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March 8, 2022

Via Email

Christian Murdock, AICP, Deputy Director of Planning
City of Pacifica Planning Department
540 Crespi Drive, Pacifica, California 94044
publiccomment@pacifica.gov

**RE: Pacifica General Plan Draft January 2022 & Pacifica General Plan Update
Project Draft Environmental Impact Report January 7, 2022**

Dear Mr. Murdock,

This office represents the Pedro Point Community Association and its members in regards to the City of Pacifica's General Plan Draft January 2022 ("2022 GP Update" or "Project") and the Pacifica General Plan Update Draft Environmental Impact Report ("2022 Draft EIR" or "DEIR"). Attached hereto please find specific comments about the 2022 Draft EIR's compliance with CEQA (the California Environmental Quality Act), Public Resource Code §§ 21000 et seq. and the CEQA Guidelines, and inadequacies in the 2022 GP Update.

The 2022 Draft EIR falls short of CEQA's requirements as it (1) fails to include an adequate project description, (2) improperly segments the project, (3) fails to include an adequate environmental setting description, (4) fails to adequately analyze Project impacts, (5) fails to adequately analyze mitigation measures, and (6) fails to integrate required Coastal Act and other statutory environmental analysis with this CEQA process. Thus, the 2022 Draft EIR does not include sufficient information to foster informed public participation and to enable Pacifica decision makers to consider the environmental factors necessary to make a reasoned decision about the proposed 2022 GP Update.

Because the 2022 Draft EIR is fundamentally inadequate, meaningful public review and comment are precluded. Once the DEIR is fixed it must be recirculated for further public and agency review and comment.

Please include this office in further communications regarding this proposed project and environmental review. Please provide us with copies of a Recirculated Draft EIR and the Final EIR for this proposed Project.

Sincerely,



Brian Gaffney

cc: Pedro Point Community Association

I. The 2022 Draft EIR's Project Description is Inadequate.

"[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) The project description must include a general description of the project's technical, economic and environmental characteristics, considering principal engineering proposals and supporting facilities. (CEQA Guideline 15124, subd. (c).) The EIR must include detail sufficient for evaluation and review of environmental impacts. (CEQA Guideline 15124.) Even where an EIR is adequate in all other respects, a "truncated project concept" violates CEQA. (*San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of Stanislaus* (1994) 27 Cal. App. 4th 713,730; *County of Inyo, supra*, 71 Cal.App.3d at 200.)

An EIR project description should include all project components. All phases of a project must be considered in the EIR as the "whole of the action," so that "environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263, 283–284; *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577; CEQA Guideline 15126.)

The 2022 Draft EIR's Project Description is flawed in the following ways:

1) The 2022 Draft EIR at p. 2-14 states that "Figure 2.3-1 shows the General Plan Land Use Diagram." However, the 2022 Draft EIR does not contain a Figure 2.3-1.

Given that the 2022 Draft EIR provides that the Land Use Diagram will be used “to review and approve, modify or deny proposed development projects” (DEIR, p. 2-14), the absence of a Land Use Diagram at Figure 2.3-1 makes the 2022 Draft EIR’s project description uncertain and thus invalid under CEQA.

2) There is an underlying uncertainty regarding how many new units will be allowed to be developed under the proposed 2022 GP Update. The 2022 Draft EIR defines “buildout” as development resulting from application of land use designations and assumed densities under the General Plan.¹ DEIR, p. 2-20. “Buildout is calculated based on assumptions about new residential and non-residential development that could be built under the Plan’s land use designations and their respective densities and intensities, adjusted to match expected demand. Id. The 2022 Draft EIR provides that “implementation of the Proposed Project is projected to result in an additional 990 units.” DEIR p. 2-21.

Yet the 2022 GP Update provides that only a few months from now, by January 31, 2023, the City will update the General Plan Housing Element to accommodate 1,892 housing units in compliance with the 6th Cycle Regional Housing Needs Allocation (RHNA 6). 2022 GP Update, p. 1-6. Nor does the DEIR project description consider ADUs, ministerial development allowed by SB 9, or lot splits. The 2022 Draft EIR does not acknowledge these additional housing units, nor attempt to harmonize or explain these widely variant housing unit assumptions. Given these discrepancies, the Project description is not finite and stable.

Further, as discussed below, this uncertainty in the number of housing units under Project buildout results in a flawed analysis of Project impacts.

3) The City of Pacifica appears to be impermissibly segmenting the Project and its analysis of Project impacts by separating the General Plan Housing Element from the

¹ Elsewhere, Buildout is defined as the level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum probable level of development envisioned by the General Plan under specified assumptions about densities and intensities. DEIR, p. 9-2.

General Plan Update released to the public in January 2022.

The City's August 5, 2020 Notice of Preparation of a Program Environmental Impact Report for the General Plan Update stated that "the State-mandated Housing Element will be updated as part of a separate process as part of the next Housing Element cycle (2023)." The January 5, 2022 Notice of Availability of a 2022 Draft EIR and Draft 2040 General Plan states that "While a part of the General Plan, the Housing Element will be updated separately in compliance with state law and is not a part of the Plan Pacifica Project." The 2022 Draft EIR states that "the current Housing Element was adopted on May 11, 2015 as a separate volume," and that "SB 375 requires regional housing elements and transportation plans to be synchronized on 8-year schedules." DEIR, pp. 2-1 & 3-22.

Not evaluating any GP Housing Element as part of the 2022 Draft EIR impedes understanding of the proposed Project, and therefore Project impacts. Review of past Pacifica Housing Elements shows that issues discussed include population, population growth trends and housing units, information that is germane and crucial to understanding buildout under the 2022 General Plan and its long term environmental impacts. Given that the City has not updated its General Plan in over 40 years, and that the Housing Element must be produced in nine months - by January 31, 2023 - both the public and Pacifica decision makers would benefit from an analysis that includes the Housing Element. By segmenting the 2022 GP Update from the General Plan Housing Element, the City is impermissibly segmenting the Project. Further, the 2022 Draft EIR does not analyze the consistency of the Housing Element with the rest of the General Plan.

4) The 2022 Draft EIR omits any narrative explanation or graphic representation which parts of the City of Pacifica are proposed to be changed under the Project.

Further, reference to Figure 2.1-2 is insufficient as the size of the map and the similarity of colors prevent the public from determining whether sites are Coastal Residential Mixed Use, or Office Commercial, or Service Commercial, or Low Intensity

Visitor-Serving Commercial. While the March 2014 Pacifica General Plan Draft Environmental Impact Report (“2014 DEIR”) showed the area around the undeveloped San Pedro Avenue site in pink as bounded generally by Danmann Ave and San Pedro Ave, the 2022 Draft EIR does not even include this general information about the area in pink at the south west portion of Figure 2.1-2.²

Without this specific information of what areas will be re-designated or changed under the proposed Project, public disclosure is impeded as it is impossible to assess the conclusion that Coastal Residential Mixed Use will result in 70 new units. 2022 Draft EIR Table 2.4-2. Further, the 2022 Draft EIR does not disclose if all of these 70 units will be at the undeveloped San Pedro Avenue site, or how many new units could be permitted at this particular site. It is not the public’s role to connect the dots; this is the City’s duty under law in preparing an adequate environmental impact report. Thus, the 2022 Draft EIR falls short of CEQA’s requirement for a finite project description.

5) The 2022 Draft EIR project description fails to provide a list of related environmental review and consultation requirements, including but not limited to compliance with the Coastal Act.

II. The 2022 Draft EIR’s Environmental Setting is Inadequate.

An EIR must present an accurate and complete description of the environmental setting in the vicinity of the project as it existed before commencement of the project. (*San Joaquin Raptor I, supra*, 27 Cal.App.4th at 722.) A city “should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published.” (CEQA Guideline 15126.2.) The environment consists of the “physical conditions which exist within an area which will be affected” by a project. (Pub. Res. Code § 21060.5.) A complete description of the “pre-existing environment” (*San Joaquin Raptor I, supra*, 27 Cal.App.4th at 723) is critical to

² The California State Clearinghouse has two SCH numbers associated with EIRs for this project: SCH#2012022046 and SCH#2020089010. The 2022 Draft EIR states that “between 2014 and 2018, the update work paused,” but does not provide any explanation to the public for changes between the DEIR released in 2014 and the instant draft EIR.

establish a baseline for analyzing whether the project's impacts are significant. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952; CEQA Guidelines 15125 & 15126.2(a).) The environmental setting must be sufficiently comprehensive to allow the impacts “to be considered in the full environmental context.” (CEQA Guideline 15125, subd (c).) As the County of Amador court stated, “ the question is whether the EIR contains a sufficient description of the baseline environment to make further analysis possible.” (Id. at 954.)

The 2022 Draft EIR's Environmental Setting is flawed in the following ways:

1) In analyzing potential Project impacts, the 2022 Draft EIR frequently does not compare the Project to existing environmental conditions. In many instances, the 2022 Draft EIR compares the 2022 GP Update to development permissible under the 40-year old Pacifica General Plan. Repeatedly the 2022 Draft EIR fails to justify its decision to use a baseline consisting of environmental conditions projected to exist in the future. Further, the 2022 Draft EIR has failed to demonstrate that an existing conditions baseline would be misleading or without informational value – as CEQA requires.

2) Simply identifying the undeveloped San Pedro Avenue site at Figure 3.1-1 as “vacant/undeveloped” utterly fails to adequately describe the site such that the 2022 Draft EIR can evaluate the direct, indirect and secondary effects of the proposed Project. The absence of a more detailed description of the undeveloped San Pedro Avenue site at Figure 3.1-1 could be excused if the 2022 Draft EIR elsewhere described the rich biological and recreational resources of this site, but the 2022 Draft EIR makes no attempt to provide this baseline.

3) The EIR's description of the environmental setting is insufficient to provide adequate analysis of flooding and tsunami impacts. There is no mention of baseline conditions in the undeveloped San Pedro Avenue site.

Also, Figure 3.5-1 is flawed; while it shows the San Pedro Avenue site as a Tsunami Evacuation Area, it fails to show the site as subject to flooding. This affects the EIR's analysis of impacts including, *inter alia*, whether reasonably foreseeable

development pursuant to the 2022 GP Update will substantially alter the existing drainage pattern of the San Pedro Avenue site resulting in substantial erosion and/or flooding, or place future housing within a 100-year flood hazard area and/or redirect flood flows.

4) Average household size is used by the 2022 Draft EIR to determine population at “buildout” under the proposed General Plan update. Table 3.1-3 of the 2022 Draft EIR shows that average household size is 2.86 persons per household. However the 2014 DEIR stated an average household size of 2.6 persons or 2.7 persons. (Compare 2014 DEIR pp. 3.1-6 & 3.13-13.) The 2022 Draft EIR does not acknowledge or explain these differences.

5) The 2022 Draft EIR’s conclusions about the increase in population is inconsistent, and it is unclear if this is a flaw in the description of the existing environmental setting or inconsistency in the Project impact analysis.

The Executive Summary of the 2022 Draft EIR states the Project will result in a population of 41,280 at buildout, referencing Table ES-1. *See* 2022 Draft EIR at p. E5. However, Table ES-1, Table 2.4-1 and Section 5.1 of the 2022 Draft EIR state a population of 41,050. If the Executive Summary is correct, it is unclear if the higher population number in other parts of the 2022 Draft EIR is due to the Project causing a further increase in population or if the existing population setting is inaccurate.

6) CEQA requires the lead agency to use a baseline that represents real conditions on the ground at the time of CEQA review. The DEIR relies on traffic data from 2010, 2011 and in the case of potential VMT thresholds of significance, 2015. (DEIR, pp. 3-28, 3-40).

7) Certainly more was possible from this EIR’s description of existing conditions. The 2022 Draft EIR at p. 1-3 references the Existing Conditions and Key Issues Report (July 2010) (hereinafter GP Existing Conditions). Review of this other document reveals discussion of neighborhood character, including Pedro Point (GP Existing Conditions p. 2-160), discussion of historical development (GP Existing Conditions p. 2-5), housing density by neighborhood (GP Existing Conditions p. 2-26), existing zoning and zoning

maps (GP Existing Conditions pp. 2-48 to -53), and sites available for potential housing development of 405 units (GP Existing Conditions p. 3-12). In contrast, the 2022 Draft EIR omits this critical background information, despite that the information is readily available. The environmental baseline information must be in the EIR not solely in some other referenced document.

III. The 2022 Draft EIR's Analysis of Impacts Is Flawed.

An EIR must evaluate all significant environmental effects of a proposed project. (Pub. Res. Code §§ 21100(b) (1), 21061; CEQA Guidelines 15126(a), 15143.) Both direct and indirect impacts must be analyzed, in the short term and the long term. (CEQA Guideline 15126.2.) “Significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” (CEQA Guideline 15143.) EIRs “should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (*Galante, supra*, 60 Cal.App.4th at 1123; CEQA Guideline 15151.)

Bare conclusions without explanation of the factual and analytical basis is not sufficient analysis of an environmental impacts. (*Laurel Heights I, supra*, 47 Cal.3d at 404; *City of Maywood v. Los Angeles Unified* (2012) 208 Cal.App.4th 362, 393.) Further, failure to adequately explain the reasons why an impact is insignificant violates CEQA. (*Protect The Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111-12.)

The EIR must include analysis of *how* adverse the Project's adverse impacts will be. (*Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123.) Without this analysis, the EIR does not provide decisionmakers with information to make a decision which “intelligently takes account of environmental consequences.” (Ibid.)

Designating an EIR as a program EIR does not by itself decrease the level of analysis required in the EIR. (*Friends of Mammoth v. Town of Mammoth Lakes*

Redevelopment Agency (2000) 82 Cal.App.4th 511.) A program EIR must evaluate the broad policy direction of a general plan, even though an EIR on a specific construction project will necessarily be more detailed. The sufficiency of the information contained in an EIR is reviewed in light of what is reasonably feasible. (CEQA Guideline 15151; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.) At minimum, an EIR “must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights, supra*, 47 Cal.3d at p. 405.) Tiering does not excuse the City from adequately analyzing reasonably foreseeable significant environmental effects of the Project, and does not justify deferring such analysis to a later tier EIR or negative declaration. (CEQA Guideline 15152(b).)

The 2022 Draft EIR’s discussion of Project environmental impacts is flawed in the following ways:

1) The City has long known that analysis of impacts from redesignating the San Pedro Avenue property was important to the public. The 2014 DEIR included scoping comments raising issues which are still relevant in 2022: viable land use designations for the San Pedro Avenue (Calson) site; incorporation of most recent Coastal Commission guidance; the relationship between preserved open space and biological resources, and barriers to wildlife movement. (2014 Draft EIR, p. E-5 & E-6) Despite these public concerns raised eight years ago, the 2022 Draft EIR does not mention these 2014 concerns in this DEIR. *See* DEIR, p. E-8 & E-9. Nor does the 2022 Draft EIR discuss viable land use designations for the San Pedro Avenue (Calson) site, incorporation of most recent Coastal Commission guidance, hydrology and flooding at the San Pedro Avenue site, or interference with California red-legged frog movement from reasonably foreseeable Project development at the San Pedro Avenue site.

2) The 2022 Draft EIR does not analyze the impacts of changing land use classifications. For example, while the Coastal Residential Mixed Use (“CRMU”) designation is noted in the 2022 Draft EIR’s Project Description (p. 2-16) and included in

Figure 2.1-2, the 2022 Draft EIR includes no discussion of impacts from this CRMU land use designation, modifications to the proposed Project which would lessen impacts, or assess alternatives in comparison.

3) The 2022 Draft EIR's project description includes "guiding policies" for each of the proposed Pacifica General Plan elements. *See* Section 2.5 Key Plan Guiding Policies at DEIR, p. 2-24 et seq. Yet, these guiding policies themselves are not analyzed in the DEIR for their potential impacts.

For example, one guiding principle is SA-I-104 (Areas that Lack Emergency Access) which purports to develop a plan to widen critical rights-of-way that do not provide adequate clearance for emergency vehicles. This initiative would include a plan to "open access to or otherwise serve" the Pedro Point neighborhood. DEIR, p. 3-47. There is no analysis of the direct, indirect or secondary traffic, stormwater, air quality or any other impact of this guiding policy in the Pedro Point neighborhood.

Guiding principles most similar to the CRMU designation proposed for the San Pedro Avenue field would appear to be "Compact Mixed Use Development" (LU-G-6) and "Coastal Development." DEIR, pp. E-13 & 2-26. "Compact Mixed Use Development" (LU-G-6) is claimed to be a General Plan policy that would reduce various land use and air quality impacts, but there is no explanation of how or why this would reduce impacts.

The 2022 Draft EIR's project description states that the policy regarding Coastal Development (LU-G-1) is to "Ensure that development maximizes beach and coastal open space access and is oriented as much as possible to each particular coastal environment in use, design, and intensity." DEIR, p. 2-26. This proposed Coastal Development policy is not mentioned except as a purported "mitigation" to visual impacts, but without explanation of how or why coastal development will reduce visual impacts. DEIR, p. 3.9-28.

4) The 2022 Draft EIR identifies Pedro Point as "vulnerable to increased coastal flooding." DEIR, p. 3.5-11. It also acknowledges that undefined "sections of the City are

susceptible to flooding during heavy storm events. The Proposed Project allows for development in areas that may be located within 100-year flood zone areas. Siting structures in flood zones can result in direct impacts ...; the frequency of flooding events may increase, and there may be an increase in the amount of area that is considered prone to a 100-year flood event.” DEIR, p. 3.5-38.

Yet, the 2022 Draft EIR under Impact 3.5-3 (New development alter existing drainage patterns, through stream alteration or addition of impervious surfaces, increases stormwater runoff or redirects flood flows) concludes – without adequate explanation - that this impact is less than significant. DEIR, p. 3.5-29. It asserts that compliance with the Project general policies would ensure the impact to water quality is less than significant. DEIR, p. 3.5-32. No mitigations are discussed. DEIR, p. 3.5-37. Again, the 2022 Draft EIR is flawed by not explaining the analytic route it followed to reach its conclusion, by not explaining how general policies would “ensure” the impacts is insignificant, by combining the analysis of impacts with mitigations, and by not discussing mitigations at all.

5) While the 2022 Draft EIR acknowledges the need for analysis of indirect and secondary impacts which are caused by the Project and occur later in time or farther removed in distance (DEIR, p. 1-8), the EIR’s discussion of such indirect Project impacts is troublingly scant. The 2022 Draft EIR fails to properly focus on the indirect and secondary effects that can be expected to follow from the adoption of the General Plan amendment. (CEQA Guideline 15146, subd. (b).) Given the specific land uses proposed in the General Plan Update (see 2022 General Plan Figure 4-3), CEQA requires that the 2022 Draft EIR provide correspondingly detailed analysis of reasonably foreseeable potential impacts. “The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” (CEQA Guideline 15146.)

Under Impact 3.7-4 (implementation of the proposed General Plan would not interfere substantially with the movement of species or wildlife corridors), the 2022 Draft

EIR states only that development at the undeveloped San Pedro Avenue site could potentially result in indirect impacts to the wildlife utilizing nearby creek habitat, including from fuel spills and/or leaks which could make their way into the riparian corridor of San Pedro Creek. DEIR, p. 3.7-62. This is insufficient for three independent reasons:

(A) there is no discussion of the interference with California red-legged frog movement from reasonably foreseeable Project development;

(B) there is no disclosure of whether the noted indirect impacts to wildlife utilizing nearby creek habitat is adverse or significant; and

(C) there is no discussion of how this impact will be mitigated.

6) The analysis of land use impacts at Section 3 of the 2022 Draft EIR is fatally flawed as it “compared the Land Use Diagram to existing land use conditions to determine whether implementation of the Proposed Project would trigger any impacts.” 2022 Draft EIR, p. 3.1-18. “Figure 2.3-1 shows the General Plan Land Use Diagram.” 2022 Draft EIR at p. 2-14. However, the 2022 Draft EIR does not have a Figure 2.3-1. Thus, there is no way the public could know what the 2022 Draft EIR compared the existing land uses to in order to determine potential impacts.

7) The 2022 Draft EIR’s analysis of Project impacts is flawed as it relates to “buildout” resulting from the 2022 GP Update. The Executive Summary (at p. E5) states the Project will result in a population of 41,280 at buildout, referencing Table ES-1. Yet, that Table ES-1, as well as Table 2.4-1 and Section 5.1 of the 2022 Draft EIR state a population of 41,050. The 2022 Draft EIR fails to acknowledge or evaluate this discrepancy in its analysis of land use, traffic, air quality, or GHG impacts.

8) The 2022 GP Update provides that only a few months from now, by January 31, 2023, the City will update the General Plan Housing Element to accommodate 1,892 housing units in compliance with the 6th Cycle Regional Housing Needs Allocation (RHNA 6). 2022 GP Update, p. 1-6. Further, ADUs, ministerial development allowed by SB 9, and lot splits are reasonably foreseeable. The 2022 Draft EIR fails to acknowledge

or evaluate these factors in its analysis of land use, traffic, air quality, or GHG impacts.

9) The 2022 Draft EIR references that population growth is necessary in order to meet Pacifica's Regional Housing Needs Assessment (RHNA) (pursuant to California Government Code Section 65584(a)), *as well as* in accordance with the regional policies of Plan Bay Area 2040. Yet, the 2022 Draft EIR fails to consider the Plan Bay Area 2040's regional policies in evaluating Project impacts.

10) This uncertainty as to buildout – instability of the Project Description – thwarts the 2022 Draft EIR's analysis of impacts. For example, “for purposes of the cumulative impacts analysis, the City utilized the ‘summary of projections’ method by considering the **buildout scenario** of the Proposed Project within the relevant cumulative impacts context for each potential impact.” DEIR, p. 5-6. Thus, the 2022 Draft EIR did not evaluate cumulative impacts in the context of the RNHA, ADUs, ministerial development allowed by SB 9, or lot splits.

11) The 2022 Draft EIR “groups” land use designations before analyzing impacts, without explaining why this approach was utilized. DEIR, p. 3.1-18 & Table 3.1-4.

12) The 2022 Draft EIR fails to adequately analyze impacts to sensitive species. The DEIR concludes that “there are several specific areas where proposed buildout could adversely affect [steelhead] and its habitat.” DEIR p. 3.7-50. Having acknowledged the adverse effect of the Project buildout to steelhead, the 2022 Draft EIR fails to disclose *where* this potential impact may occur, whether it will be significant and why, and how the adverse impact to steelhead could be mitigated.

13) While the 2022 Draft EIR states the proposed General Plan includes numerous trail improvements which could adversely affect wildlife movement corridors, it does not disclose whether this impact will be adverse or significant, and does not discuss how this impact will be mitigated. DEIR, p. 3.7-61.

14) The 2022 Draft EIR fails to first analyze impact significance and then analyze mitigation measures. The first step in an EIR's analysis of a proposed project's environmental effects is to evaluate significant project impacts, followed then by analysis

of mitigations. (1 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2014, §13.2).) This DEIR skips that first step. The 2022 Draft EIR lists proposed General Project policies as if the Project will mitigate itself, and then little or no mitigation measures are included in the 2022 Draft EIR for each impact. The 2022 Draft EIR is flawed as it only discusses the significance of impacts after applying mitigation measures. An EIR “must determine whether any of the possible significant environmental impacts of the project will, in fact, be significant.” (*Protect Historic Amador, supra*, 116 Cal.App.4th at 1109; CEQA Guideline 15126.)

In *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, the court considered an EIR which likewise incorporated proposed mitigation measures into its description of the project and then concluded that any potential impacts from the project will be less than significant. The court held that “avoidance, minimization and/or mitigation measures” characterized in the EIR, are not “part of the project.” “By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA.” (*Id.* at 655-56.)

“Absent a determination regarding the significance of the impacts ...it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered.” (*Id.* at 656.) This flaw affects the EIR’s other procedural requirements, including (1) consideration of a range of specifically targeted mitigation measures, including analysis of whether the project itself could be modified to lessen the impact, (2) the discussion of potentially feasible alternatives that, if adopted, would avoid or substantially lessen the otherwise significant environmental effects of the proposed project, and (3) what should be included a mitigation and monitoring plan. (*Ibid.*)

The failure of the EIR to separately identify and analyze the significance of the impacts ...before proposing mitigation measures is not merely a harmless procedural failing. Contrary to the trial court's conclusion, this short-cutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decision-making and informed public participation. It precludes both identification of potential environmental consequences arising from

the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences.

(*Id.* at 658.)

Review of Table ES-3 shows that the 2022 Draft EIR repeats this error - determining significance of impacts only after applying mitigation - for almost every impact it analyzes. Table ES-3 lists each impact with no discussion of its significance.

Likewise, the impact discussions in the body of the 2022 Draft EIR largely fail to analyze impact “significance” separate from and before applying mitigation measures. For example, for Impact 3.7-1 (substantial adverse effect on sensitive species), the 2022 Draft EIR never describes if impacts will be potentially significant or why, and instead jumps to the conclusion that “implementation of the following Proposed Project policies would reduce potential impacts to special-status species to a less than significant level.” DEIR, p. 3.7-51. Given that San Francisco garter snake, California red-legged frog and steelhead are threatened/endangered species, and that CEQA requires a finding of significance if a project is likely to substantially impact threatened or endangered species, the 2022 Draft EIR was required to properly analyze Project impacts for their potential significance and then discuss potential mitigations.

This same approach of impermissibly avoiding explanation of potential impacts, based on the unexplained conclusion that “implementation of the following Proposed Project policies would reduce potential impacts to special-status species to a less than significant level,” is used by the 2022 Draft EIR also in regards to biological impacts:

- Impact 3.7-2 (substantial adverse effect on riparian habitat or other sensitive natural communities) (DEIR, p. 3.7-57);
- Impact 3.7-3 (substantial adverse effect on protected wetlands) (DEIR, p. 3.7-60);
- Impact 3.7-4 (substantially interfere with fish or wildlife movement or with wildlife corridors, or impede use of wildlife nursery sites) ((DEIR, p. 3.7-62);

Perhaps the most glaring flaw regarding biological impacts in this regard comes under the heading “Cumulative Impacts to Biological Resources.” DEIR, p. 5-5-7. There

it states

Pacifica's population is expected to increase in coming years, which could result in a decrease in habitat for native flora and fauna, increased indirect effects such as noise disturbance, increased night lighting, harassment from pets, increased mortality from automobiles, and increased fragmentation of habitat. Pacifica contains habitat for several special-status plants, insects, CRLF, and SFGS.

Implementation of the Proposed Project may result in a considerable incremental contribution to cumulative impacts, because the majority of undeveloped areas in Pacifica (about 50 percent of the Planning Area) have habitat types known to support special-status species.

The DEIR concludes that the Project may result in a considerable contribution to cumulative impacts. Yet, the 2022 Draft EIR reverses itself by following up with “due to the policies proposed in the Proposed Project and Local Coastal Land Use Plan, the Proposed Project's contribution to this potentially significant cumulative impact is not cumulatively considerable.” DEIR, p. 5-5-7. Thus, there is no analysis of whether this impact is significant without mitigation measures, and instead only a conclusion of insignificance by reference to completely undefined Project policies.

The public is left wondering what policies could possibly decrease this impact and the analytic route the 2022 Draft EIR travelled in getting from facts to a conclusion of insignificant cumulative biological resource impacts.³ By circulating the 2022 Draft EIR for public review that did not disclose if impacts before mitigation measures are significant or not, the 2022 Draft EIR thwarts informed public participation and does not serve CEQA's information disclosure purpose.

15) Under Impact 3.5-1 (New Development Would Not Degrade Surface Water Quality) the 2022 Draft EIR acknowledges that

new construction, redevelopment, and infrastructure upgrades that would require earthwork. Earthwork activities such as excavation, soil stockpiling, boring, pile

³ The 2022 Draft EIR repeats this error of relying on policies to reduce impacts without evaluating impact significance or adequately explaining why the policies will reduce impacts in regards to, *inter alia*, cumulative air quality, cumulative stormwater, cumulative transportation, cumulative wildfire, cumulative noise, and cumulative energy and GHG impacts.

driving, and grading could generate loose, erodible soils that, if not properly managed, could be washed into surface water by rain or by water used during grading operations. Soil erosion could cause excess sediment loads in storm drains and affect the water quality of receiving waters. Construction could also involve use of fuel and other chemicals that, if not managed properly, could be washed off into the stormwater. Although construction of specific projects would be relatively short-term, **the impact on water quality could be significant if not managed appropriately.**”

DEIR, p. 3.5-20. Yet, the 2022 Draft EIR title heading for Impact 3.5-1 states “Less than Significant.” Ibid. The 2022 Draft EIR asserts that compliance with the Project general policies would ensure the impact to water quality is less than significant. DEIR, p. 3.5-22. No mitigations are discussed. DEIR, p. 3.5-27.

The 2022 Draft EIR’s analysis of water quality impacts is flawed (1) by not explaining the analytic route to reach its conclusion, (2) by not explaining how general policies would “ensure” the impacts is insignificant, (3) by combining the analysis of impacts with mitigations, and (4) by not discussing mitigations at all.

16) Coastal development is not discussed at all in the EIR except in regards to Alternative 2, where the 2022 Draft EIR vaguely states that “coastal development, depending on site specifics, could result in coastal flooding and coastal erosion” and that “Depending on location, coastal development locations could be susceptible to coastal erosion hazards.” DEIR, pp. 4-18 & 4-19. These statements do not constitute adequate disclosure of potential Project impacts as

(A) the site specifics of coastal development reasonably foreseeable from the proposed Project are known and thus must be analyzed in this document,

(B) the 2022 Draft EIR does not state if coastal flooding and coastal erosion impacts will be adverse or significant,⁴ and

(C) there is no discussion of mitigation measures including changes in the proposed

⁴ There is a vague reference to “the overall impact under this alternative is not significant,” but “overall” impact is an unexplained term and one not recognized under CEQA. “Overall impact” appears to be short-hand for the same impermissible approach of blending impacts and mitigations and assuming, without explanation, that the Project will mitigate itself.

Project to avoid or minimize such impacts.

17) The 2022 Draft EIR does not properly analyze growth inducing impacts of the Project. An “EIR must discuss growth-inducing impacts even though those impacts are not themselves a part of the project under consideration, and even though the extent of the growth is difficult to calculate.” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 368.) This includes consideration of a project’s potential to foster economic or population growth, future development, or construction of additional housing. (Pub. Res. Code § 21100, subd. (b)(5); CEQA Guidelines 15126, subd. (d), 15126.2, subd. (d).)

The 2022 Draft EIR is confusing and contradictory as to whether the Project will *foster* or *induce* population growth or construction of additional housing. It states in the same paragraph that “the Proposed Project *allows for* increased housing development and resulting population growth,” but reverses itself by continuing that “[r]ather than inducing growth, the Proposed Project intensifies development in target areas... .” DEIR, p. 5-2. The DEIR also states that “[t]he Planning Area will *accommodate* a population of approximately 41,050 people at buildout in 2040,” and that this is an increase (p. 5-2), but does not analyze whether the proposed Project will “foster” or facilitate this growth. Instead, the 2022 Draft EIR pretends that this growth is something that the planning area will accommodate, and the General Plan update and the City of Pacifica are hapless bystanders to this growth and have no role in inducing or fostering such growth.

IV. The 2022 Draft EIR Fails to Adequately Analyze Mitigation Measures.

In addition to assessing a project’s significant and cumulative impacts, an EIR is also required to set forth and analyze feasible mitigation measures to eliminate or substantially minimize each significant impact. (Pub. Res. Code §§ 21002, 21002.1(a) & (b); CEQA Guidelines 15126(e), 15126.4.) Mitigations must be designed to minimize, reduce, rectify or compensate for the project’s impacts. (CEQA Guideline 15370.)

Analyzing “the manner in which [the] significant effects can be mitigated or avoided” is one of the main functions of an EIR. (Pub. Res. Code § 21002.1(a).) As with

all aspects of an EIR, the discussion of mitigation measures must be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to intelligently take account of environmental consequences. . . . The courts have looked. . . for adequacy, completeness and a good faith effort at full disclosure." (CEQA Guideline 15151.)

An EIR is inadequate where mitigation efforts largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92, citing *San Joaquin Raptor II, supra*, 149 Cal.App.4th at 670.) “[A]n agency violates CEQA by deferring the formulation of mitigation measures without committing to specific performance criteria for judging the efficacy of the future mitigation measures.” (*POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 698-99; *see also* CEQA Guideline 15126.4(a)(1)(B.)) Simply stating a generalized goal for mitigating an impact is not adoption of a specific performance criteria. (*POET* at p. 740.)

In *Communities for a Better Environment* (2010) 184 Cal.App.4th 70, the Court struck down an EIR which merely proposed a generalized goal of “no net increase” in greenhouse gas emissions and then set out a handful of cursorily described mitigation measures for future consideration. Similarly, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report. (*Save Panoche Valley v. San Benito Cty.* (2013) 217 Cal. App. 4th 503 citing *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.)

The 2022 Draft EIR’s Mitigation Measures are flawed in the following ways:

1) The 2022 Draft EIR repeatedly lists General Plan policies (by number and often cryptic explanation), without explaining the manner in which the impacts can be mitigated or avoided by each of the listed policies." The 2022 Draft EIR only provides the glaringly conclusory statement that “Implementation of the following Proposed Project policies

would reduce potential impacts to...to a less than significant level.” Such policies include, but are not limited to, General Plan policies LU-G-7, LU-I-12, CO-G-10, CO-I-27, CO-I-33, and CO-I-42.

This failure to explain the manner in which policies will reduce impacts to a level of insignificance is particularly troublesome regarding traffic Impact 3.2-2 where the 2022 Draft EIR concludes that the Vehicles Miles Traveled impact is both significant and unavoidable. The 2022 Draft EIR concludes that certain Circulation Element policies will “Reduce the Impact,” but doesn’t explain how these reductions will occur or how much the impact will be reduced.

Even where the City has the highest level of duty to protect endangered and sensitive species, the 2022 Draft EIR fails to offer any discussion of *how* the City believes each policy will reduce impacts. It provides only a list of policies with no explanation of the manner in which the measure will reduce impacts. *See e.g.* DEIR, p. 3.7-51: “Implementation of the following Proposed Project policies would reduce potential impacts to special-status species to a less than significant level.” This is the sum total of any discussion offered by this fatally flawed draft EIR.

After listing these policies, without explanation of the manner in which each will reduce impacts, the 2022 Draft EIR frequently fails to propose *any* further mitigation measure. It simply states: “Mitigation Measures. None required.”

As discussed above, this DEIR’s approach of compressing the analysis of impacts and mitigation measures into a single issue, disregards the requirements of CEQA.” (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-56.) The court held that “avoidance, minimization and/or mitigation measures” characterized in the EIR are not “part of the project.” This flaw affects the EIR’s other procedural requirements, including (1) consideration of a range of specifically targeted mitigation measures, including analysis of whether the project itself could be modified to lessen the impact, (2) the discussion of potentially feasible alternatives to avoid or substantially lessen otherwise significant project effects, and (3) what should be included in a mitigation and

monitoring plan. (*Id.* at 656.)

2) The 2022 Draft EIR improperly defers mitigation measure formulation in many of the General Plan policies the City claims will reduce Project impacts. Many of the plan policies listed in the 2022 Draft EIR are conditioned by terms such as “to the extent feasible”, “strive to”, “study”, “consult with”, “coordinate with” and similarly vague, non-committal language that fail to assure that the proposed mitigation measures will be implemented or, if implemented, will be successful in reducing project impacts to a less-than-significant level. There are no performance standards. There is no discussion of feasibility of each such policy.

In utilizing this approach the City of Pacifica has *not* committed itself to specific performance standards. The measures in the 2022 Draft EIR are similar to those the Court critiqued in *Communities for a Better Env't v. City of Richmond* (2010) 184 Cal. App. 4th 70, as “nonexclusive, undefined, untested and of unknown efficacy. The only criteria for ‘success’ of the ultimate mitigation plan adopted is the subjective judgment of the City Council, which presumably will make its decision outside of any public process a year after the Project has been approved.” (*Id.* at 93.)

CEQA prohibits loose or open-ended performance criteria. Where as here, the measures are loose or open-ended, such that they afford a means of avoiding mitigation during project implementation, it is unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945.)

Even where the 2022 Draft EIR proposes specific mitigation measures, these measures fail to meet CEQA standards as they lack performance standards. Mitigation Measures MM-TRA-1 and MM-TRA-2 are proposed to reduce traffic impacts, air quality impacts, and energy and GHG impacts. *See* 2022 Draft EIR pp. 3-42, 3-43, 3.3-25, 3.3-28, 3.4-33. Mitigation Measure MM-TRA-1 proposes to implement an employee commute trip reduction (CTR) program, but there is no performance standard. “The project applicant or designee shall implement at least one of the following incentives for

commuters as part of the CTR program, or another equally effective incentive. DEIR, p. 3-42. There is no performance standard, the applicant gets to choose the measures or an undefined “equally effective” incentive. Likewise, MM-TRA-2, a voluntary measure that would simply “encourage,” has no performance standard. The 2022 Draft EIR admits that it has not even attempted to quantify the reduction potential of these mitigation measures. DEIR, p. 3-43.

So too, the mitigation measures to reduce significant GHG emission impacts are flawed. MM-GHG-1 proposes to “expand” vehicle recharging network with no performance standard, and uses the loose goal that it will “promote” zero-emission VMT. Likewise, MM-GHG-2 and MM-GHG-3 only consist of loose goals of promoting and encouraging, without performance standards.

3) The 2022 Draft EIR has not proposed or adequately analyzed mitigations that would reduce significant unavoidable impacts. Where the 2022 Draft EIR concludes that impacts are significant and unavoidable (Impact 3.2-2 [General Plan Update Increases the Vehicle Miles Traveled (VMT) Per Person]), it has not adequately analyzed mitigations that would reduce impacts to less than significant, including changes in the proposed Project. Only two mitigations for this significant “unavoidable” impact are proposed: MM-TRA-1 and MM-TRA-2. “MM-TRA-1 applies only to new non-residential development of a certain size and MM-TRA-2 is a voluntary measure.” DEIR, p. 3-43. The 2022 Draft EIR is flawed as CEQA requires a more robust proposals to reduce and avoid significant project impacts.

4) The 2022 Draft EIR impermissibly relies on mitigations it assumes that California and federal agencies will impose. This approach contravenes CEQA which requires “each” public agency to comply with CEQA and “meet its responsibilities, including evaluating mitigation measures and project alternatives. (CEQA Guideline 15020; *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 442, fn. 8.)

V. The 2022 Draft EIR Fails To Integrate Other Required Environmental Analysis With This CEQA Process.

To the fullest extent possible, the City of Pacifica must integrate its CEQA review of the proposed Project with related environmental review and consultation requirements. (CEQA Guidelines 15124, subd. (d)(1)(C), 15006, subd. (i).) Toward that end, agencies are encouraged to “[c]onsult[] with state and local responsible agencies before and during preparation of an environmental impact report so that the document will meet the needs of all the agencies which will use it.” (CEQA Guideline 15006, subd. (g).) Lead agencies must take a comprehensive view in an EIR. CEQA requires that the City integrate the requirements of CEQA with planning and environmental review procedures required by other law “so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively.” (Pub. Res. Code § 21003, subd. (a).)

1) The City of Pacifica has ignored its obligation to integrate CEQA review with the requirements of the Coastal Act. The City is impermissibly segmenting the Project and its environmental analysis of the whole of the Project. The 2022 Draft EIR acknowledges that the proposed Project “includes an update to the Local Coastal Land Use Plan, but expressly excludes this part of the Project from any analysis in this EIR. DEIR, p. 1.1.

2) LCP amendments, including the City’s LCLUP Update, are *not* exempt from CEQA, as the 2022 Draft EIR erroneously claims. The Coastal Act does not exempt the City of Pacifica from evaluating the environmental impacts of the whole of its Project, including its proposed LCP amendment. The City is required to conduct its own environmental review of the discretionary approval of an LCLUP, and is not exempt from CEQA review based on a subsequent Coastal Commission staff report.⁵

The 2022 Draft EIR must include discussion of the Local Coastal **Land Use Plan**

⁵ Even the Coastal Commission must thoroughly comply with CEQA, but the certification staff report is the functional equivalent of an EIR for the *Coastal Commission’s purposes in conducting the LCP certification process*. (Pub. Res. Code §§ 21080.5 and 21080.9; CEQA Guidelines 15250, 15251(f) and 15265).)

or LCLUP, the first and primary element of the City’s LCP. The Local Coastal Program consists of a coastal land use plan, zoning ordinances, zoning district maps, and other actions which taken together implement the Coastal Act provisions. The Local Coastal Land Use Plan “serves as the basis for the City to update its zoning code and any other implementing tools needed in the Coastal Zone, and apply to the Coastal Commission for recertification of the LCP.” DEIR, p. 2.7. The City is the lead agency for this Project under CEQA, while the Coastal Commission is a responsible agency. (CEQA Guideline 15050, subds. (b)(1), (c).) “CEQA mandates a lead agency to conduct a thorough review of the project in question even though additional review might later be undertaken by other agencies with jurisdiction over specific resources.” (*Save San Francisco Bay Assn. v. San Francisco Bay Conservation etc. Com.* (1992) 10 Cal.App.4th 908, 921.)

3) The 2022 Draft EIR fails to include any analysis of the impacts of reasonable foreseeable development resulting from the 2022 GP Update on ESHAs under the Coastal Act. Instead, ESHAs are mentioned only as part of policies that will reduce impacts. Nor are ESHAs identified on the Figures in the 2022 Draft EIR. The DEIR’s approach is similar to that rejected by the California Supreme Court in *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal. 5th 918. There the court found that the city “did not use its best efforts to investigate and disclose what it discovered about ESHA” and held that the City’s approach of delaying consideration of ESHA until the project permitting phase was “inconsistent with CEQA’s policy of integrated review. (*Id.* at 939 citing Pub. Res. Code § 21003, subd. (a).)

4) The 2022 Draft EIR does not identify or discuss which LCLUP policies and relevant narratives are included in the General Plan Update.

5) The City has ignored or refused to comply with the Coastal Commission’s demands for more information regarding the City’s proposed LCLUP Update. The September 9, 2020 comment of the CCC stated any General Plan policies will need to be consistent with the LCP. Despite this, the 2022 Draft EIR does not analyze the Project for consistency with the LCP. Instead, the DEIR impermissibly defers this consistency

analysis to a subsequent LCP Amendment. (DEIR, p. 2-7.)

Further, CCC correspondence to the City demanded that the City provide (1) a map highlighting all properties that will result in a land use designation change as a result of the LCLUP amendment, (2) discussion of the City’s reasoning behind the proposed land use designation changes, and (3) a description of how the proposed land use designation changes are consistent with the Coastal Act. The City refused to provide the CCC with this information.

In addition, the City’s October 11, 2021 response to the Coastal Commission indicates that the City intends not to comply with the CCC’s demand for additional explanation and evaluation in regards to its proposed LCLUP. Further, the figure at Appendix A to the City’s October 11, 2021 response appears to designate by color code the San Pedro Avenue field as “Commercial,” further obfuscating the land use designation for this parcel.

VI. The Draft EIR Will Need to Be Recirculated for Additional Responsible Agency and Public Comment.

Because significant new information will need to be added to the DEIR before certification to address each of the issues identified above and in other public comments, the City of Pacifica will be required to recirculate the 2022 Draft EIR. (CEQA Guideline 15088.5.) Recirculation is also required because this draft EIR is so fundamentally and basically inadequate that meaningful public review and comment is precluded. (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043).

VII. The 2022 GP Update Fails to Comply With California General Plan Law

Every city must adopt a ‘comprehensive, long-term general plan for the physical development of the city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning. (*Citizens of Goleta Valley v. Bd. of Sups.* (1990) 52 Cal.3d 553, 570.) The Supreme Court has described the general plan as “the constitution for all future developments within the city or county.” *Id.*

A city’s general plan is “atop the hierarchy of local government law regulating

land use.” (*Neighborhood Action Group v. Cty. of Calaveras* (1984) 156 Cal. App. 3d 1176, 1183.) “Zoning ordinances are regulations governed by the superior enactments in the hierarchy of planning laws.” (Id. at 1184.) The “propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” (*DeVita v. Napa* (1995) 9 Cal.4th 763, 803.)

To be legally adequate, the general plan must show “substantial compliance with the statutory requirements” for general plans. (*Camp v. Bd. of Suprs.* (1981) 123 Cal.App.3d 334, 348.) A general plan must be internally consistent, both among the elements and within each element. (Govt. Code § 65300.5; *Concerned Citizens of Calaveras Co* (1985) 166 Cal.App.3d 90, 97-98.) This requirement applies to maps and drawings as well as text. (*Citizens Assoc. v. Inyo*, 172 Cal.App.3d 151 (1985); *Environ. Council v. Bd. of Suprs.* (1982) 135 Cal.App.3d 428.) Each of the general plan elements must be carefully correlated with one another to “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” (*DeVita*, 9 Cal. 4th at 803.)

The 2022 GP Update is flawed in the following ways:

1) It is impossible to assess the General Plan’s claim that the Housing Element is consistent with the General Plan (GP, p. 1-6) without access to this Element.

2) The 2022 GP Update is inconsistent regarding the amount of new housing which will be allowed. The General Plan states that “only a small amount of new housing—about 990 units—is expected to be developed during the planning period.” (2022 GP Update, pp. 1-13 & 4-29.) Yet, the 2022 GP Update also provides that by January 31, 2023, the City will update the GP Housing Element to accommodate 1,892 housing units in compliance with the 6th Cycle Regional Housing Needs Allocation (RHNA 6). (2022 GP Update, p. 1-6.) Further, while the 2022 GP Update acknowledges that “Accessory dwelling units may be built in areas zoned to allow residential uses pursuant to State law” (at p. 4-16), and includes Policy CD-I-6 to “Facilitate the creation of second units” (at p. 3-9), the 2022 GP Update does not consider these ADUs in its

calculation of housing units or density. Nor does the 2022 GP Update consider ministerial development allowed by SB 9 or lot splits.

3) The 2022 GP Update improperly defers standards development to future zoning ordinances, standards and regulation updates.

4) The circulation element of the 2022 GP Update is not correlated with the land use element or the other elements of the General Plan.

5) Land use designations in the 2022 GP Update conflict with policies, particularly at the San Pedro Avenue site.

6) There are vertical and horizontal internal inconsistencies in and between the General Plan and the LCP updates.

7) The 2022 GP Update, in its current form, is inconsistent and does not provide guidance as to what uses, intensities or densities are allowable for specific parcels where policies regarding wetlands, ESHAs, steep slopes, and flood-prone areas conflict with land use designations. This is true, for example, with the proposed CRMU designation at the San Pedro Avenue (Calson) site.

Thank you for your careful attention to these issues.