it in a number of ways. One is to say well we will just rip out all vegetation from the river down stream so it will flow faster. Or you can say we’ll just build a big concrete channel so the water will flow faster. But all of those are really destructive and, you know, we have all learned that. It seems like there should be some discussion of public investment that is needed to make the river serve the area better. The more that we invest money both private and public around rivers really we should be making them bigger because the risk of them flooding is a lot more than it was previously when the river was surrounding with ag fields but unfortunately we do just the opposite because the land is valuable we keep making the mistake of making the river smaller and smaller. I guess I am just a little surprised to see that there is no objective that has to do with making the river function better hydrologically so that your developments won’t be put at risk. And from my point of view, of course, that the wildlife won’t be put at risk.

Tracy Reed, Redevelopment Agency:

I mean, that is the input we are looking for. We have been working on the Five year Implementation Plan and putting creek restoration... And that is kind of some of the input I am trying to get regarding the River. Alvarado Creek I have gotten pretty good experience on that one- that you have some parts improved and then unimproved parts. The unimproved part is actually where the curve is in it so that is where you typically get your overflow problems into the neighborhood. But that is some of the input we are looking for is that we went with general terms and can get more specific on some of what those issues that we need to look at.

Jim Peugh, Board Member:

I would hope that you would be looking at property acquisition for places that the river needs to be expanded or for properties that are constantly at risk of flooding so they could be converted to some other use that flooding wouldn’t be a problem for. But I didn’t see any of that here or in your presentation so I was a little surprised.

Dick Murphy, Chairman:

I just want to say that this is a classic example of they channelized up stream and they didn't channelize down stream and so the water races like a super highway through the channelized concrete channel and then where they don't have it channelized it floods. Talk about poor planning. The solution is to rip out the concrete not to channelize the whole thing.

Jim Peugh, Board Member:

In some cases, you actually have to acquire property that has been filled in the past. And that takes public investment. I would hope that would be addressed in this project.

Dick Murphy, Chairman:

There was a big effort in the 80s to channelize the whole thing because of the flooding but many of us didn't feel like that was the right solution. But the problem is that the flooding has continued. The ultimate better solution is to dechannelize Alvarado Creek, but it is expensive and it is hard to achieve.

Donna Frye, Vice-Chair:

One of the issues is to discuss the existing land uses that you are showing on the survey map. Because this particular document isn't actually changing any of the land uses, because the purpose of this is to make sure that whatever you do in the Redevelopment Area is consistent with the community plans, right.

Tracy Reed:

Correct. That is what the other map was. You can see the difference.

Donna Frye, Vice-Chair:

I am trying to see where there is any park, where the color is for park.

Tracy Reed, Redevelopment Agency:

Right now along that part of the river, there isn't any. The only real parks in the area are a little league field here, you have the parks up in here, and have some parks which are part of Mission Trails Park up here. And the community plan talks about this whole area here becoming a business tech park and having different improvements. The Navajo Community Plan talks about River improvements all through in here. But like most community plans it doesn't have any implementation methods or financing plan for that.

Donna Frye, Vice-Chair:

And you had mentioned something, I think in your presentation, about inconsistencies within the community plans depending on which side of the river they were on.

Tracy Reed, Redevelopment Agency:

Right, what it is, is you have got this boundary right here is the boundary of the Tierrasanta Community Plan with the Navajo Community Plan. And the Tierrasanta Plan talks about

this area becoming open space if they are able to purchase it and if not, it would revert to residential which is what is adjacent to it. The Navajo Plan identifies this as all future industrial park. So what would happen technically is that if this didn't become open space you could have residential next to an industrial park in those two areas. I was thought that the boundary was the River, but it is not. It is actually halfway across on that side. And that may be why how it came about was when "what was county and what wasn't at that time that maybe the Tierrasanta part was in the City and the other part wasn't at that time. That may make sense of why you have it split that way.

Donna Frye, Vice-Chair:

And so the middle portion of that is specifically designated or the plans are to use that area as Industrial Area.

Tracy Reed Redevelopment Agency:

That's right. But it also talks about open space and improving the River. It talks about all of it. And it talks about doing a precise plan, in the Navajo Community Plan, doing a precise plan for that there is no circulation element in that portion.

Donna Frye, Vice-Chair:

Ok. I guess this would be my concern. Because once again I am not real clear on what specific action it is to provide input that Deborah is supposed to make comments to the EIR. I am assuming that is the action.

Deborah Jayne, Executive Officer:

Yes. That is the action. For you to hear the report and then accept it. And then I will document the comments to the Redevelopment Agency.

Donna Frye, Vice-Chair:

So I guess in the process of reviewing, with that purpose in mind, the environmental documents the things to look for would be any inconsistencies with the San Diego River Master Plan, and inconsistencies with the enabling documents, or goals/programs, etc with this particular board's duties. And what it is we are trying to accomplish. It would be to look for those inconsistencies and to point out those inconsistencies or to comment on where there are omissions. Such as the areas in flooding. That type of discussion. As well as the core principle that Mr. Peugh is talking about is that when we established the enabling legislation, I believe part of that was to make sure we didn't channelize the river. The way it was set up was to make sure we restored the river, not tried to control the river. There was pretty specific language about that. In order to do that, we probably want to look at what the plans are to build in the flood plain, because if most of those lands are located in areas where its continually flooding, it seems awfully strange to me that you would then want to encourage more industrial uses in areas that are already prone to flooding or residential uses in areas that are already prone to flooding.

The other thing that I am concerned about and part of this was a city issue, was the fact that The San Diego River Master Plan what we had looked at here at the Conservancy was held up at the city level to have comments made related to the Grantville Redevelopment Project. My concern, which I expressed when we originally had the meeting, was to make sure the Master Plan was not modified to reflect changes in order to facilitate Grantville Redevelopment. If there are changes made to that plan, that plan would have to go back out to the public who had already approved it on the basis that they didn't know that there was going to be more changes made. I do not know if more changes have been made, but I have very serious concerns that there will be. And that the purpose of holding up the actually San Diego River Park Master Plan was to accommodate the changes that were going to be made in this Grantville Redevelopment Project. So if there have been, then I would say that that document has to be recirculated. Because that to me is not the purpose to modify it outside the public process. And Councilmember Madaffer and I had a go around on this, and I made my point very clear and I tried to make it very clear at that meeting that I didn't think it was an appropriate action to be taking or ways that you go about dealing with the plan that affects all portions of the River.

Those would be my comments.

Jim Bartell, Board Member:

One area that interests me is the area south of Friars Road

Tracy Reed, Redevelopment Agency:

Pretty much Subarea A?

Jim Bartell, Board Member:

Where the industrial area is there. I imagine that it sits right on the floodplain area; it butts right up against the pond area.

Tracy Reed, Redevelopment Agency:

You mean in this portion here?

Jim Bartell, Board Member:

I thought I saw in the community plan that was designated as open space?

Tracy Reed, Redevelopment Agency:

Yeah. You could see the lighter brown area is what the community plan designates as open space.

Jim Bartell, Board Member:

That would be one area that I would like to have Deborah look into for a potential project for this group for restoration. That is designated as open space and it is consistent with the community plan. And there is currently blighted industrial up against that that I would

imagine is causing runoff issues and pollution issues it might be an area that we would want to take a look at more closely.

Dick Murphy, Chairman:

I haven't watch this as closely, you know the last year as perhaps Donna and Jim have, but I sort of have a long history with this. The Navajo Plan was adopted when I was the City Council person (which is always dangerous to say, because I am sure there is something in there that I now regret, but anyways...)

Deborah, this is just an enormous opportunity for us. As Jim Bartell points out, the area there, south of Friars Rd, in which there is an equipment lay down yard right next to the River and that Industrial Area opens to the River that is one of our listed acquisition possibilities. Is that the Denton Sand Sites? It is a tremendous acquisition opportunity for us and then all the way up the River to Mission trails Park is designated open space as part of this redevelopment project there is this great opportunity for us to through redevelopment in that are to acquire the land and we need for the park. As I look around at all the opportunities that are going on right now, Deborah, this has got to be at the very top. One that you and everybody else are interested in. Really, really needs to watched carefully with a fine tooth comb. I know Mr. Madaffer and Ms. Frye have had some difference of opinion on this, and since I was a little districted by elections and lawsuits and everything, I didn't really have the time to get into it like I would have liked to, but I am just pointing out that this is the greatest opportunity area that we have right now and you need to watch it like a hawk. This has acquisition opportunities, open space easement opportunities. When people said that the River as it runs through the City of San Diego is going to be difficult to reclaim and restore, that is a true statement, there are always this type of opportunity that if we let pass, will make it all that much more difficult.

What I would say to Tracy is: You have this great opportunity here to take what is a truly blighted area, to say the least, the northern part anyway, and redevelop it. But at the same time, help make good on our vision of a River Park.

Tracy Reed, Redevelopment Agency:

We do talk about the data in the Navajo Plan, and there is actually language in there that says the plan would guide development until the year 2000. So I have always wondered "Does it expire after the year 2000? But one of the main things that is going to be a part of our Five Year Implementation Plan is for the Redevelopment Agency to help with the updating of the community plan for several reasons. But that that community plan definitely needs to be updated for a lot of the items and stuff that has come along since then. But that is one of the things that is going to be built into the Five Year Implementation Plan.

Dick Murphy, Chairman:

I am sure those that adopted the plan were quite visionary and were looking toward the year 2020 but I don't think it has expired. But I am sure it could use updating. Other specific comments?

Jim Peugh, Board Member:

It is good to hear that you both know a lot about this. Do we know that the Redevelopment Plan does not do anything that we are going to regret as far as river restoration and river protection? That is what I am worried about.

Dick Murphy, Chairman:

You have to ask Donna that question. What I am saying is that I am very familiar with the area. I don't live in the immediate area anymore, but I used to live up at the Northern part of the area, up along Mission Gorge Road. So I drove past that area for 10 years of my life and I know every inch of it very well. But, I haven't lived there for 15 years now.

Donna Frye, Vice Chair:

And the answer to Mr. Peugh's question is No, we don't know that. And that is pretty much the direction that the River Conservancy's comments should be addressing. Where in fact there are inconsistent land uses (TAPE BREAK) and what's been provided as part of this plan. And again the problem is that you have community plans that are already in existence and so it is kind of a difficult document to comment on. The role of the SDRC should be to make it very clear what it is that the SDRC does and the level of involvement as far as making consistency findings with the plan and opposed to making specific recommendations as to whether an area should be designated as a redevelopment area. I think they are quite different things. That is why I was trying to get clarity on what we are doing here. I think it is very appropriate for us to comment on environmental impact reports and how the SDRC can offer up suggestions and recommendations and point out areas where the proposal is not consistent with our particular task. To go much beyond that concerns me.

Tracy Reed, Redevelopment Agency:

I just want to say that the Redevelopment Plan has to be consistent with the community plans. So the Redevelopment Plan is not trying to change land uses at all. It just has to be consistent with the community plans. And the redevelopment plan is not trying to hold up anything regarding the park plan because we are following the community plan.

Donna Frye, Vice-Chair:

I guess the challenge, as far as the appropriate action, as far as how we can provide you information about the consistencies with this particular organization versus the community plans. Because that is not really our role. Our role is to address the issues as it relates to the SDRC and where there might be inconsistencies in the environmental document or failure to address issues that need to be addressed or inadequate analysis or incomplete analysis or inaccurate analysis.

Tracy Reed, Redevelopment Agency:
I understand.

Donna Frye, Vice-Chair:
That is just how I see it.

Dick Murphy, Chairman:
Given the importance of this to our mission, to really stay on top of this we will need to have Susan start going to RAC meetings. That is Deborah's call not mine. We need to be paying close attention so that when there are inconsistencies between the San Diego River Master Plan vision, the Community Plan and the Redevelopment Plan that these things aren't happening when we are busy doing other things.

Donna Frye, Vice-Chair:
And that is exactly the opportunity, and I don't know how much of an extension of time you have asked for and been given, in order to comment on this and spend the time necessary, I would say that you are going to need at least 30 days or longer. It is something that is not that simple.

Dick Murphy, Chairman:
My comment is only slightly different. I agree with Donna. This issue will still evolve. Things are never final. There should be someone from the Conservancy who is participating in this process so when specific plans come along, there is someone who is watching it. Someone should be attending those meetings and know what is going on. Then when there are inconsistencies we can intervene early on. So it doesn't happen, like it did on this Wetlands Project, after it was all designed that they forgot to put a path in it. I am just saying that this is a big opportunity area and we should be watching it. So if you are become a student of this area, you will salivate when you go to these meetings because of the opportunity which exists. At least going to the meetings so we know what is going on.

Donna Frye, Vice-Chair:
Motion to accept report from Deborah Jayne and add to that the extension to allow adequate time to comment about the EIR and the consistencies with the San Diego River Park Master Plan. To be aware of what is going on in the best way that that should be handled.

Donna Frye, Vice-Chair:
Leave to staff discretion how to participate. Attending a meeting or meeting with staff.

Jim Peugh, Board Member:
It is fine to say that we want it consistent with the River Plan, but there wasn't a lot of intense hydrology analysis when we put the River Plan together. So I would hope that our comments should address the function of the River, that we don't do any public investment

which will preclude enhancing the river as far as its capability to carry water. Because we know that upstream there is going to be development in the County too, and so the amount of water the River carries now doesn't necessarily represent the amount of water it will carry in the future. I see Sorrento Creek written all over this. And I just don't want to see us investing huge amounts of private money and then discover later that a stream or even the River itself is no longer able to carry it. And then so doing draconian flood management and saying "we have no other option". I just don't want to see us putting ourselves in a position where we have no other option. So I just hope that some kind of words about making sure that we are not reducing the capability that the river needs for the future.

Donna Frye, Vice-Chair:

And that, I think, and Deborah Jayne can probably help me on this, but I think when we talk about the beneficial uses, and some of those other issues, that that is in the Conservancy's enabling legislation. There are issues related to flooding and that the goal is not to channelize the river. It was broad language, but I remember that we put that in there. And I think that would talk about all the functions that you are talking about as specifically related to the beneficial uses. And I think that would probably get us there. Because I agree with you. I absolutely agree with you so just the consistencies with what the role of the conservancy is.

Dick Murphy, Chairman:

All in favor of passing the motion say "aye"

Dick Murphy, Chairman:

Passes unanimously.