



THE CITY OF SAN DIEGO

November 30, 2011

Chris Davis, Manager
Energy Facilities Siting Office
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5112

DOCKET

11-AFC-3

DATE	Nov. 30 2011
RECD.	Dec. 14 2011

Subject: City of San Diego Comments regarding the Request for Agency Participation in the Review of the Quail Brush Generating Project, Application for Certification (11-AFC-3) for the Quail Brush Generating Project

The City of San Diego ("City") has received the Application for Certification (AFC) for the Quail Brush Generating Project. As requested by the California Energy Commission, this letter constitutes the City's response to the information provided in the AFC regarding the permitting and regulatory requirements of the City, and the adequacy of the analysis and conclusions provided in the AFC for the CEQA review required for all City permits.

The City is requesting that additional analysis and information be provided in order for the document to be adequate for CEQA review of the City's required discretionary permits. If the AFC document is not amended or information added to the AFC, the City will not be able to use the AFC to cover the entitlements and a new CEQA document, possibly an Environmental Impact Report, will be required.

Development Services Department, Entitlements Division, Environment Analysis Section, Jean Cameron (619) 446-5379

The City of San Diego as Responsible Agency

These comments incorporate the information provided to the applicant in the Preliminary Review in August, 2011(attached). This information is relevant because, in general, the issues discussed in the comments have not been addressed in the AFC to date. These comments, in addition to those identified in this letter will have to be addressed in order to use the AFC for the City's own discretionary actions.

In particular, the comments identify a number of discretionary permits which will have to be approved by the City Council of the City of San Diego. These include a Land Use Plan Amendment, a Rezone, a MHPA Boundary Line Adjustment, and a Site Development Permit for Environmentally Sensitive Lands and the Mission Trail Design District.

As such, the City of San Diego is a responsible agency as defined by CEQA Sec.21069 which states: "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carry out or approving a



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project. As a responsible agency, the impact analysis of each environmental issue and proposed mitigation must meet the City of San Diego Significance Thresholds and Mitigation Requirements.

Project Definition

Normally, a "Project" encompasses the whole of the action affecting the environment. It requires the lead agency to analyze the entire project in a single environmental document and refers to the activity that is being approved and that may be subject to several discretionary approvals by governmental agencies. The "project" as described and analyzed in the AFC should reference those permits required to be approved by the City of San Diego.

The project as described in the AFC is too general to provide for a project level analysis of the development project. Documentation of environmental effects resulting from City discretionary actions will require more detailed analysis in the AFC or further environmental analysis will be required.

Significance Determinations:

As stated in the Preliminary Review, additional analysis and/or mitigation is required to support the AFC's determinations of significance in numerous issue areas, not mentioned below. However, based on the information provided to date, the following sections clearly do not comply with the City's significance thresholds.

Section 4.2 Land Use

The AFC cannot conclude that impacts to land use are insignificant and do not require mitigation. Until the City's Land Use entitlements are obtained, the project conflicts with the applicable land use plan, policies and regulations of the City of San Diego and also conflicts with the applicable habitat conservation plan as previously identified.

Section 4.3 Noise

The analysis provided in the AFC indicates that the project will exceed the City's threshold for noise in all land use categories.

Section 4.5 Visual Quality

The visual effect of the project was not analyzed relative to landform alteration. The total amount of grading required to implement the project could significantly impact the existing landform. Detailed grading plans should be included.

In addition, the visual quality analysis does not support the conclusion that there is no significant impact of visual quality. The construction of buildings and excessive height of the proposed stacks will create a significant impact given the surrounding undeveloped character of the area. Before a public agency may approve a project for which the EIR has identified significant effects on the environment, CEQA requires the public agency to mitigate or avoid the identified impacts to the extent feasible. The AFC is not specific with regard to possible additional mitigation.

Section 4.6 Socioeconomic Impacts

This section does not contain enough information and analysis to support the conclusion that the project does not have a growth-inducing impact. Please provide evidence that the plant merely responds to current and anticipated electrical needs in the service area based on adopted population projections such as those provided by SANDAG.

Section 4.7 Air Quality and Global Climate Change

Please also include a discussion of Greenhouse Gas Emissions which would foreseeably result from the project in a separate Global Climate Change section.

Section 4.9 Hazardous Materials

The parcel is identified as a former artillery range and mortar range of Camp Elliott. The analysis recommends that prior to commencement of construction, a project-specific survey for OE and UXO should be conducted. The mitigation measures proposed for hazardous materials impacts do not include this as mitigation.

Other Sections: Archeological Resources, Paleontological Resources, Biology, Water Resources, Waste Management, Traffic and Geologic Impacts.

The AFC does not document the project's conformance with the City's Significance Determination Thresholds and/or does not specify adequate mitigation at this time.

Mitigation

Section 15126.4 of the CEQA Guidelines states that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. This AFC fails to document how the mitigation measures are incorporated into the project itself for project-level impacts.

Alternatives

CEQA requires that the EIR focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level on insignificance, even if the alternative impeded to some degree the attainment of the project objectives, or would be more costly. A discussion of alternatives is missing in the AFC. Please provide a broad range of reasonable project alternatives which mitigate impacts, including those impacts resulting from the additional analysis requested in this letter but not identified in the draft document to date.

Other Comments:

San Diego Parks and Open Space Department, Chris Zirkle (619) 685-1323

The project site, being located between the Sycamore Landfill and SR-52, falls within the Mission Trails Regional Park Design District (see SDMC §132.1201 et seq. and Diagram 132-12A at

<http://www.sandiego.gov/planning/programs/parkplanning/pdf/sdriverparkpdf/5mtdesignch13art02division12.pdf>

Since the site is within the proposed boundary of Mission Trails Regional Park, DSD/Park Planning will be commenting on potential land use conflicts.

Development Services Department /MSCP, Craig Hooker (619) 236-6621

1. Prior to a BLA meeting the applicant will be required to submit a more detailed mitigation plan outlining areas that will be proposed for conservation as well as the habitat types, conservation and connectivity value with respect to the proposed subtraction.
2. Section 4.12-38 2nd ¶ & MM BIO 2: Impacts associated with transmission lines and trenching would be considered permanent and require restoration with a 5-year mitigation and monitoring plan for review.
3. MM Bio 3 p. 4.12-4. This measure must also address impacts to the Golden star and translocation plan if necessary.

Please contact the appropriate above-named individuals if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in a revised AFC for the purpose of covering

the City's discretionary permit process. In addition to the preceding comments, the City reserves the right to determine the appropriate additional environmental documentation under CEQA for City Council action after the required entitlements are submitted and reviewed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Cameron", with a long horizontal line extending to the right.

Jean Cameron
Senior Planner
Development Services Department

Attachment: Quail Brush Preliminary Review Comments

cc: Kelly Broughton, Director, Development Services Department
Cecilia Gallardo, Assistant Deputy Director, Development Services Department
Shannon Thomas, Deputy City Attorney, Office of the City Attorney
Dan Monroe, Senior Planner, Development Services Department
Morris Dye, Project Manager, Development Services Department
Jean Cameron, Senior Planner, Development Services Department