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January 15, 2009

18807-31

VIA E-MAIL AND U.S. MAIL

gpupdate.dplu@sdcounty.ca.gov

County of San Diego
Department of Planning and Land Use
Attn: Devon Muto
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: Draft General Plan Update Comment Letter

Dear Mr. Muto:

Thank you for the opportunity to comment on the County's Draft General Plan Update ("Draft GPU"). Luce Forward represents Gwc Lamden Partnership LP and the Lamden Family Trust (collectively, "Lamden"), the owners of property located at the southwest corner of Sweetwater Springs Blvd. and Austin Drive ("Property") and this letter is submitted on their behalf. For all the reasons described in more detail below, and consistent with the wishes of the Spring Valley Community Planning Group, the existing zoning, the current use and the Draft GPU Referral Map, Lamden strongly encourages the County to adopt a General Plan designation of General Commercial for the Property and abandon all efforts to impose residential/neighborhood commercial designations on the Property.

Background

At 10.47 acres, with its significant street frontage along Sweetwater Springs Blvd. and Austin Drive, the Property is unique in Spring Valley. The Property is currently zoned General Commercial and improved with uses such as a 35,250 square foot grocery store, dry cleaner, pizza shop and hair salon, that serve the commercial needs of the larger community. The Draft GPU Referral Map, which the County indicates is likely to become the "proposed Project" for CEQA purposes, designates the Property for "General Commercial" use. This designation is consistent with the current use and zoning of the Property. As the Property was just recently released from the last of the long term leases that have historically frustrated Lamden's redevelopment efforts, the General Commercial designation also would facilitate Lamden's ultimate goal of revitalizing the Property.

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Unfortunately, the three alternative land use maps for the Draft GPU, including the one identified as the “Environmentally Superior Alternative,” all contemplate Property designations of higher density multifamily and neighborhood commercial. Significantly, Lamden and the Spring Valley Community Planning Group strongly disagree with the County’s proposed alternative land use designations for the Property. The Spring Valley Community Planning Group submitted letters on February 25, 2008 and June 10, 2008, requesting that the Property be designated General Commercial as they believe such a designation is appropriate and would promote revitalization of the Property. In addition, the Spring Valley Community Planning Group has expressly requested that no additional housing, high density housing in particular, be constructed near the Property because Spring Valley already has more residential density than any other community in the County. The Community Planning Group believes additional residential development of the type proposed by the Draft GPU alternative maps would actually harm the community.

The General Commercial Designation is Best for the Community and Owner

The General Plan is intended to be a vision for the future with a primary goal of maintaining or improving the quality of life for residents. As the Draft GPU recognizes, successful commercial developments “are important to a community’s identity and viability.” (Draft GPU, p. 3-31.) With street frontage along Sweetwater Springs Blvd. of 680 linear feet and Austin Drive of 660 linear feet under common control, and a lot depth ranging from approximately 640 to 800 feet, the 10.47-acre Property is one of the few in the heart of Spring Valley that can feasibly attract traditional, medium scale, community serving retail and commercial businesses such as grocery stores, big box retailers, home improvement stores and pharmacies. As only the General Commercial designation would allow such uses, the County should apply that designation to the Property.

In contrast, and as recognized in the Spring Valley Community Plan (p. 7), other areas in Spring Valley proposed for a General Commercial designation such as the Troy Street, Bancroft Street and Grand Avenue/Jamacha Blvd. corridors are dominated by fractured ownership of narrow lots with inadequate depth to support the type of new commercial development that the Property can accommodate. These areas will be next to impossible to efficiently redevelop or revitalize for true community serving commercial purposes. Therefore, from a marketability and viability standpoint, the County needs to designate the Property General Commercial and drop all consideration of alternative uses.

The General Commercial designation is also appropriate because the Property is presently operated as a community commercial shopping center and the owner ultimately intends to redevelop the Property for the type of general commercial uses mentioned above. The

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surrounding residents, employees at the nearby medical office center, and students and staff of the adjacent schools, can all easily access the community serving uses that presently exist at the Property. As the Property is largely surrounded by institutional, commercial, office and higher density residential uses, good planning principles support the type of medium scaled development of the Property authorized by the General Commercial designation. Because of its size and commonly controlled ownership, the Property is also perhaps the only property in Spring Valley not located along SR-94 or the South Bay Parkway that can feasibly be redeveloped for medium scale, community serving commercial uses. In short, as the Property would allow many people to meet their shopping needs while still avoiding the more congested areas along SR-94 and the SouthBay Parkway, the County should designate the Property General Commercial.

Further, the General Commercial designation for the Property would satisfy Draft GPU policies. For example, the Draft GPU directs the County to “support and undertake, when possible, planning efforts that promote infill and redevelopment of uses that accommodate walking and biking within communities.” (Draft GPU, Goal LU-5.4.) Additionally, the Draft GPU states the General Commercial designation is appropriate for “community shopping centers, and . . . existing strip development or commercial clusters containing small but diverse commercial uses,” such as the Property. (Draft GPU, p. 3-14.) The Draft GPU also describes the only other potentially relevant commercial designation, Neighborhood Commercial, as intended for “limited, small-scale retail sales and services.” (Draft GPU, p. 3-14.) It would be a waste of the Property’s unique assets to limit it to neighborhood commercial development. In light of all the above, the General Commercial designation is the correct one for the Property.

County Staff’s Proposed Alternative Designation for the Property Is Not Consistent with the Community’s and Owner’s Needs or Wishes

The Draft GPU’s three alternative maps, including the “Environmentally Superior” map, all designate the Property primarily for VR-30 (high density residential) with a small portion of Neighborhood Commercial. County staff has indicated that the alternative maps propose the VR-30 designation because a preliminary economic analysis indicates there may be a surplus of commercial development in Spring Valley and because the County needs additional housing to satisfy its forecasted regional housing demand.

The County’s position is based on a misreading of the December 16, 2004 Economics Research Associates memorandum regarding Preliminary Estimates of Supportable Retail Lands & Office and Industrial Employment Lands (“ERA Memo”). While the ERA Memo indicates that Spring Valley might have a surplus of retail land, that conclusion is based exclusively on the retail

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demands of Spring Valley residents and on other very broad generalizations and assumptions. Recognizing this, the ERA Memo specifically states that its findings “should be used as initial guidelines that warrant further refined investigation on a community plan level as the County’s General Plan and respective community plans are updated.” (ERA Memo, at p. 3.)

As recommended by the ERA Memo and considering that the data used therein is already at least four years old, the County should not eliminate the potential of the only truly viable community commercial development site in the heart of Spring Valley without a more detailed, community-level analysis of retail demand. This analysis should consider the fact that the neighboring communities of Sweetwater and Jamul-Dulzura have a deficit of retail lands and are probably too small to support the commercial development necessary to serve the needs of their population. The analysis also needs to look at the viability of the Troy Street, Bancroft Street and Grand Avenue/Jamacha Blvd. corridors for meeting the long term commercial and retail needs of Spring Valley. Additionally, the community-specific economic analysis should revisit the annual household expenditure assumption for Spring Valley residents (\$15,000) as it seems unreasonably low.

Even if the County ultimately finds a surplus of commercial lands exists in Spring Valley, the County should not re-designate the Property for residential and neighborhood commercial use. Interestingly, the Property is the only site in Spring Valley designated for conversion from “General Commercial” to some other use on the Draft GPU alternative maps. As noted above, a designation of anything other than General Commercial makes no sense. The Property is located where it will serve a specific retail demand and promote Draft GPU Policy LU-5.4. Development of higher density residential on the Property will only exacerbate existing traffic conditions in the heart of Spring Valley as that development would have the same peak traffic demands as the rest of the largely residential surrounding area. In contrast, a General Commercial Property designation will result in complementary traffic patterns because of the different peak hour trips associated with commercial development. Accordingly, the County should consider converting properties other than the Property, if it determines there is a surplus of retail lands in the community.

Alternatively, if additional analysis demonstrates there is a surplus of commercial development in Spring Valley, the County should consider not designating new lands for General Commercial development. The Draft GPU proposes General Commercial development on two new sites, both of which are designated for Office/Professional under the existing General Plan.¹ Rather

¹ One site is west of South Bay Parkway near Elkelton Blvd. The other site is east of South Bay Parkway near Jamacha Rd.

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than proposing conversion of the Property from commercial to residential, it should consider designating one of these sites for residential development. Both sites are located in close proximity to South Bay Parkway, already surrounded by existing residential and adjacent to property designated VR-30.

Finally, the alternative maps' proposed VR-30 and neighborhood commercial designations for the Property would not be in the best interest of the community. As previously noted by the Spring Valley Community Planning Group, Spring Valley is already the most dense community in the unincorporated County. The Spring Valley Community Planning Group has argued that the designation of any land within Spring Valley for VR-30 development, the highest density available under the Draft GPU, burdens the community with the responsibility of providing an unfair share of the County's regional housing needs. In other words, the proposed alternative designations will likely result in the Property remaining in its current condition as the community will oppose any development consistent with the alternative maps and the owner will have little incentive or opportunity to finance a redevelopment effort for the Property.

California Environmental Quality Act Concerns

For purposes of CEQA, and its goals of informed decisionmaking, Lamden requests that the Draft GPU and the future Draft EIR incorporate a new alternative that designates the Property General Commercial. Currently, none of the alternatives do. As the County must generally adopt any alternative found to be "environmentally superior" to the proposed Project (i.e., the Referral Map project) for CEQA purposes, and County staff has already identified a map other than the Referral Map as environmentally superior, it appears as if someone is attempting to make a policy decision at the beginning of the approval process that General Commercial development should not exist on the Property. Such an effort to limit the option available to the Board of Supervisors, especially given the analysis presented in this letter, is not in the County's, Spring Valley's or Lamden's best interests. Staff could still easily craft an equally environmentally superior alternative that includes a General Commercial designation for the Property so that the Board of Supervisors retains genuine flexibility regarding the Property. We ask staff to do so before the draft EIR is released and it becomes more time consuming to add a new alternative.

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Conclusion

For all the reasons noted above, only the General Commercial designation is proper for the Property. We look forward to reviewing future drafts of the General Plan Update and the environmental impact report for the Draft GPU. In the meantime, please do not hesitate to contact me with any questions or comments about the issues raised in this letter.

Sincerely,



Brian C. Fish

of

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

BCF/jk

cc: Supervisor Dianne Jacob
Mr. Adam Wilson
Mr. Bill Lamden
Ms. Teresa Stein
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