



The County of San Diego

# Planning Commission Hearing Report

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<b>Date:</b>	October 14, 2016	<b>Case/File No.:</b>	Forest Conservation Initiative Lands GPA; GPA 12-004; 3800 12-004
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Forest Conservation Initiative (FCI) Lands General Plan Amendment
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	Districts All
<b>Agenda Item:</b>	#4	<b>General Plan:</b>	Various
<b>Appeal Status:</b>	Board of Supervisors is the final decision-maker	<b>Zoning:</b>	Various
<b>Applicant/Owner:</b>	County of San Diego	<b>Community:</b>	Alpine, Central Mountain, Desert, Jamul/Dulzura, Julian, Mountain Empire, North Mountain, Pendleton-DeLuz, Ramona
<b>Environmental:</b>	Supplemental EIR	<b>APNs:</b>	Various

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## A. EXECUTIVE SUMMARY

### 1. Requested Actions

This is a request for the Planning Commission (Commission) to consider a recirculated Draft Final Supplemental Environmental Impact Report (SEIR) for the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA) (Attachment C) and for the Commission to consider additional staff recommended changes to the project.

The Commission previously made recommendations to the Board of Supervisors (Board) on the FCI GPA on October 18, 2013 (1) and November 15, 2013 (1). The Board reviewed the Commission's recommendations on June 24, 2014 (1) and provided additional direction to staff.

It is requested that the Commission evaluate additional staff recommendations associated with the land use designations directed by the Board of Supervisors (Board) on June 25, 2014 (1). If the required findings can be made, the Planning & Development Services Department (PDS) recommends that the Commission take the following actions:

- a. Find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011 on file with PDS as Environmental Review Number 02-ZA-001, and the Draft Final SEIR, dated October 2016 and on file with PDS as GPA 12-004, prior to making additional recommendations on the FCI GPA.

- b. Recommend that the Board adopt the attached Form of Ordinance for the proposed zoning changes:

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE FOREST CONSERVATION INITIATIVE LANDS GENERAL PLAN AMENDMENT [GPA 12-004] (Attachment A)

- c. Recommend that the Board adopt a change to the North Mountain Sub-regional Plan for consistency with proposed zoning changes.

## **2. Key Requirements for Requested Actions**

- a. Does the project comply with the California Environmental Quality Act (CEQA)?
- b. Are the additional project changes consistent with the vision, goals, and polices of the General Plan?

## **B. BACKGROUND**

### **1. FCI Approval**

San Diego County voters approved the FCI in 1992, establishing 40-acre minimum lot sizes on private lands within the Cleveland National Forest (CNF). The FCI expired at the end of 2010 but, due to timing, the FCI lands were not included in the County's 2011 General Plan Update. When the FCI expired, FCI lands reverted to the land use designations that were in place prior to the 2011 General Plan Update. In many instances, the land use designations were no longer consistent with the updated General Plan polices and planning principles.

### **2. FCI GPA Description**

On December 8, 2010 (8), the Board directed staff to prepare a GPA in order to update land use designations for FCI lands to be consistent with the vision goals and policies of the current General Plan and applicable community and sub-regional plans. The GPA covered approximately 72,000 acres, as well as approximately 400 acres of associated adjacent parcels to ensure the land use designations are consistent with the changes proposed for adjacent FCI lands. The project also included changes to the Land Use Element, Mobility Element, and community and sub-regional plans, and zoning designations for consistency with proposed land use designations, as well as the removal of the FCI appendix from the General Plan.

### **3. Environmental Review**

A Program EIR (PEIR) for the General Plan Update was certified on August 3, 2011. A Draft Supplemental Environmental Impact Report (SEIR) to the General Plan Update PEIR was prepared for the FCI GPA. While the General Plan Update PEIR considered the impacts of applying General Plan goals and policies countywide, it did not evaluate updated land use designations on FCI lands. The Draft SEIR focused on the impacts of assigning land use designations on FCI lands. A Notice of Preparation (NOP) was issued August 30, 2012, soliciting

input on the scope of the SEIR and 12 comment letters were received. The Draft SEIR was circulated for public review from February 1 to March 18, 2013, with 41 comments received.

#### **4. Planning Commission Recommendations**

On October 18, 2013 (1) and November 15, 2013 (1), the Commission considered the Draft SEIR and staff recommendations for land use designations, zoning revisions, community and sub-regional plan revisions, applicable Land Use and Mobility Element changes and removal of the FCI Appendix from the General Plan. The Commission accepted staff's recommendations except for certain modifications to the land use map designations within the communities of Alpine, Cuyamaca, Lake Morena, North Mountain, Palomar Mountain and Pendleton-De Luz. The October 18, 2013 (1) Planning Commission report, including Attachment B, is provided in Attachment F of this report. Additional information is also available at: <http://www.sandiegocounty.gov/content/sdc/pds/advance/2013pc-rpt.html>

#### **5. Board Direction**

On June 25, 2014 (1), the Board provided direction to staff in order to finalize the proposed land use designations for the GPA and to prepare final environmental documents. The land use designations that the Board directed staff to utilize reflected the Commission's recommended designations, except for certain properties in North Mountain, Campo/Lake Morena, Alpine, and Descanso. Additional information is also available at: <http://www.sandiegocounty.gov/content/sdc/pds/advance/2014bos-rpt.html>. The Board also directed staff to develop a scope of work for a special study in Alpine to determine the feasibility of developing needed infrastructure for potential land use designations in order to more thoroughly evaluate different land use options for Alpine.

#### **6. Recommended Project**

Staff prepared Recommended Project land use maps based on the June 25, 2014(1) direction from the Board. For areas where the Board did not endorse any land use designations, the Recommended Project assigned land use designations recommended by the Commission, except for Alpine. Within Alpine, the Recommended Project land use maps primarily reflected existing land use densities, except for a Village connection to the Village Core Mixed Use area, north of Interstate 8. The Recommended Project land use maps are shown at the end of Volume III of the Draft Final SEIR (Attachment C-3).

### **C. PROPOSED PROJECT CHANGES**

After the Board hearing on June 25, 2014 (1), it was determined that additional project changes would be required for consistency with the Recommended Project land use map. Staff has determined that additional Commission review and recommendations for these changes will be needed prior to returning to the Board. Furthermore, the Commission will need to consider the recirculated Draft Final Supplemental Environmental Impact Report (SEIR) when evaluating this information and project changes that were not previously considered by the Commission. The additional project changes are summarized below.

## 1. North Mountain Sub-Regional Plan

A modification to the North Mountain Sub-regional Plan is proposed for consistency with the Recommended Project land use map:

Commercial Policy 1: Limit new commercial areas to sites within the Rural Village boundaries, except highway-related uses. (see sub-regional plan page 11)

## 2. Zoning Consistency

Changes to zoning are proposed for consistency with the Recommended Project land use map in the Alpine Community Planning Area (CPA), Descanso Sub-regional Plan Area and North Mountain Sub-region. Attachment A is the Zoning Ordinance amendment from the October 2013 Planning Commission hearing report; with revisions for consistency with the Recommended Project shown in the track changes mode. The new changes, which are all located in the Alpine CPA, include:

- a. Residential-Commercial Use Regulation for a 4.2-acre parcel (APN 404-073-09-00) in the Alpine CPA along Willows Road, west of the Viejas Casino [see Map 1].
- b. A density of 14.5 dwelling units per acre for the 152-acre area east of the Viejas Casino in response to the Village Core Mixed Use land use designation [see Map 4].
- c. A change in minimum lot size from 40 to eight acres for five parcels north of Japatul Valley Road [see Map 7].
- d. A change to a one-acre minimum lot size for the 100-foot wide portion of a 51.4 acre parcel (APN 404-240-15-00) to provide a transition between a 6,000 square foot minimum lot size area to the west and a lower density area of one dwelling unit per four acres to the east [see Map 7]. In addition the Building Type and Setback for this portion of the parcel would remain the same as the existing and not change as would the remainder of the parcel.

## **D. DRAFT FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR)**

### 1. Recirculated Draft SEIR

The October 2013 Draft SEIR to the General Plan Update (GPU) Program EIR has been revised and recirculated for public review. The January 2016 Draft SEIR, recirculated from January 14 through February 29, 2016, includes the following revisions:

- a. Revised Greenhouse Gas (GHG)/Global Climate Change technical study and analysis that does not rely on the County Climate Action Plan (CAP). In April 2013, the San Diego County Superior Court set aside the approval of the CAP. In October 2014, the Fourth District Court of Appeal affirmed this decision. In April 2015, the Board rescinded the CAP.
- b. A revised proposed Project and three (3) new Project alternatives were prepared in response to land use designations endorsed by the Board in 2014 and comments received on the Draft SEIR circulated for a 45-day public review on February 1, 2013. The new alternatives are briefly described below.
  - i. Proposed Project – This alternative uses the land use designations endorsed by the Board on June 25, 2014. The Proposed Project is similar to the 2013 Commission recommendations; however, in areas where land use designations were not endorsed

- by the Board, the Proposed Project land use designations reflect recommendations of the Alpine CPG, which are more intensive than designations recommendation of the Commission.
- ii. Mid-density – The staff recommended land use designations considered by the Commission in October and November 2013.
  - iii. Modified FCI Condition – This is the environmentally superior alternative and was formulated in response to comments received when the SEIR was circulated for public review in 2013.
  - iv. Alpine Alternative Land Use Map – The Recommended Project discussed above.

During the 45-day public review 29 comment letters were received and are available in Attachment C-2, Volume II of the Draft Final SEIR.

## **2. Draft Final Environmental Documents**

Draft final environmental documents include the Draft Final SEIR (Attachment C), which is presented in three volumes as discussed below, and Summary of Findings (Attachment D).

- a. Volume I is the January 2016 Draft SEIR. Revisions to Chapters 1 through 7 are shown in strikeout-underline based on the public comments received as well as staff-initiated changes (Attachment C-1). These revisions do not alter the conclusions of the environmental analysis. Furthermore, they do not result in the identification of new significant environmental impacts nor do they constitute significant new information.
- b. Volume II is a summary of the changes shown in Volume I. This Volume also includes the comment letters and responses to comments (Attachment C-2).
- c. Volume III provides a description and land use maps for the Recommended Project (Attachment C-3).

## **E. ANALYSIS AND DISCUSSION**

The following analysis and discussion is focused on the proposed project changes and the Draft Final SEIR. Additional information regarding the development of the Alpine Special Study can be found in the public comments and Community Planning Group recommendations of the staff report.

### **1. General Plan, Sub-Regional Plan and Community Plan Consistency**

Staff reviewed the additional changes to the GPA proposed since the 2013 Commission hearings, and the General Plan consistency review analysis included in the 2013 staff report to the Commission. There are no changes proposed in the GPA that would be inconsistent with the General Plan planning principles, goals and policies.

Staff also reviewed applicable community and sub-regional plan policies and added a change to the North Mountain Sub-regional Plan shown for consistency with the Recommended Project land use map. Staff recommends approval of the North Mountain Sub-Regional Plan policy change to be consistent with the Rural Commercial land use designation proposed with the GPA.

### **2. Zoning Ordinance Consistency**

The GPA proposes additional use regulations and minimum lot size changes for consistency with the land use map changes of the Recommended Project, when compared to the land use map

recommended in 2013. These zoning changes have been reviewed and are also consistent with the Compatibility Matrix in Zoning Ordinance Section 2050 and the General Plan. Staff recommends approval of the Ordinance for the proposed zoning changes.

### **3. CEQA Compliance**

The Draft Final Findings have determined that significant impacts will occur under the same SEIR topic areas that were identified in the 2013 Draft SEIR, with the addition of the Global Climate Change topic area (Attachment D). Furthermore, the Global Climate Change topic area is the only topic where significant impacts have been identified for this GPA, but were not identified as significant impacts in the GPU Program EIR. The GPU policies and mitigation measures incorporated into the GPA would reduce impacts, but not to below a level of significance. It is recommended that the Commission find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011 on file with PDS as Environmental Review Number 02-ZA-001, and the Draft Final SEIR, dated October 2016 and on file with PDS as GPA 12-004, prior to making its recommendation on the GPA and zoning changes.

## **F. PUBLIC COMMENTS**

### **1. FCI Expiration**

Several public comment letters on the Draft Final SEIR dispute that the FCI lands reverted to the previous General Plan land use designations after the FCI expired. However, the initiative adopting the FCI stated that it was to remain in effect until December 31, 2010. Each provision of the FCI that amended the General Plan stated that it was operative “through December 31, 2010” or that it remained “in effect through December 31, 2010.” Therefore, upon expiration of the FCI, the lands subject to the FCI reverted back to the previous land use designations found within the General Plan in effect at the time the FCI was enacted by voter initiative; the General Plan adopted by the County in 2011 does not apply to the FCI Lands.

The primary objective of the current GPA is to reclassify former FCI lands to be consistent with goals, policies and guiding principles of the 2011 County General Plan. Moreover, the land use density of one dwelling unit per 40 acres, applied by the FCI, was reviewed in the Draft SEIR as a potential alternative (FCI Density Alternative). However, this alternative was rejected as infeasible because an arbitrarily assigned density of one dwelling unit per 40 acres is inconsistent with the General Plan Guiding Principles and Land Use Goals and Policies, including the Community Development Model.

### **2. Delay Project Consideration until a CAP is Adopted**

In October 2014, the Fourth District Court of Appeal found that the County CAP did not comply with the express language of Mitigation Measure CC-1.2 from the General Plan Update PEIR. In April 2015, the Board of Supervisors rescinded the CAP. Some comment letters asserted that the County should postpone consideration of the FCI Lands GPA until adoption of a revised CAP. A CAP is not required for the County to process this GPA or other discretionary or ministerial project applications, nor does the absence of a CAP, by itself, prevent feasible mitigation of greenhouse gas emissions by these projects. There is no law, policy or practice that precludes consideration of this GPA by the Board of Supervisors in the absence of a CAP.

### **3. Alpine Special Study**

In accordance with the Board direction on June 25, 2014 (1), staff prepared a draft scope of work for a special study in Alpine. The study would provide a rough estimate of the cost to expand infrastructure into the study area and determine the appropriate General Plan land use designations that could fund the expansion of the infrastructure.

A comprehensive update to the Alpine CP, included in the Advance Planning FY 2017-18 work program, will be evaluating and planning for changes in the community. Staff recommends including the special study scope of work, prepared in response to the Board's June 2014 direction, within the scope of work for this CP update, to provide comprehensive examination of community needs. Staff further believes that the combination of these efforts will result in an integrated approach to planning for the overall community. The Alpine CP update would include the appropriate CEQA analysis to incorporate any land use changes that evolve through the planning process, with particular emphasis on the area of eastern Alpine initially intended by the special study.

## **G. COMMUNITY PLANNING GROUP RECOMMENDATIONS**

### **1. Alpine Special Study**

- a. On August 28, 2014, by a vote of 10 ayes; 1 nay; 2 absent; 0 abstentions; 2 vacant, the Alpine CPG recommend changes to the boundary proposed by staff and further recommended that the scope of work go beyond this boundary and also study the impacts on adjacent CNF lands.
- b. On September 24, 2015, by a vote of 12 ayes; 0 nays; 3 absent; 0 abstentions; 0 vacant, the CPG recommended expanding the boundary to include the area east of Viejas north of Interstate 8 and, by a vote of 10 ayes; 2 nays; 3 absent; 0 abstentions; 0 vacant, recommended approval of the draft scope of work as presented, and recommended the land use plan developed through the study determine an appropriate land use density necessary to make the development of the infrastructure needed throughout the area economically feasible and not limited by any of the previously developed land use plans for this area.
- c. On September 22, 2016, by a vote of 13 ayes; 0 nays; 2 absent; 0 abstentions; 0 vacant, the CPG recommended that the infrastructure study (Alpine Special Study) be incorporated into an Alpine CP update.

### **2. Zoning Changes**

- a. On December 10, 2014, by votes of 8 ayes; 0 nays; 5 absent; 0 abstentions; 2 vacant, the Alpine CPG voted to recommend approval of the preliminary zoning changes.
- b. On September 22, 2016, by votes of 13 ayes; 0 nays; 2 absent; 0 abstentions; 0 vacant, the Alpine CPG voted to recommend approval of the staff recommended zoning changes, with the exception of 16 parcels (1,362 acres) in the Japatul Valley area of the Alpine CPA where the CPG recommended an 8-acre minimum lot size zoning classification and Rural Lands 20 General Plan designation in lieu of the 40-acre minimum lot size and Rural Lands 40 designation recommended by staff.

## **H. OUTREACH AND PUBLIC INPUT**

Changes to an adopted General Plan must follow the process specified in Government Code Section 65350, which includes evaluation and analysis, public and agency review, Commission review, and Board approval. In addition to the Alpine CPG meetings, public outreach was identified in the October 18, 2013 Commission staff report.

On January 8, 2016, applicable Tribal governments in the San Diego region were notified of the recirculation of the Draft SEIR and PDS inquired whether they desired an AB-52 consultation. Correspondence was received from two Tribal governments requesting a consultation: (1) Rincon San Luiseno Band of Mission Indians (March 28, 2016 consultation) and (2) Viejas Band of Kumeyaay Indians — (February 1, 2016 consultation). There were not any unresolved issues resulting from these consultations. Meeting notes are provided as Attachment E.

## **I. RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. Find that it has reviewed and considered the information contained in the Final Program EIR, dated August 3, 2011 on file with PDS as Environmental Review Number 02-ZA-001, and the Draft Final SEIR, dated October 2016 and on file with PDS as GPA 12-004, prior to making its recommendation on the GPA.

2. Recommend that the Board adopt the attached Form of Ordinance:

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE FOREST CONSERVATION INITIATIVE LANDS GENERAL PLAN AMENDMENT [GPA 12-004] (Attachment A)

3. Recommend that the Board adopt a change to the North Mountain Sub-regional Plan for consistency with proposed zoning changes.

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AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Zoning Ordinance Amendment (track changes – new changes since 2013)

Attachment B – Minute Order for June 25, 2014 (1) Board hearing

Attachment C – Draft Final Supplemental Environmental Impact Report

C-1 – Volume I, Draft SEIR (Track-Changes Mode)

C-2 – Volume II, Summary of Changes to Draft SEIR, Comment Letters, Responses to Comments

C-3 – Volume III, Description of the Recommended Project

Attachment D – Draft Final Findings

D-1 – Draft Decision and Explanation Regarding Recirculation

D-2 – Draft CEQA Findings Regarding Significant Effects

D-3 – Draft Statement of Overriding Considerations

Attachment E – SB-52 Consultation meeting notes

Attachment F – FCI Staff Report for October 18, 2013 (1) Planning Commission meeting