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RESPONSES

In Reply Refer To:
 FWS/CDFG-FWS/CDFG-09B0146-09TA0385

Mr. Devon Muto
 County of San Diego
 Department of Planning and Land Use
 5201 Ruffin Rd., Suite B
 San Diego, CA 92123-1666

January 30, 2009

Re: Comments on the San Diego County Draft General Plan: A Plan for Growth, Conservation and Sustainability (November 2008) and Implementation Plan

Dear Mr. Muto:

This letter provides comments from the California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service) on the November 2008, draft of the County's General Plan (GP) Update and Implementation Plan (IP). Additional recommendations and/or comments may follow pending further review and discussions. The comments provided herein address the Draft GP, Chapters 1-10. Comments on the GP IP (separate volume) may be provided in a separate letter, although general comments on the IP are provided via comments on Chapter 10 of the Draft GP.

The Department and Service (collectively "Wildlife Agencies" [WAs]) offer our comments and recommendations in this letter and attached table to assist the County in the preparation of its final GP and IP. The WAs commend the County for the many meetings and work that staff and the public have invested in the GP to date. The GP provides a unique opportunity to develop and refine County-wide policies and strategies that could lead to more effective implementation of resource conservation and species protection, including, compliance with State and Federal endangered species acts and Natural Community Conservation Planning (NCCP)/Habitat Conservation Plans (HCP) (e.g., County's approved Multiple Species Conservation Program [MSCP] and the in process North County MSCP). Our comments are meant to complement existing work completed to date and provide guidance on how to finalize the County's Draft GP so that it complements, and does not result in any conflict between, existing and future plans and regulations for species protection (e.g., MSCP, LSAA, DFG Code 3500, et. seq., etc.) that have received, or are anticipated to receive State and Federal permits.

DPLU appreciates the comments from the Wildlife Agencies. Responses to specific comments are provided on the following pages.

The following are the WAs' major comments on the Draft GP, with more specific and additional comments presented in the accompanying table (Attachment A); editorial changes have also been

prepared in a “mark-up” version that will be transmitted separately. Our comments focus on several GP issues, including: GP consistency; the current emphasis in the conservation element; trails in open space; open space as a distinct regional category; vegetation/fuel management; management-enforcement issues; and, agency coordination. Where applicable, our comments should also be addressed in the environmental document that will be prepared for the GP. Last, comments that the WAs previously transmitted on the Notice of Preparation (NOP) for the related Draft Environmental Impact Report (DEIR) for the proposed GP (SCH# 2002111067), dated April 28, 2008 and a second dated December 16, 2002, are incorporated by reference and included as Attachments B and C, respectively; only major comments from these previous NOPs are repeated in the body of this letter and are denoted with an asterisk (*):

A. GENERAL PLAN CONSISTENCY AND FORMATTING:

1. The policies and IP for the GP should be internally consistent with other elements and with implementing ordinances (e.g., zoning code, Biological Mitigation Ordinance [BMO], Resource Protection Ordinance [RPO]) as required by State law. To ensure that the GP is consistent with the adopted South County MSCP (and future NCCP/HCPs in progress), the County should provide specific direction in the GP that using development clustering to best achieve County NCCP/HCP goals will not be precluded by the County’s Subdivision Code, BMO, RPO or other implementing ordinance or regulation. In addition, community character should not override open space protection when clustering could be used to achieve a biologically superior project. Where rural clustering is used to maximize biological open space preservation, the County should make it an explicit policy that the open space resulting from the clustering is dedicated to the MSCP for biological purposes and cannot be converted to other uses in the future.
2. *The GP should use clear terminology and language that does not lead to re-interpretation during Plan implementation. There are many references throughout the Draft GP to policies and related tasks that the County will accomplish in the future related to the approval and implementation process of the GP. Please replace “may”, “should”, and other non-committal verbs with “will” or “shall”. Examples of other potentially vague words that need better definitions, and/or stronger language/standards include: minimize, maintain, protect, maximum extent, and recommend.
3. The Conservation Element (CE) combines several important areas commonly associated with open space, including recreation, trails, biological conservation, water-resource issues, global climate change, etc. We recommend including language that would establish biological conservation as the primary objective within the MSCP preserve system wherever potential recreation or other resource conflicts may become an issue. Alternatively, a Recreation Element could be included in the GP, so that a clear distinction can be made between more conservation-oriented land uses and active recreational uses.
4. Some policies appear to be internally inconsistent with the intent of GP law, inconsistent with other elements, and potentially undermine existing adopted plans (e.g., MSCP). The GP should be reorganized to include all biological preservation-related topics (e.g., MSCP, trails, vegetation management) in one element (e.g., Conservation) with references to other relevant elements where appropriate. For example, the discussion on trails in the CE should focus on how they are required to be compatible with species preservation. Also, the GP should not address conservation-related policies for trails in the Mobility Element (ME). As currently presented, the Draft CE and ME appear to be internally inconsistent, and, may create conflicts with the County’s existing South County MSCP and future North County and East County MSCPs. The GP must

RESPONSES

Responses to the specific comments within Attachment A are provided along side of Attachment A on the pages following this letter.

DPLU agrees with the statement regarding internal consistency and the draft General Plan was written to accomplish this. By law, implementing ordinances must be consistent with the General Plan. However, DPLU does not agree with the statement about community character and clustering. Clustering must be done in a manner that is sensitive to community character and DPLU believe that there are many strategies for accomplishing this without sacrificing open space protection. The preservation of open space in perpetuity is supported in the draft General Plan.

DPLU appreciates this comment and notes that the large majority of the policies of the draft General Plan are written as definitive directives. However, the County is not always in a position to mandate a policy and in some cases requires flexibility.

Text has been added to the Guiding Principles for Conservation and Open Space (page 5-3) to distinguish between habitat preserves and open space. Staff does not agree that a separate Recreation Element is necessary.

DPLU does not agree with the statement on inconsistency or the suggestion on reorganization. However, revisions have been made to improve the connection between trails and biological preservation.

make it clear that it does not override or replace the MSCP obligations where trails and other resource-based uses are designated/allowed under the GP.

B. INTRODUCTION AND VISION/GUIDING PRINCIPLES:

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|--|---|
| <p>1. One of the central themes of the GP is to focus future development in existing urban areas and limit development in the backcountry. This theme is carried throughout the Introduction, Vision and Guiding Principles and Land Use Element (LUE) of the Draft GP, but not the CE. In various locations, the GP extols the virtues of using clustering to achieve aesthetic, climate change, land use and other environmental benefits (e.g., avoid flood hazards), but not biological preservation. The Draft GP (page 2-3) emphasizes that the County provides, “low-density alternative to the urbanized San Diego coastline and inland areas, with many of us living in small scale villages or on large lots with agriculture and open space. Our villages are compact to minimize intrusion into agricultural lands and open spaces....” These guiding principles and statements in Chapter 2 set the tone for the GP and underscore the low-impact and minimizing impacts to open, natural resources and the backcountry. Moreover, page 1-14 of the GP (Introduction) notes that, “[a]n underlying premise of the County of San Diego GP is to conserve natural resources and develop lands and infrastructure more sustainably in the future.” These principles and themes must be carried throughout the Draft GP, including the Conservation Element (CE) and the IP. Specifically, conservation and open space protection in the County should not be a secondary priority in the GP.</p> | <p>It is not the County’s intention to make conservation and open space protection a secondary priority.</p> |
| <p>2. Guiding Principle 4 of the GP emphasizes biological protection of sensitive species and habitats. The GP should include an emphasis on management and monitoring in the LUE, CE and IP as part of the program for species protection and environmental stewardship.</p> | <p>The text has been revised to include management and monitoring.</p> |
| <p>3. *The GP LUE, CE and ME should include policies that direct locating public use trails along the edges of urban lands uses adjacent to the proposed core lands and linkages and avoiding encroachment into sensitive habitats or defined (or subsequently identified) wildlife movement areas. Furthermore, the GP and IP should make it a policy that lands purchased and counted towards NCCP/HCP commitments cannot have a net increase in trails on-site without an agency-approved compatibility study, and that any proposed new trails must avoid increased impacts to sensitive resources; otherwise, any difference must be credited back or otherwise offset. This should also be incorporated into the County’s Trails Plan (CTP), the Community Trails Master Plan (CTMP), Resource Management Plans (RMPs) and public access plans. Last, the GP should clearly define the relationship between population-based park standards and habitat-related conservation to ensure that appropriate restrictions are placed on NCCP/HCP lands and that they are managed accordingly.</p> | <p>The County agrees that trail locations are very important and should be located to limit the effects to biological resources, but trails cannot always be located to avoid the entire biological corridor.
Staff does not agree that the GP should be so specific to address net increase and agency approval of trails. This is already appropriately addressed by the Resource Management Plan.
The Parks and Rec section has been revised to better differentiate open space and preserves.</p> |
| <p>4. The GP should include a policy that monitoring and enforcement is a critical part of natural resource planning and NCCP/HCP implementation (e.g., encroachment, trail management). Without enforcement (e.g., adequate number of rangers, ensuring that new, unauthorized trails are not being cut/maintained, etc.), realization of conservation goals set forth in the CE and other goals in the GP may be problematic.</p> | <p>Staff does not agree that the GP should be so specific to address net increase and agency approval of trails. This is already appropriately addressed by the Resource Management Plan.</p> |
| <p>5. The GP should include a policy that actions to meet the requirements of AB 375 for sustainable community planning should not be at the expense of multi-species preservation or implementation of the County’s existing or future NCCP/HCPs. For instance, green infrastructure should be viewed as less sustainable in the backcountry versus in existing urban area (viewed as more sustainable). In this case, the latter would be more sustainable because there is no trade-off between green infrastructure and natural habitat. In other words, the push for green infrastructure should not conflict with the County’s MSCP or other regulations that</p> | <p>Noted.</p> |

promote species and habitat protection (e.g., BMO, RPO, etc.). As an example, although a “wind farm” may be a “green project,” it may not be consistent with the goals and objectives of MSCP.

6. The GP should include policies that fully integrate global climate change into the NCCP/HCP planning process to demonstrate that measures to reduce Greenhouse Gases (GHGs) are consistent with multiple-species planning and conservation principles. For example, the following policies currently in the Draft GP in some form would achieve both NCCP/HCP and GHGs goals: directing development into existing urban nodes where adequate infrastructure exists and not in the backcountry; using native, drought-tolerant plants in landscaping; and, preserving large block of connected habitats, which maximizes carbon sinks.

C. CONSERVATION ELEMENT (CE):

1. In several places of the GP, emphasis is placed inappropriately on maximizing development or other potential incompatible uses in NCCP/HCP preserve lands (e.g., introduction of Conservation Element, Mobility Element [Policy M-12.5]). The GP should be revised to emphasize and prioritize policies that are consistent with each element. For example, the primary focus of the Conservation Element should be to conserve the natural resources in the County. The primary goal should not be “...to provide direction to balance the accommodation of future growth and development in the County of San Diego with the following:” Rather, it should be consistent with the summary provided for the Conservation/Open Space Element on page 3-6 (Relationship to Other GP Elements), which states that, “[t]he primary goal of the Conservation Element is to provide for the preservation, conservation, sensitive development and use of natural resources.” The first bullet on page 5-2, which states, “[t]he conservation, management and utilization of natural resources”, is another good example of a primary focus for the Conservation Element.
2. *The GP should clearly demonstrate how it is consistent with the protection of habitat, natural communities and species diversity on a landscape or ecosystem level as set forth in the County’s existing NCCP/HCP. This would include showing that the GP would not affect protections for reserve systems and conservation in NCCP/HCP planning areas and that the proposed shift from a minimum lot size to density-based land use designation would not affect the rough proportionality between development impacts on habitat or covered species and conservation measures.
3. The GP should include a policy that the County will direct biological mitigation to occur in the Pre-Approved Mitigation Area (PAMA). Moreover, for areas located outside of an adopted NCCP/HCP, the County will only accept mitigation lands that: would be connected to existing conserved open space; contribute to establishing large blocks of habitat or are otherwise critical for covered species and/or build-out of PAMA (e.g., connections); is protected (e.g., by a conservation easement); and will be adequately managed. Lands used for mitigation and/or NCCP/HCP implementation should focus on acquisition and management/conservation of larger lots, with a potential for in-lieu fee payment for smaller mitigation requirements that do not contribute to the regional preserve system and could otherwise be exempt from CEQA (e.g., mitigation of two acres or less, minor impacts [0.1 acre] in an existing urban setting, etc.) where it would not compete with existing conservation banks, where feasible. This fund (separate and protected from the general fund) would include costs for long-term management and would be used to secure larger blocks of habitat within the PAMA. This policy should be incorporated into the GP LUE, CE and IP (through the County’s I-117 Policy [Mitigation Lands]).
4. The GP should include a comprehensive list of all plans, ordinances, and regulations that implement the County’s resource-based goals and policies, including implementation of the County’s existing and future

RESPONSES

The Introduction identifies General Plan policies that address GCC. Policies specific to GCC and HCP planning are more appropriately addressed in Resource Management Plans.

The intro to the COS was revised to remove balance.

The County has used the same data when developing both the draft General Plan and MSCP plans. The GPs effect on NCCP/HCP planning areas is addressed in the Draft EIR and all indications are that the Draft GP would improve the situation.

A policy has been added concerning assemblage of biological mitigation lands. The specific details of directing biological mitigation should occur are more appropriately addressed by Resource Management Plans.

A policy has been added that addresses funding.

NCCP/HCPs. Included should be the BMO; RPO; Country Trails Plan; Open Space Subdivision Ordinance; Policy I-117 (Mitigation Lands); Vector Management; Vegetation Management; and, clarification that if all or portions of a property are sold off for biological conservation purposes (e.g., conservation easement sold to another party), then that portion has no development potential and the developable area and density decreased correspondingly with the prior easement.

RESPONSES

These regulations will be documented in the Implementation Plan, which will go out for external review in Summer 2009.

5. *The GP should incorporate the PAMA and related development limitations (e.g., 75% preservation) as the primary land use tool to implement conservation in the County's NCCP/HCP reserve areas. Low land use density designations (e.g., 1/40, 1/60 or 1/80 dwelling units per acre) should not be used to replace existing conservation tools available to meet goals in the NCCP/HCP. Low-density designations alone could still allow direct and indirect impacts to species and habitat through disturbance not associated with density per se (e.g., agriculture conversions, brush clearing, etc.). However, the low density designations could be used to supplement existing County regulations (e.g., MSCP, BMO, RPO) to help protect natural resources and achieve NCCP/HCP obligations.
6. WA staff is currently working on the draft North County MSCP and East County MSCP. Page 45 of the current draft North County MSCP states that the current GP update may change the conservation associated with private development. The GP must describe any changes to the North County and East County MSCP conservation goals that would result from its implementation.
7. The GP should provide a policy in the Conservation Element that provides adequate interim protection of biological resources from the period between the discretionary approval and issuance of grading permits. This time period should also be tracked in County records. Often, there is a considerable lag time between the hearing approval and ministerial permits, which leaves "protected" resources at risk. In most cases, the Applicant needs to be clearly held responsible for protecting these resources until the management responsibility has been transferred (along with any endowment or funding mechanism) to another entity approved by the County. Failure to account for this interim protection potentially results in management organizations refusing to assume unanticipated clean-up or restoration obligations and could affect the County from achieving conservation goals for covered species and habitats.
8. *The GP should acknowledge the County's open space network (including NCCP/HCP preserve lands) as "green capital or infrastructure." This infrastructure is essential to the County's responsibility to balance the preservation of environmental resources with its obligation to meet the region's growth needs. The GP should include policy language that clearly defines and demonstrates that adequate funding (aside from speculative regional funding sources) is available to carry-out the Plan's "green infrastructure," including implementing the conservation actions, management activities, and necessary enforcement in the adopted South County MSCP and the planned North and East County MSCPs.
9. *To ensure that the County's NCCP/HCP preserve is assembled in a proper and timely manner in rough proportion to development, the Draft GP should establish a policy that in the MSCP-PAMA, land outside the permitted developable area shall be conveyed to the preserve through an appropriate mechanism (e.g., conservation easement, fee title, etc.) as a condition of approval. These lands can be used to meet mitigation and adjustment requirements for the proposed project; however, they cannot be used (i.e., "banked") to mitigate for future projects. This policy should be incorporated into the BMO as a standard permit requirement and incorporated in the GP IP. Typically, the conveyance should occur prior to issuance of grading authorization, or building/occupancy permits if no grading is involved.

Low densities also are not meant to replace conservation tools. County regulations will continue to direct where development can go, etc.

The GP Update does not propose any changes to MSCP.

This is more appropriately addressed by Resource Management Plans. It is not a GP issue.

Policy that addresses funding has been added.

This is more appropriately addressed by Resource Management Plans.

10. The GP and/or IP should identify the target number of rangers and preserve managers per 1,000 acres of open space (categorized into biological, active, passive, etc.) and identify an overall goal to have at least one preserve manager in each region or NCCP/HCP plan area of the County.
11. The Draft Conservation Element should set forth a strategy to integrate NCCP/HCPs with watershed planning, greenhouse gas reductions (global climate change) and other regional planning involving natural resources. This would potentially allow the County to maximize access to multiple sources of grant funding for conservation-related purposes.

D. LAND USE ELEMENT (LUE):

1. The GP should include a regional land use category in the LUE entitled “Open Space Resources” or equivalent. A resource of such importance and linked to the County’s identity should warrant its own regional category. This category would apply to all open space lands that exist, or are planned to be part of the County’s open space network, including NCCP/HCP preserve lands. Having an “Open Space Resources” regional category would allow better management and reduce conflicts between multiple-uses in County open space. The land use designations under the “Open Space Resources” regional category could be used to clearly distinguish between which type of uses are allowed within each type of “Open Space Resource” (e.g., NCCP/HCP conservation, recreation, watershed protection, viewshed protection, cultural/archaeological resources, etc.). This would promote improved land use/environmental planning of the County’s open space resources.
2. The Draft GP LUE should include a “Resource Conservation and Management” subsection in the Land Use Element. Similar to the Community Services and Infrastructure subsection currently in the LUE, this new subsection would tie together all of the key land use element-related goals and policies that implement resource conservation principles set forth in the Conservation and other elements. As an alternative to a subsection in the LUE, the Open-Space, Conservation, Safety, Land Use (resources issues) elements could also be combined into an Environmental Resources Management Element (ERME), or equivalent, that focuses on resource-related issues in each GP element.
3. The GP should include an overarching policy that the goals and policies in the LUE for energy facilities should not supercede the biological goals and objectives outlined in the County’s NCCP/HCP, in particular within the MSCP’s existing or planned PAMA areas. See page 3-23 (LU-4.6; Planning for Adequate Energy Facilities).
4. *The GP should accurately reflect the County’s ongoing North and East County MSCP Planning efforts. The preserve boundaries and major policy issues from these plans (in-progress) should be consistently incorporated into the GP. Important policy issues include, but are not limited to: the value of agricultural land for conservation; brush clearing; open space management; funding and land conveyance; trails; and, participant contributions to the preserve assembly. Additionally, the GP should consistently identify open space activities and any restrictions consistent with adopted and planned NCCP/HCPs.
5. *The GP should include policies to ensure that all public facilities identified in the GP (e.g., roads, parks, schools, etc.) are consistent with those identified in on-going NCCP/HCPs (e.g., North County and East County MSCPs). For instance, the GP should limit water facility and other infrastructure deemed “essential public facilities” to areas outside of the preserve boundaries.

RESPONSES

This is more appropriately addressed by Resource Management Plans. It is not a GP issue.

Staff feels that this is adequately addressed by policy COS-1.5, which requires collaboration to seek funding that achieves common resources management goals.

Staff asserts that the Open Space (Conservation) land use category is adequate. Applying a category indicating that privately-owned land is intended to be a preserve could directly impact land values and be considered a “taking” of property rights.

DPLU does not agree with the recommended reorganization to include a separate subsection; however, conservation-related policies are consolidated under Goal LU-6 in the LUE.

DPLU does not agree that the recommended language is necessary since policy LU-4.6 does require that adverse impacts are minimized.

Staff intends to consistently update the GP, as necessary so that changes to preserve boundaries are incorporated. All GP documents are consistent with HCPs.

Policy LU-12-4 revised to address locating public facilities outside preserve areas.

RESPONSES

6. The GP should include a definition for “Open Space Park” (See page 10-27). These Open Space Parks could be further distinguished into OS-Resource Parks, OS-Conservation, OS-Recreation, etc. In addition, the definition for Open Space Preserve should identify that the primary purpose for this land use is biological, species and landscape preservation and management.
7. The GP should include a policy that all existing and planned NCCP/HCP conserved lands that contribute to biological preservation will be redesignated to open space-conservation (OC) as part of the GP planning and implementation program. The underlying zoning could remain unchanged under the GP, but then rezoned as an action item in the IP (e.g., as part of Community Plan updates.) This would shift the land use development in the NCCP/HCP preserve areas (PAMA) from a land development first focus to a biological minimization focus that is more sensitive to the natural environment.
8. The GP and/or supporting documentation (e.g., IP) should clearly demonstrate how the County’s zoning code will be updated to achieve consistency with the GP, in particular the County’s BMO, RPO, Open Space Subdivision Ordinance, County Trails Plan, vegetation management, vector management, low-impact development guidelines, trails planning/management, and any other GP goal/policy that would affect NCCP/HCP implementation and species conservation (See page 9-1 [3rd bullet]).
9. The GP should include a policy that the County shall not allow variances or other project approvals where it would result in direct or indirect impacts to public and/or NCCP/HCP-preserve lands (e.g., brush management, lighting, trails, road access, etc). (See page 3-22 (LU2.5; Development Near Neighboring Jurisdictions).

E. MOBILITY ELEMENT (ME)/TRAILS:

1. The emphasis in the Mobility Element (pages 4-1 to 4-33) to “maximize the provision of bicycle facilities...” should be replaced with “provide for adequate bicycle facilities...”, especially where facilities would be within or adjacent to NCCP/HCP-PAMA lands. The term “maximize” implies a higher priority over other elements, such as the CE. This directive should also be carried through other sections of the Mobility Element, Land Use Element, Conservation Element and the IP (e.g., County Trails Plan).
2. The GP should clearly distinguish between “active” and “passive” recreational uses (i.e., provide an inclusive list of both) and describe which uses would be allowed on and adjacent to various types of open space (e.g., NCCP/HCP lands, active parks, urban amenity, etc.). Moreover, the GP and IP should describe how much annual funding goes into administrative versus stewardship and monitoring, management and enforcement. This information is necessary so that trails and public use do not take precedence over habitat/species considerations, especially within the PAMA, and are consistent with the Subregional MSCP and County’s existing MSCP. Section 6.2.1 of the MSCP Subregional Plan (August 1998) states that, “Riding and hiking trails will be allowed within **appropriate** portions of the preserve to provide passive recreational opportunities for the public.” Section 1.9 of the County’s existing South County MSCP Subarea Plan states trails are typically considered compatible uses in the preserve, provided that, “H. Trails including equestrian, hiking and bicycles in accordance with the management plan”; that, “[a]ppropriate recreational activities shall be **accommodated** in concurrence with the goals of the MSCP and County Subarea Plans”; and “[e]questrian, hiking, and bicycles may be allowed when in accordance with approved management plans and are consistent with the County of San Diego Subarea Plan.” “Accommodate” means “to give consideration to” based on some overriding factor (in this case, if it is appropriate or “suitable” with the main goal of the MSCP-species and habitat preservation). Based on these guiding principles, trails are considered

The Parks, Recreation, and Open Space section has been revised to better differentiate between open space preserves and parks.

DPLU appreciates your comment, but does not agree with this methodology.

Concur. This info is included in the Implementation Plan, which will be distributed for external review during Summer 2009.

Staff does not agree that this is necessary. Most policies in the draft GPU are written in the format of an implied “shall”.

The intention of the Mobility Element is not to construct a transportation network at the expense of sensitive resources as evidenced by policies M-2.3 and M-4.5. Policies that appear to be competing with be balanced during implementation of development projects.

Staff does not agree that this level of detail is appropriate in the GP. It is more appropriately addressed in implementing plans and ordinances.

RESPONSES

Trails are evaluated on a case-by-case basis through CEQA.

- “conditionally compatible” in the preserve; they should not be simply assumed to be an allowed use without careful consideration, on a case-by-case basis, of the potential direct and indirect effects and without ensuring that that will be no loss of preserve function and wildlife value. This further requires a diligent effort to monitor and enforce the use of trails, and that uses be limited to only authorized trails. The GP and IP must be consistent with the MSCP and identify the use of trails as “conditionally compatible.” As previously mentioned, this principle should also be incorporated into the CTP, CTMP, RMPs and public access plans.
3. The Mobility Element (page 4-25) discusses the CTP, including the CTMP design and management guidelines. The GP and IP should clarify that the CTP, CTMP, RMPs and related guidelines identify trails as “conditionally compatible” within or adjacent to existing or planned NCCP/HCP preserve lands and must place priority on species/habitat protection of species/habitat first, including respecting all narrow endemics, vernal pools, breeding seasons, etc. Any potential conflicts between species conservation and trail use within or adjacent to the preserve must be evaluated and any conflicts should be resolved, erring on the side of species protection.
 4. The “Bicycle, Pedestrian, and Trail Facilities” subsection of the Draft Mobility Element (page 4-25) should be revised to clearly direct that trails within the County NCCP/HCP preserve lands are guided by species protection and resource protection first. The Draft GP should clearly state in the LUE, CE and ME that “[t]rails within or adjacent to open space preserves are guided by ecological principles and the County’s MSCP, which require resource protection first, active recreational uses are subservient and err on the side of species protection if there are potential conflicts.” Additionally, DFG believes that additional CEQA, and possibly CESA, review and/or compliance should be required for many of the trails planned within the County’s MSCP and/or where natural habitat and/or sensitive species exist.
 5. The Draft Mobility Element has several policies that emphasize the maximum development of trails within open space and NCCP/HCP lands. This policy must be revised to reflect the current policies on trails in the MSCP, which requires that the footprint for trails be minimized within PAMA, that existing roads should be used, that easements should be co-located with trails, that trails be limited or excluded from core resource areas, that trail management (including waste pick-up) must occur for all trails in the CTP, and trails may have seasonal closure provisions to protect sensitive species (See Section 1.9 of the County’s South County MSCP).
 6. A new policy (M-12.11) should be included in the GP that requires the co-location of trails with existing easements and access roads in environmentally sensitive areas (e.g., County’s MSCPs-PAMA).

F. SAFETY ELEMENT (SE)/FUEL MODIFICATION:

1. The County’s Vegetation Management Plan should be incorporated into the GP and IP, including a clear indication if it is intended to be used to implement brush management regulations throughout the County, including the County’s existing and future NCCP/HCPs. Please describe how the provisions in the plan would be implemented on NCCP/HCP-related lands (e.g., through ASMDs, RMPs, etc.). DFG believes that additional CEQA and CESA review and/or compliance would be required to implement many of the recommendations (e.g., controlled burns; goats; cumulative issues) in the plan within the County’s MSCP and/or where natural habitat and/or sensitive species exist. Last, this section should include a reference to the County’s SEE where brush management is discussed.

E-3. Clarification has been added to text stating that for trails located within or adjacent to biological preserves are guided by ecological principles and the County’s MSCP, which require mitigation of impacts to biological resources.

E-4.1. Staff does not agree that revisions to the Draft ME section are necessary to direct trails that are guided by species protection.

E-4.2. CEQA is required for trails planned within MSCP or where sensitive species exist.

E-5. Staff does not agree with recommended revisions to this policy as the issue is addressed by the Mitigated Negative Declaration (MND) that supports the Community Trails Master Plans states that trail location with comply with the Biological Mitigation Ordinance (BMO) and per CTMP policies CP4.7 (When locating specific trail segments, prioritize locations that avoid significant impacts to sensitive environmental resources).

See above response. Also addressed by CTMP policy CP4.8 (Establish and designate trails, whenever feasible, that correspond to existing (non-designated) trails, paths, or unpaved roadbeds that already have a disturbed tread).

This comment refers to a report (Vegetation Management Plan), which is a report used as an informational tool, rather than as a plan that would constitute County policy. Brush management actions are subject to CEQA.

RESPONSES

2. The goals and policies in the Draft SEE (e.g., page 7-7: Defensible Space; 1st bullet) should be revised to clearly state that for optimal protection against wildfires, “hardening of the structure” should occur first, then defensible space can supplement structural design requirements. A new policy called “Building and Site Design” (or equivalent) should be added that requires UBC/structural “hardening” measures (e.g., boxed eaves, fire rated windows/walls, fire retardant native vegetation, etc.) in project design as part of, and preceding, defensible space measures, especially where located within or adjacent to NCCP/HCP preserve and/or Wildlife Agency lands. All defensible space should be included within the project footprint and property boundary of project applicants. The GP should establish a policy that the County will not allow variances or other project approvals where it would result in impacts to Wildlife Agency and/or NCCP/HCP-preserve lands (e.g., brush management).
3. *The GP should take into account all proposed fuel modification zones and maintenance activities (including a buffer area) when planning conservation goals and habitat preserves, and acknowledge that these zones/activities should be undertaken outside the preserve boundaries, consistent with the obligations of NCCP/HCP. If such zones/activities have to occur in the preserve boundaries due to new fire regulations, then the GP should identify a policy of no net habitat loss from fuel modification within the preserves and require mitigation and/or a boundary line adjustment to fully replace the area of the Preserve being impacted.
4. The GP should include a policy (i.e., SE) that the County will actively consult and work with Calfire and the WAs to incorporate appropriate review and mitigation (e.g., CEQA) for impacts to habitat and species into vegetation management projects.

Revised to include the importance of hardening the structure. Policy added to require fire-retardant construction measures.

Current regulations require that fire clearing be implemented outside preserves. This will also be addressed by the MSCP plans in the Unforeseen Circumstances section.

Policy added (S-4.2) to solicit input from CAL FIRE and wildlife agencies.

G. IMPLEMENTATION PLAN (IP) AND AGENCY COORDINATION:

1. The GP should include a policy that the County will actively work with the WAs through regularly scheduled meetings with management to discuss planning and implementation of the existing and future County NCCP/HCPs and/or other DFG-related issues (e.g., SAA, CESA), including (See LU-2.5, page 3-22):
 - a. Eliminating off-road vehicle use and related impacts to MSCP and Wildlife Agency lands. One strategy would be to work with other agencies in the region to obtain the County’s fair-share of open space-related licensing fees to improve monitoring and enforcement on NCCP/HCP lands. The WAs will support the County in pursuing its fair-share of funding for open space management.

This is included as a measure in the Implementation Plan. [See Implementation Measure 5.1.1.J Wildlife Agency Coordination]

RESPONSES

- b. Solve biological issues related to fires, including staging areas, access, through monthly- or bi-monthly meetings with management to discuss implementation of the NCCP/HCP and/or other DFG-related issues.
2. *The GP should include policies on how it would be implemented across the various departments within the County. There needs to be a commitment from all of the departments to comply with the GP and an organizational structure that allows the department given the responsibility of implementation (including project review, management, and monitoring) to ensure compliance. As an example, the Parks and Recreation Department is generally charged with monitoring and managing preserve areas, yet has resisted accepting management of critical preserve lands (e.g., the Lindsey parcel, which occupies a critical connection to the existing MSCP) unless the parcel is part of a trail system. Another example is that the County has to ensure that vector control practices will follow the MSCP guidelines.
3. *As a major program in the County, the GP should demonstrate how the MSCP is implemented across various departments to meet GP and NCCP/HCP goals/objectives, from project review to conveyance of land and perpetual management. A flow-chart showing these relationships would be helpful in this regard.
4. Any dedicated funding being considered for NCCP/HCP implementation (e.g., landfill fees for trail management/enforcement) should be clearly acknowledged in the GP, IP and related documentation.

Thank you for providing the WAs with a copy of the County's Draft GP. The WAs appreciate the opportunity to review and comment on the Draft GP and to assist the County of San Diego in developing County-wide policies that minimize and mitigate impacts to biological resources from implementation of the GP. Our goal is to assist the County in developing a plan that works synergistically with MSCP and provides the County with region-wide policies that best protect and manage species and habitat. We look forward to working with your staff in finalizing the GP, and resolving any issues identified in this letter and supporting attachments, in a timely manner. If you have any questions or comments regarding this letter, please contact Randy Rodriguez of the Department at (858) 637-7100 or Susan Wynn of the Service at (760) 431-9440 ext. 216.



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Sincerely,



Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

This is included as a measure in the Implementation Plan. [See Implementation Measure 5.1.1.J Wildlife Agency Coordination]

Staff appreciates the comment, but does not feel that this is necessary. The Implementation Plan will include the needed clarification of roles and responsibilities. Also, State law requires annual reports on the implementation OF THE General Plan.

This is more appropriately addressed by Resource Management Plans.

Noted.

- Enclosure (3):
- A. Specific comments by General Plan chapter
 - B. Prior DFG 2008 comments on the NOP of a Draft Environmental Impact Report for the County of San Diego General Plan Update (Log No. 02-ZA-001, SCH# 2002111067)
 - C. Prior DFG 2002 comments on the NOP of a Draft Environmental Impact Report for the proposed General Plan Update 2020 (SCH# 2002111067)

RESPONSES

CHAPTER 1: INTRODUCTION (PAGES 1-2 TO 1-27)	
Overview of the General Plan	
Page 1-4:	The description of the CE should be revised to have conservation, protection and management of natural resources as the primary focus of this element. See mark-up comments in strikeout/underline as well as comment C1.
Page 1-4:	The GP should include language that would establish biological conservation as the primary objective within the MSCP preserve system wherever potential recreation or other resource conflicts may become an issue. Alternatively, a Recreation Element could be included in the GP, so that a clear distinction can be made between more conservation-oriented land uses and active recreational uses, and so that issues are not scattered throughout the LUE, CE, ME and other elements (See comment A3). Having all the goals and policies that related to recreation in one element with the suggested language would result in better implementation of the GP. Also see comment No. D2 regarding a "Resource Conservation and Management" subsection in the LUE.
Steps in the Planning Process	
Page 1-9:	This section of the GP should include a table summarizing all the important workshop hearing, milestones, dates and locations. At a minimum, it should be included as an Appendix to the GP.
Related Documents	
Page 1-12:	This section should include description of the County MSCP, which is the primary vehicle for multi-species and open space protection in the County.
Page 1-14:	The first bullet, "Environment," has an overall goal that should replace the primary focus that currently exists in the CE. "...conserving air, water, land, soils, minerals, natural habitat, energy, and aesthetic resources; while protecting the life and property from the risks of wildfires, flooding and other hazards." Also see comment C1.
Page 1-14:	This section identifies "continued wildlife management" as part of the GP's overall goals. Please indicate in the GP how this goal is related to the County's Vegetation Mapping Program that went before Planning Commission on January 9, 2009.
CHAPTER 2: VISION AND GUIDING PRINCIPLES (PAGES 2-1 TO 2-14)	
	Clustering can provide mutually reinforcing land use benefits. For example, clustering can protect viewsheds (aesthetic), reduce vehicle miles traveled (climate change), provides better efficiency of water/sewer, police/fire and other services (land use) maximizes assemblage of large blocks of open space for species protection (biological). If clustering is to be touted as a means to achieve benefits for climate change, aesthetics and land use in the GP, it must also be available for use to achieve biological preservation goals under the County's existing and future MSCPs. Clustering must be an available tool for MSCP implementation where it does not jeopardize the resources. Also see comment A1.
	The GP underscores the use of clustering to help comply with AB 32, the California Global Warming Solutions Act of 2006; requirements to reduce GHG emissions to 1990 by 2020 (page 2-8). The GP should also identify clustering as a tool for MSCP implementation, especially if it is identified as a tool to achieve other GP goals. Also see comment A1.
Guiding Principle 4:	This guiding principle emphasizes biological protection of sensitive species and habitats. The GP should be revised to include an emphasis on management and monitoring as part of program for species protection and environmental stewardship.

Page 1-4. Text revised. (See #5 on Pages 1-4). Marked up comments were not received.

Page 1-4. Staff agrees with comment about primary objective within MSCP preserve system. MSCP discussion was added to Chapter 1 on Pages 1-13. Staff does not agree that a separate Recreation Element is necessary.

Page 1-9. Staff does not agree. These are too numerous to include.

Page 1-12. Text revised to add MSCP on Pages 1-13 to 1-14.

Page 1-14. Noted. Many changes were made to the COS Element to clarify primary focus.

Page 1-14. A Vegetation Management Report was presented to the Planning Commission on 1/9/09. This report is not related to the General Plan Update. However, staff will revise draft Implementation Measure 6.2.2.F, Vegetation Management Program to better clarify this.

Noted. Consolidating development footprint and preserving biological resources is an objective of the Conservation Subdivision Program being proposed to implement this concept. The Conservation Subdivision Program is available for review at <http://www.sdcounty.ca.gov/dplu/gpupdate/conssub.html>

Clustering is discussed in the Biological Mitigation Ordinance, which is the implementation document for the MSCP. This same concept is reinforced throughout the draft General Plan Update and will be implemented further through the Conservation Subdivision Program.

GP #4. Text has been revised to address monitoring and management (see page 2-11).

RESPONSES

CHAPTER 3: LAND USE ELEMENT (PAGES 3-1 TO 3-40)	
	The GP would be improved by including a “Resource Conservation and Management” subsection in the LUE. This would be similar to the Community Services and Infrastructure subsection currently in the GP, would tie together all the LUE-related goals and policies that implement resource conservation. Also see comment D2.
Figure LU-1 (LUE Map).	All the land in the County’s MSCP/PAMA that is conserved should be designated Open Space Conservation (OS-C) with no development potential as part of the GP. This should be incorporated into the IP. Also see comment D7.
	The GP, in the alternatives section, should include alternatives for land use density designation that have the lowest densities within or adjacent to PAMA (e.g., 1/80) and core resource areas.
	The LUE should include description and/or listing of all uses that would be allowed under each Open Space land use designation. This would be helpful to clearly distinguish which uses are allowed in each open space designation. This would help guide the County and other stakeholders during updates of the zoning code and community plans required to implement the GP per the draft Action Plan. Also see comment D1.
Page 3-21.	The goals in the LUE for village development should not supercede biological preservation in the County of MSCP obligations, in particular within the MSCP’s existing or planned PAMA areas.
Page 3-5 (Land Ownership in the Unincorporated County):	Please clearly distinguish between the various open space components of the pie chart. How does “open space (conservation)” differ from “open space (recreation).” Also see comment A3 and D2, respectively, on including a separate Recreation Element in the GP or a subsection in the LUE.
Page 3-6 (Relationship to Other GP Elements):	The summary provided for the Conservation/Open Space Element provide a much better overall goal for the element than the one currently in the CE, which has a primary focus on accommodating development. The summary should be used as the CE primary goals, and stated as follows, “The primary goal of the Conservation Element is to provide for the preservation, conservation, sensitive development and use of natural resources.” See comment C1. Moreover, this section indicates that the Land Use Map incorporates designations that support the conservation and preservation of natural resources.” These designations should be shown on the map. Also see comment D7 regarding including all conserved lands as designated open space-conservation as part of the GP and IP.
Regional Categories	
Page 3-8:	The GP could greatly benefit by providing a regional land use category entitled “Open Space Resources” or equivalent, instead of aggregating all open space into the “Other” Category. See comment D1. The County’s open space lands help define the character of each community and sense of civic identity and pride (see page 2-2 through 2-5 of GP); they are integral to the health and quality of life in San Diego County. For this reason, Guiding Principle No. 4 of the GP (page. 2-6) states, “Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance.” Moreover, Guiding Principle No. 2 (page 2.7) states, “[a] more compact form of development in the County would reduce the amount of developed land, or its ‘footprint,’ increasing the amount of open space, natural habitat, and agriculture that can be preserved, as well as reduce pressure on groundwater resources.” A resource of such importance and linked to the County’s identify should warrant its own regional category. It should not be lost as a subset within the Village, Semi-Rural, Rural or “Other” regional designations. This regional category would apply to all open space lands that exist, or are planned to be part of the County’s open space network, including NCCP/HCP preserve lands. This regional category would include all County uses in open space lands that could occur within the Village, Semi-Rural, Rural and “Other” regional categories currently presented in the GP (e.g., species preservation, trails, fire management, passive recreation, cultural resources, reservoir hinterlands, etc.). Having an “Open

Conservation-related policies are grouped under Goal LU-6, and are also primarily located within the Conservation and Open Space Element.

Figure LU-1. Most of PAMA is located in privately-owned residential or commercial areas. This is true for the existing General Plan as well as the proposed General Plan Update. Areas of PAMA that are placed into open space would not undergo General Plan Amendments to revise their general plan designations. As such, it would also be inconsistent to modify those areas as part of this comprehensive General Plan Update. In addition, the extensive change in density calculations that would result from this approach would substantially alter the current framework of the GP Update. However, once the open space network within PAMA for South and North County MSCP is in preserve, a GP Amendment may be appropriate. In the interim, MSCP open space is shown on Figure C-1.

Alternatives section? Densities are assigned according to the guiding principles, which include minimizing impacts to biological constraints. Proximity to PAMA, by itself, does not provide justification for lower densities.

Identified land uses allowed under each designation is included in the Zoning Ordinance, rather than the GP. A comprehensive update to the Zoning Ordinance is being prepared.

Page 3-21. Noted.

Page 3-5. The difference between Open Space (Conservation) and Open Space (Recreation) is described in the *Other Land Use Designations* section commencing on Page 3-16.

Page 3-6. COS Element text has been revised as appropriate (e.g., see Pages 5-1 and 5-2).

Page 3-8. This section has been revised to indicate that Open Space (Conservation) is included under the Semi-Rural and Rural Lands categories (top of Page 3-7). County staff does not agree that an additional regional category is needed. Categories or designations of Open Space over all areas that are either currently preserved or potentially preserved in the future would substantially alter the density calculations and framework of the General Plan Update. The suggested type of land-use regulation is more appropriate for specific plans or habitat conservation plans rather than general plans. In addition, staff does not agree that all NCCP/HCP conserved lands will be re-designated through General Plan Amendments, as this would be extremely costly and time-consuming. However, as noted in Response 11 above, a comprehensive amendment may be possible in the future once the MSCP open-space network is better established.

RESPONSES

	Space Resources” regional category would allow better management and reduce conflicts between the multiple-uses in County open space. The land use designations under the “Open Space Resources” regional category could be used to clearly distinguish between which type of use are allowed within each type of “Open Space Resource” (e.g., NCCP/HCP conservation, recreation, watershed protection, viewshed protection, cultural/archaeological resources, etc.). This would promote better land use/environmental planning of the County’s open space resources. In addition, the GP should include a policy that all existing and planned NCCP/HCP conserved lands that contribute to biological preservation will be redesignated to open space-conservation (OC) as part of the GP planning and implementation program. The underlying zoning could remain unchanged under the GP, but then rezoned as an action item in the IP (e.g., as part of Community Plan updates). This would shift the land use development in the NCCP/HCP preserve areas (i.e., PAMA) from a land development first focus to a biological minimization focus that is more sensitive to the natural environment.
Page 3-10 (Land Use Designations for Privately Owned Lands in the Unincorporated County):	Please explain why there is no open space land use designation on the pie chart; it should be added to the chart.
Page 3-12 (Table LU-1):	The table appears to conclude that open space (both conservation and recreation-oriented) are only compatible in the rural lands regional designation. Please explain why open space would not be compatible in all regional categories, and whether or not this would create any existing non-conforming uses if this table is adopted and implemented as part of the GP. Also see comment D1 regarding having an Open Space Regional Category in the GP.
Page 3-18.	The GP and LUE should not make Forest Conservation Initiative (FCI) lands less restrictive when it expires in 2010 and the GP replaces the designations in these areas.
Page 3-18.	The statement that the open space-conservation designation, “...applies only to large areas reserved for conservation and should not be applied to small conservation easements within residential subdivisions or individual lots” is not accurate. As part of the County’s MSCP, although large blocks of habitat are preferred, there are smaller areas with significant resources that have easements and do count toward the County’s MSCP obligations. These smaller areas, especially where already conserved and for certain resources (e.g., vernal pools) can provide substantial conservation benefits to the MSCP and County, as must be factored into the GP Open Space-Conservation designation and the IP. Also see comments C3 and C9.
Page 3-22; LU-1.10.	Similar to clustering with the Open Space Subdivision Ordinance, density transfers should be a tool available for MSCP implementation, where it would not jeopardize the continued existence of the species or its supporting habitat(s).
Page 3-22 (LU-2.5; Development Near Neighboring Jurisdictions):	The GP should include a policy that the County shall not allow variances or other project approvals where it would result in direct or indirect impacts to public and/or NCCP/HCP- preserve lands (e.g., brush management, trails, lighting, road access, etc). Also see D9.
Page 3-23 (LU-4.6; Planning for Adequate Energy Facilities)	The GP should include an overarching policy that the goals and policies in the LUE for energy facilities shall not supersede biological goals and objectives outlined in the County’s NCCP/HCP, in particular within the MSCP’s existing or planned PAMA areas.
Planning for Sustainability	
Page 3-25 (LU-6.2; Reducing Development Pressures)	The GP should extend the designation of low-density or low-intensity land use designations to areas with sensitive natural resources, including lands within or adjacent to the County MSCP preserve/PAMA lands.
Page 3-26 (LU-6.9; Protection From Hazards)	This policy should be revised to indicate that variances or other project approvals should not be used where they transfer brush management requirements onto other jurisdiction’s staff or property. Also see comment D9.
Page 3-30 (LU-9.11; Integration of Natural Resources in Villages)	This policy should be revised to state that ...”unique topography or streambeds with adequate buffers into Village projects when appropriate.”

Page 3-10. This pie chart shows only those lands with development potential.

Page 3-12. Table LU-1 (Page 3-11) has been revised to show that Open Space (Conservation) is compatible in all Regional Categories.

Page 3-18. Noted.

Page 3-18. The statement has been revised accordingly (see Page 3-18).

Page 3-22, LU-1.10. This policy could provide a tool for providing buffers between preserve and developed areas.

Page 3-22, LU-2.5. Staff does not concur that this would be appropriate as a policy. In many cases, such uses are allowed (and often necessary) within preserve areas.

Page 3-23, LU-4.6. That is the intention of the language in the policy to “minimize adverse impacts”. It should be noted that utility providers need not comply with the County’s MSCP as they obtain their own permit approvals with the wildlife agencies.

Page 3-25, LU-6.2. Staff does not agree this is appropriate based on proximity to PAMA as explained in previous responses.

Page 3-26, LU-6.9. Staff does not concur that the policy should be changed. This is more appropriately addressed in the Implementation Plan or implementing ordinances. [See Implementation Measure 6.2.2.D Resource Management Plans]

Page 3-30, LU-9.11. The policy has been revised to require the adequate protection of streambeds; however, buffers are not always required. The County has other more specific regulatory processes for determining when buffers are appropriate, such as the Resource Protection Ordinance (RPO) or Guidelines for Determining Significance.

RESPONSES

CHAPTER 4: MOBILITY ELEMENT (PAGES 4-14 TO 4-33)	
County Road Network	
Page 4-12 (M-2.3; Environmentally Sensitive Road Design)	This policy should be revised as follows, "Locate and design public and private roads to minimize impacts to significant biological and other environmental and visual resources, while balancing construction costs. Avoid road alignments through core wildlife areas and floodplains to minimize impacts on floodplain habitat....."
Page 4-12 (M-2.4; Roadway Noise Buffers)	This policy should be revised to include examples of sensitive noise receptors (e.g., schools, hospitals, wildlife preserves, etc.).
Page 4-14 (M-4.5; Context Sensitive Road Design)	This policy should be revised as follows, "Design and construct roads that are compatible with the local terrain and the surrounding development context, including crossings where they provide a net environmental benefit, whether located inside or outside MSCP preserve lands (PAMA)."
Page 4-14 (M-4.5; Context Sensitive Road Design)	This GP ME policy should be revised to provide wildlife crossings in road design/construction where it would minimize impacts to wildlife, both inside and outside of PAMA.
	The statements indicating "maximize the provision of bicycle facilities..." throughout the ME should be replaced with "provide for adequate bicycle facilities...", especially where facilities would be within or adjacent to NCCP/HCP-PAMA lands. The term "maximize" implies a higher priority over other elements, such as the CE. Also see comments E1, E2 and E5.
Regional Transportation Coordination and Facilities	
Page 4-17 (M-5.2; Impact Mitigation for New Roadways and Improvements)	This policy section should mention the County's TRANSNET program with SANDAG.
Parking	
Page 4-25 (M-10.8; Environmentally Sensitive Parking Area Design)	A new policy should be added that emphasizes parking areas designed with native landscaping, shielded lighting (pole and car movement) and minimal impervious surfaces where located within or adjacent to the County's NCCP/HCP-PAMA lands.
Bicycle, Pedestrian, and Trail Facilities	
Page 4-25 (last paragraph)	The following sentence should be added after the second sentence to clearly demonstrate that trails within the County MSCP preserve lands are guided by species protection and resource protection first. "Trails within or adjacent to open space preserves are guided by ecological principles and the County's MSCP, which require resource protection first: where conflicts between biological resources and recreational uses occur, the County shall err on the side of species protection." This revision should be carried throughout other sections of the ME, as well as the LUE, the CE and the IP (e.g., CTP).
Page 4-28 (M-11.3; Bicycle Facilities on Road Designated in the Mobility Element)	This policy should be revised as follows, "Provide for adequate Maximize the provision of bicycle facilities....."
Page 4-28 (M-11.9; Trail Environmentally Sensitive Design)	A new policy (M-11.9) should be included in the GP that requires eco-sensitive design consideration, including the co-location of trails with existing easements and access roads; seasonal issues; trail management and enforcement; and, full mitigation for unavoidable impacts, in environmentally sensitive areas (e.g., County's MSCP's PAMA). This policy should specify that, for new development, trails should be located in the planning buffer (e.g., limited building development area) and not any biological buffer or areas counted towards MSCP conservation. The natural and biological environment should not be preempted by recreational needs in core MSCP areas. This revision should be carried throughout the ME where trails are discussed, as well as the LUE, the CE

Page 4-12, M-2.3. Policy has been revised as recommended (see Page 4-14).

Page 4-12, M-2.4. Policy has been cross referenced to the Noise Element (see Page 4-15).

Page 4-14, M-4.5 (both comments). Policy generally revised as recommended.

The intention of the Mobility Element is not to construct a transportation network at the expense of sensitive resources as evidenced by policies M-2.3 and M-4.5. Policies that appear to be competing will be balanced during implementation of development projects.

Page 4-17, M-5.2. This recommendation is more appropriately addressed in the Implementation Plan. [See Implementation Measure 4.1.1.C Regional Transportation Funding]

Page 4-25, M-10.8. Policy M-10-.7 generally revised as recommended.

Page 4-25 (last paragraph). Text generally added as recommended (see top of Page 4-30).

Page 4-28, M-11.3. Staff does not agree that it is necessary to revise this policy. Policies that appear to be competing will be balanced during implementation of development projects.

Page 4-28, M-11.9. Policy 12.9 has been revised to require conformance with MSCP management plans. See also, response to comment E-5.

	and the IP (e.g., CTP). Also see comment E2.
Page 4-28 and 4-29	Again, the statements indicating “maximize the provision of bicycle facilities...” (e.g., M-11.3, M-12.5 and M-12.8) through the ME must be replaced with “provide for adequate bicycle facilities...,” especially where facilities would be within or adjacent to MSCP-PAMA lands. Also see comments E1, E2 and E5.
Page 4-29 (M-12.5; Future Trails)	This policy should be revised as follows, “Provide for adequate Maximize opportunities to designate or construct eco-sensitive future trails on County-owned lands, lands within the Multiple Species Conservation Program (MSCP), or other lands already under public ownership or proposed for public acquisition. For lands in the MSCP, trail planning and development are guided by protection of species and habitat first and there shall be no net increase in trails on properties, especially on lands conserved or acquired with federal or state funds.” The County must demonstrate it has sufficient funds for enforcement and maintenance of proposed trails as part of trail planning.
Page 4-29 (M-12.8; Trails on Private Lands)	This policy should be revised as follows, “Provide Maximize opportunities that are fair....”
Page 4-29 (M-12.9; Environmental and Agricultural Resources)	This policy should include the collocation of trails with existing easements, seasonal closures of trails for species protection and public safety and management of equestrians for manure/cowbirds as part of the site and design criteria to minimize impacts. Also see comment E6.
Page 4-29 (M-12.11; Trail Management and Safety)	A new policy (M-12.11) should be included in the GP that outlines when trails could be closed for seasonal, species protection, abuse, safety and/or other reasons. Also see comments E1 – E5..

CHAPTER 5: CONSERVATION ELEMENT (PAGES 5-1 TO 5-39)

	The Purpose and Scope section of the CE should be revised to include “the protection and preservation of open space for multi-species conservation.” Also see comment C1.
	According to the State of California General Plan Guidelines (2003), “The conservation element provides direction regarding the conservation, development, and utilization of natural resources. Its requirements overlap those of the open-space, land use, safety, and circulation elements. The conservation element is distinguished by being primarily oriented toward natural resources.” Moreover, “[o]ne role of the conservation element is to establish policies that reconcile conflicting demands on those resources” (page 75). In addition, the Open-space elements have equal legal status with all other elements. In <i>Sierra Club v. Board of Supervisors of Kern County (1981) 126 Cal.App.3d 698</i> . The open-space element guides the comprehensive and long-range preservation and conservation of “open space land” (§65563). Open-space land is defined in statute as any parcel or area of land or water that is essentially unimproved and devoted to open-space use (§65560(b)). Along with the housing element, the open-space element has the most detailed statutory intent (see §65561 and §65562) and, next to land use, is the broadest in scope. The primary focus of the CE should be the protection of natural resources. The current CE indicates a primary focus on development, which is inconsistent with OPR Guidelines. The goal on page 9-6 (or equivalent) should be carried over into the CE as its primary focus: the primary focus of the CE is to “protect, conserve, and sustain the County’s natural resources, including biological habitat, water, agricultural lands, minerals, open space, and air quality.” Also see comment C1.
	Every local open-space element is required to contain a specific action program (§65564). In particular, counties and general law cities must have open-space zoning as a state requirement. Open space zoning is pursuant to §65910 (e.g., exclusive agriculture zones, large-lot zones, overlay -zones for hazards areas, etc.). The GP should clearly demonstrate how this statutory requirement will be met in the CE (which combines the Open Space requirement of State law). Also see comments D7 and D8.
	Be advised that the Department will only take easements for land within PAMA, provided they meet NCCP/HCP and BMO criteria.
	For any lands conserved for MSCP credit, the County must demonstrate it has an easement and adequate access for monitoring.
Page 5-2	The CE on page 5-2 has goals and policies for “Mineral Resources.” The GP should identify that extractive and other mining uses located within the County’s MSCP are generally considered incompatible with species conservation on a landscape level.
Goal COS-1/page 5-7	Goal COS-1 on page 5-7 should be revised to state, “Inter-Connected Preserve System. A regionally managed, inter-connected preserve system that embodies the regional biological diversity of the County of San Diego.”
Figure COS-3	The watershed map on Figure COS-3 does not accurately reflect the most current watershed boundaries in San Diego County. For example, the watershed boundary for Los Penasquitos should be updated per the site-specific information located in the Los Penasquitos Watershed Management Plan (2005) at projectcleanwater.org .
	The GP should include a clear overarching policy that the provision of “green infrastructure” in the backcountry (e.g., Forest Initiative Lands) should not supersede the biological goals and objectives outlined in the County’s NCCP/HCP. See page For example, although considered “green technology,” wind poles and farms may not be consistent with the goals and objectives of MSCP and should not be given outright priority over biological

RESPONSES

Page 4-28/29. Refer to response above.

Page 4-29, M-12.5. Staff does not agree. Refer to previous response to comment E-5.

Page 4-29, M-12.8. Staff does not agree that it is necessary to revise this policy. Policies that appear to be competing with be balanced during implementation of development projects.

Page 4-29, M-12.9. This is more appropriately addressed in the County Trails Program.

Page 4-29, M-12.11. Same as previous response.

Species are discussed under the first bullet point in the Purpose and Scope section (see Page 5-2).

The Introduction section of the COS Element has been revised to more clearly define its role toward resource preservation.

The land use map applies two Open Space designations. The Implementation Plan serves as the specific action program for Open Space issues. [See sections 5.1 Biological Resources and section 5.6 Open Space of the Implementation Plan].

Noted.

Noted.

Page 5-2. This comment is noted, but staff does not agree that it is appropriate to include the recommended language.

Page 5-7, Goal COS-1. Goal revised as recommended.

Figure COS-3. Definitions/models of the hydrologic units differ among agencies (USGS, RWQCB, watershed groups etc.). The figure is based on a model used by the County, rather than true boundaries.

Staff does not concur that this would be necessary because the “green infrastructure” would be considered development and be subject to the same requirements as other project, many of which will not be located within an adopted MSCP or other conservation plans.

RESPONSES

	<p>preservation. Also see comment B5 and D3.</p> <p>The GP should include the following policies to better implement resource protection and MSCP-related policies:</p> <ol style="list-style-type: none"> 1. Emphasize the relationship between MSCP, watershed planning and global climate change issues. 2. Acknowledge due diligence requirements from Govt. Code Section 65965 and include them in Policy I-117. 3. The County’s Vegetation Management Program and Vector Management Programs should each include a tracking, monitoring program for the tools it proposes to use. 4. Establish a policy that invasive plants (noxious weeds) shall not be used in projects within or adjacent to conserved lands, MSCP lands and Wildlife Agency/public lands. 5. Maximize the use of Quimby fees in subdivisions for park uses and earmark for MSCP management and enforcement. 6. Clearly state that emergency projects must fully mitigate for impacts to biological resources. 7. The GP should include a policy to establish volunteer “rangers” and/or “preserve monitors” that are incorporated into each planning group. 8. Acknowledge FGC 3500, et. seq. and other regulations that work with MSCP for the conservation of species and supporting habitats. 9. Support the acquisition of large remaining tracts of lands that have multiple-benefits to the County (e.g., biology, water, aesthetics, community character, archaeological resources, etc.). One example would be Rancho Guejito. 10. Ways to pay for the many programs that implement the GP (e.g., MSCP, Vegetation Management, Vector Management, rangers and enforcement, etc.). 11. Suggest integrating volunteers, at a community-based level through an elected, rotating position in the planning groups) to help monitor open space and related uses (e.g., trails, ORVs). This would help develop a local land ethic and ownership etiquette in each MSCP resource throughout the County.
Page 5-2	Primary focus of the CE should be resource-based, not development-oriented. The emphasis on development should be limited to the LUE. Also see comment C1.
New OS-1.6 (Inter-jurisdictional boundaries and planning/other agency properties)	The GP should establish a policy that County projects will not create problems on neighboring jurisdictions. Also see comment D9.
Page 5-7 (COS-2)	Please delete the reference to development; this is inherent in the LUE and Guiding Principles and weakens the CE goals for resource protection. Also see comment C1.
Page 5-7	Delete all references to non-native, non-invasive species.
Page 5-8 (COS-3.3)	A new policy (e.g., COS-3.3) should be added to the CE that focuses on preserve monitoring and management. Also see comment B2.
	The biological resource section of the CE should provide an emphasis on the County’s MSCP to achieve biological preservation goals. It is casually referenced in Figure COS-1 but is nowhere substantially discussed and tied to resource conservation in the supporting text.

1. The Introduction has been revised to emphasize this relationship (see Pages 1-13 to 1-14).
 2. Staff does not concur. This is more appropriately addressed by Resource Management Plans.
 3. These programs will be tracked and monitored as part of the Implementation Plan.
 4. New policy added as COS-1.9.
 5. Staff does not concur that a new policy is necessary. This is addressed under policy COS-24.1.
 6. Staff is unclear what this edit is referring to regarding Emergency Projects.
 7. Staff does not concur. This is more appropriately addressed by Resource Management Plans. Also see Implementation Plan measure 5.1.1.G.
 8. See above response.
 9. New policy added as COS-1.8.
 10. New policy added as COS-1.7.
 11. Staff does not concur. This is more appropriately addressed by Resource Management Plans. Also see Implementation Plan measure 5.1.1.G.
- Page 5-2. Concur. Text has been revised to make this clearer.
- New COS-1.62. Policy COS-23.2 revised to include protection.
- Page 5-7, (COS-2) Staff does not concur that including “development” weakens the CE goals.
- Page 5-7. Noted, but staff does not agree.
- Page 5-8, (COS-3.3). Preserve monitoring and management is addressed in policy COS-1.3 and new policy COS-1.7.

RESPONSES

COS-4.5 (Groundwater Management)	A new policy (e.g., COS-4.5) should be added to the CE that requires the retention of groundwater levels for species/habitat protection.
Page 5-12 (COS-5.6; Reservoirs)	A new policy (e.g., COS 5.6) should be added to the CE that emphasizes the management of reservoir/hinterlands for multiple uses, including species protection, reservoir buffers and other compatible uses. Also see comment C11.
Page 5-12 (COS-5.7; Natural Waterways)	A new policy (e.g., COS-5.7) should be added to the CE that requires the use of natural flood improvement methods where channelization is unavoidable and that facilities are adequately sized to allow wildlife movement at all crossings.
Page 5-14 (COS-6.6); Agricultural and Groundwater Withdrawal)	A new policy (e.g., COS-6.6) should be added to the CE that requires agricultural and other uses to retain adequate groundwater levels (including a buffer) for species/habitat protection.
	The GP should include a database policy for biological resources similar to that established for cultural resources in COS-7.6.
Page 5-21 (COS-10; Mining)	The GP should include a policy that mining will not preempt species protection per the County's MSCP and/or state and federal requirements. According to the figure provided in the CE, many of the remaining MRZ-2 areas may be located within or adjacent to existing/planning MSCP preserve areas.
Page 5-27 (COS-11.3)	This section of the CE discusses clustering to achieve aesthetic goals. It should also be identified as a tool for NCCP/HCP implementation. Also see comment A1.
Page 5-37 (Open Space Preserves)	The introduction section should be revised to distinguish Open Space Preserves with the primary focus being species/habitat protection and management, at least on MSCP lands. Also see comment D1.
Page 5-39 (COS-23.4)	A new policy should be added to the CE identifying open space management as a key component of the GP's CE policy and implementation strategy. Also see OS-23 on page 5-39.

COS-4.5. This is addressed by policy LU-8.3.

Page 5-12, COS-5.6. Staff does not agree that a new policy is necessary because this is addressed by COS-1.4, and addressed in more detail in the Implementation Plan [Implementation Measure 5.2.3.K Management of Reservoir Buffers].

Page 5-12, COS-5.7. This is addressed by policy S-10.2.

Page 5-14, COS-6.6. Staff appreciates your comment but does not agree.

Database Policy. This is included in the Implementation Plan. [See Implementation Measure 5.1.1.B Resource Information Database]

Page 5-21, COS-10. Staff appreciates your comment but does not agree. The interested should be balanced.

Page 5-27, COS-11.3. This is addressed in policy COS-2.2. Also see the draft Conservation Subdivision Program (<http://www.sdcounty.ca.gov/dplu/gpupdate/conssub.html>).

Page 5-37, OS. Text has been revised as recommended (see revisions starting on Page 5-40).

Page 5-39, COS-23.4. See revisions on Page 5-43.

RESPONSES

CHAPTER 6: HOUSING ELEMENT (PAGES 6-1 TO 6-16)	
Key Issues	
Page 6-8	Page 6-8 states that the GP reduces/lowers densities in MSCP areas. Please clearly indicate in the GP how this is achieved, and whether it would be applied to areas within or adjacent to existing and planned NCCP/HCP preserve areas (PAMA) as well as public-owned lands that contribute to the County's MSCP preserve. Also see comments C2 and C5.
CHAPTER 7: SAFETY ELEMENT (PAGES 7-1 TO 7-24)	
Fire Hazards	
Page 7-7	The County's Vegetation Mapping Program that was presented to Planning Commission on January 9, 2009 should be described in the SE. Also see comment F1.
Page 7-7 (Defensible Space; 1 st bullet)	The discussion of defensible space should be preceded by a requirement for hardening the structures; these two work together. First is hardening the structure, then defensible space can supplement structural design requirements. Also see comment F2.
Page 7-7 (New bullet; Building and Site Design)	A new bullet called "Building and Site Design" should be added that requires UBC/structural "hardening" measures (e.g., boxes eaves, fire rated windows/walls, fire retardant native vegetation, etc.) in project design as part of, and preceding, defensible space measures, especially where located within or adjacent to MSCP preserve and/or Wildlife Agency lands. Also see comment F2.
Page 7-8 (S-3.7)	A new policy (S-3.7) should be added to the GP SE that requires the use of fire retardant native vegetation in project design, especially where located at the wildland/urban interface and/or within or adjacent to public and/or NCCP/HCP-preserve lands. Also see comment D9.
Page 7-8 (S-3.1; Defensible Development)	This policy should be revised as follows, "Require development to be located, designed, and constructed to enhance provide adequate defensibility and minimize the risk....."
Page 7-8 (S-3.2; Development Hillside and Canyons)	This policy should be revised as follows, "Require Minimize development located near ridgelines, ... affect its susceptibility to wildfires; where necessary, it must be located, designed, and constructed to"
Flood Hazards	
Page 7-19 (S-9.5; Development Semi-Rural and Rural Lands)	This policy identifies the use of clustering for floodways. The clustering tool should be available for MSCP implementation as well. Also see comment No. A1.
Page 7-19 (S-10.1; Land Uses within Floodways)	This policy should identify that uses in floodways should "...not substantially harm, and fully offset, the environmental values of the floodway...."
Page 7-19 (S-10.2; Use of Natural Channels)	This policy should identify in the second sentence that, "The alternative must achieve the same level of biological as well as other environmental protection (e.g., water quality, hydrology, public safety).
Page 7-20 (S-10.3; Flood Control Facilities)	This policy should acknowledge that maintenance for facilities may still require mitigation for species/habitat if it was not factored into the construction of the project.

Page 6-8. This statement applies to the GP Land Use Map and is intended to address why the opportunities for high density affordable housing sites are limited in those areas.

Page 7-7. A Vegetation Management Report was presented to the Planning Commission on 1/9/09. This report is not related to the General Plan Update. However, the County proposes Implementation Measure 6.2.2.F, Vegetation Management Program, which has not yet been drafted.

Page 7-7 (Defensible Space). See revised text on Page 7-7.

Page 7-7 (Building and Site Design). Bullet has been added (Page 7-8).

Page 7-8, S-3.7. This is addressed in the proposed Landscape Maintenance Ordinance, which encourages fire-retarant plants in wildfire prone areas.

Page 7-8, S-3.1. Policy revised as recommended.

Page 7-8, S-3.2. Staff does not concur with the proposed changes. The land use map has already minimized development near ridgelines by applying low densities.

Page 7-19, S-9.5. This is addressed in policy COS-2.2. It is also further clarified in the Implementation Plan. [See Implementation Measure 5.1.2.C Conservation Subdivisions]

Page 7-19, S-10.1. Policy revised as recommended.

Page 7-19, S-10.2. Policy revised as recommended.

Page 7-19, S-10.3. Staff does not agree it is appropriate to include the recommendation in this policy. Flood control facilities are development, thus are subject to the same mitigation requirements. In addition, long-term maintenance of such facilities should be evaluated in the environmental review of the project and not piecemealed.

CHAPTER 8: NOISE ELEMENT (PAGES 8-1 TO 8-15)	
Page 8-4 (Noise Sensitive Land Uses)	The County's open space/nature preserves should be identified as noise-sensitive land uses, as identified in Table N-1.
Page 8-9 (Table N-1; Noise Compatibility Standards)	Table N-1 identifies noise levels (i.e., up to 75 dbA CNEL) for nature preserves as "acceptable" that may not be compatible with species protection is located within or adjacent to MSCP lands and/or Wildlife Agency properties. The GP Noise Element and Table N-1 should provide a footnote and/or explanation indicating that species-specific consideration may require noise levels below those identified for nature preserves based on consultation with the Wildlife Agencies.
CHAPTER 9: IMPLEMENTATION PLAN (PAGES 9-1 TO 9-8)	
Page 9-1 (3rd bullet)	The GP and/or supporting documentation should clearly demonstrate how the zoning code will be updated to achieve consistency with the GP, in particular the County's BMO, RPO, Open Space Subdivision Ordinance, vegetation mapping, trails planning, and any other GP goal/policy that would affect MSCP implementation and species conservation. Also see comment D8.
Page 9-4 (Community Plans)	The GP and/or supporting documentation should clearly demonstrate how the County's community plans will be updated to better implement CE goals and policies, including buildout and management of the County's MSCP. Also see comment C2.
CHAPTER 10: ACRONYMS AND GLOSSARY SAFETY (PAGES 10-1 TO 10-39)	
Page 10-9 (Buffer Zone)	This definition should be revised as follows to acknowledge biological buffers, "An area of land or physical impediment separating two distinct land uses or resources that acts to soften or mitigate the effects of one land use on another."
Page 10-12. (Clustering)	A definition for development clustering should be provided and identified as a tool to achieve MSCP, GHC, aesthetic, safety and other GP land use goals. Also see comment A1.
Page 10-3 (Defensible Space)	This definition should be revised to identify that defensible space should be preceded by a requirement for hardening the structures. First is hardening the structure, then defensible space can supplement structural design requirements. Also see comment F1 – F3.
Page 10-17 (Fuel Modification Area)	This definition should be revised to identify that (similar to defensible space) fuel modification should be preceded by a requirement for hardening the structures. Also see comment F2.
Page 10-24 (Multi-Species Conservation Plan)	This definition must be revised to identify that the program addresses "multiple species" needs, including habitat, and the preservation and management/monitoring of native vegetation/species.
Page 10-26 (Open Space Preserves)	This definition should clearly indicate whether or not MSCP preserve and/or Wildlife Agency lands are included in "Open Space Preserves." In addition, providing trails, parking and restrooms may not be compatible with MSCP requirements in certain areas of the County. The definition should acknowledge the development (including trails) constraints on OS uses required by the County's NCCP/HCP. Also see comments B3 and E3, regarding trails, and comment D1 regarding providing a regional land use category for Open Space Uses.
Page 10-27 (Parks)	A definition for "Open Space Parks" should be provided in the GP. Also see comment D6. These could be further distinguished into OS-Resource Parks, OS-Conservation, OS-Recreation, etc. The definition for Open Space Preserve should identify that the primary purpose for this land use is biological, species and landscape preservation and management. In addition, trails within the County MSCP preserve lands are guided by species protection and resource protection first. Trails within or adjacent to open space preserves are guided by ecological principles and the County's MSCP, which require resource protection first, active recreational uses are subservient and err on the side of species protection if there are potential conflicts. Also see comment D1, regarding providing a regional land use category for Open Space Uses, including NCCP/HCP preserve lands.
Page 10-31 (Sensitive Habitat)	This definition should acknowledge habitats that are sensitive and require mitigation under the County's NCCP/HCP (see "Sensitive Species" definition).
Page 10-33 (Sensitive Receptors)	This definition should identify nature preserves as sensitive noise receptors, as indicated in Table N-1, with the provision that species-specific consideration may require noise level far below those identified for nature preserves in Table N-1 based on consultation with the Wildlife Agencies.
Page 10-37 (Trails)	This definition should emphasize that trails within or adjacent to open space preserves/MSCP lands are guided by ecological principles and the County's MSCP, which require resource protection first, active recreational uses are subservient and err on the side of species protection if there are potential conflicts. Also see comments E1, E2 and E5.
Page 10-39 (Wetlands)	Please indicate whether or not vernal pools are included in the GP definition of wetlands. Also, this definition should acknowledge the differences between local, state and federal jurisdictional wetlands.

RESPONSES

Page 8-4. Staff appreciates the comment, but does not agree. The purpose of the Noise Element is to address noise issues as they relate to humans. The COS Element is meant to address impact to biological resources.

Page 8-9. See above response.

Page 9-1. Noted. This is addressed in the Implementation Plan.

Page 9-4. See above comment. Also see draft Community and Subregional Plans currently available for public review at <http://www.sdcounty.ca.gov/dplu/gpupdate/draftgp.html#CommunityandSubregionalPlans>

Page 9-7. See above comment.

Page 10.9. Definition revised as recommended.

Page 10.12. Staff does not agree that this should be included, rather it should be left for any implementing regulations / measures to define.

Page 10.13. Staff does not agree that the recommendation would be an appropriate addition to the definition.

Page 10.17. Staff does not agree that it is necessary to add reference to hardening the structures into the definition.

Page 10.24. Definition revised as recommended.

Page 10.26. Staff does not agree that the definition should include any absolutes concerning MSCP and open space preserves. This will allow more flexibility as to what is considered an open space preserve.

Page 10.27. Staff does not agree as this is not a term that is used by the County when referring to their types of parks. Distinction among trails is better addressed in the CTMP.

Page 10.31. This definition has been deleted.

Page 10.33. Staff does not agree. This term is generally meant to address impacts to humans.

Page 10.37. Staff does not agree that the recommended change is appropriate for the definition.

Page 10.39. The definition has been revised to indicate that wetlands include vernal pools. State and federal definitions are subject to interpretation and modification by various state and federal agencies and, therefore, are not described here.



January 30, 2009

Mr. Eric Gibson, Planning Director
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: Review of the County of San Diego's Revised Draft Housing Element

Dear Mr. Gibson:

Thank you for submitting the County of San Diego's revised draft housing element, received for review on December 1, 2008. As you are aware, the Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Telephone conversations with Mr. Devon Muto, Ms. Dixie Switzer, and Mr. Eric Lardy, of your staff, in addition to the May 27, 2008 meeting in San Diego facilitated the review. In addition the Department considered third party comments from Ms. Ann Fathy, pursuant to Government Code Section 65585(c).

The revised draft element addresses many of the statutory requirements described in the Department's July 9, 2007 review. For example, the element now includes an analysis of the housing need for extremely low-income households and detailed descriptions of the public participation process. However, further revision is still necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must demonstrate the adequacy of the sites inventory to accommodate the County's regional housing need for lower-income households, and comply with recent statutory changes to State law (Chapter 633, Statutes of 2007 [SB 2]). The enclosed Appendix describes necessary revisions needed to comply with State housing element law.

DPLU appreciates comments from the State of California Department of Housing and Community Development. Specific responses are located on the following pages under Attachment A.

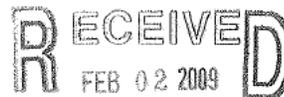
The Department appreciates the County's efforts to address its housing needs and is thankful of Messrs. Muto, Switzer, and Lardy's cooperation during the review. If you have questions or would like further assistance, please contact Melinda Coy, of our staff at (916) 445-5307.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy E. Criswell".

Cathy E. Criswell
Deputy Director

cc: Devon Muto, Department of Planning and Land Use
Ann Fathy, Attorney At Law



DPLU - PPCC

Enclosure

**APPENDIX
COUNTY OF SAN DIEGO**

RESPONSES

The following changes would bring the County of San Diego's housing element into compliance with Article 10.6 of the Government Code. The supporting section of the Government Code is cited to accompany each recommended change.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an analysis and documentation of household characteristics, including overcrowding and housing stock conditions (Section 65583(a)(2)).*

Housing Stock Conditions: While the element now includes census data regarding the number of units lacking complete plumbing or kitchen facilities, it does not include a complete analysis of housing stock conditions with an estimate of the number of units needing repair and replacement, as was indicated in the July 2007 review. The analysis should supplement census data with local estimates. To assist in addressing this statutory requirement, please refer to the Department's previous review and/or *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/EHN_HousingStockChar.php.

2. *Include an inventory of land suitable for residential development, including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

The element was revised to include a more detailed description and analysis of the methodology assumptions used to calculate capacity and identify zoning to encourage and facilitate the development of housing affordable to lower-income households. However, to demonstrate the adequacy of San Diego County's strategy to accommodate its share of the regional housing need, the following revisions are still required:

The element now demonstrates capacity on existing zoned sites to accommodate 952 units toward the County's regional housing need for housing affordable to lower-income households. The remaining need of 2,764 units is proposed to be accommodated by second units and rezoning sites concurrent with the adoption of the general plan by Fall 2010. However, the element does not include a program to complete the rezoning as required by statute. In addition, as the element demonstrates a shortfall of sites to accommodate the County's share of the regional housing need for lower-income households, it must include a program to rezone sites pursuant to Government Code Section 65583.2(h), permitting owner-occupied and rental

This information is not readily available, and based on conversations with State Department of Housing and Community Development a program to study housing stock conditions would be appropriate. Program 3.4.8.A has been added to study housing units and estimate the number of units needing repair and replacement.

Noted, DPLU appreciates the State Housing Agency's acknowledgement of the efforts it has placed into the Housing Element Inventory since the earlier edition of the Draft Housing Element.

Noted, DPLU has expanded its analysis to include additional sites that are currently, and have been available throughout the planning period zoned to allow affordable housing for lower income households to accommodate 1,231 of the 2,764 units remaining Regional Housing Needs Assessment

multifamily uses by-right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 20 units per acre. Also, at least 50 percent of the remaining need must be planned on sites that exclusively allow residential uses.

The County should be aware, pursuant to Government Code Section 65584.09, should the County fail to identify or make adequate sites available in the current planning period, the jurisdiction must zone or rezone adequate sites to address the unaccommodated housing need within the first year of the subsequent planning period. This requirement is in addition to the requirement to identify other specific sites to accommodate the RHNA for the new planning period.

Suitability of Nonvacant and Underutilized Sites: The element was revised to include summary information relative to non-vacant opportunities in communities projected to represent the greatest potential for higher density development (pages H1-85 – 88). However, as noted in the previous review, the element yet lacks an analysis of the extent existing uses may constitute an impediment to additional residential development and should identify existing or proposed financial or regulatory incentives to facilitate redevelopment. For example, the element should analyze the specific characteristics and circumstances of the existing uses on identified sites that may lead to conversion to residential or mixed-use in the planning period, such as expressed interest from property owners or developers, low improvement vs. land values, discontinued uses and the condition and age of the structures. Furthermore, the element must demonstrate how the County will facilitate redevelopment on these sites. Examples of incentives include: 1) organizing special marketing events geared towards the development community; 2) posting the sites inventory on the local government's webpage; 3) identifying and targeting specific financial resources; 4) reducing appropriate development standards, and 5) expediting processing for project development.

Zoning for a Variety of Housing Types

The revised element now includes Programs 1.4.6-1 and 1.4.6-2 to amend the zoning ordinance to clarify zones which will permit emergency shelters, transitional housing, and supportive housing. In addition, the element now identifies RC, C31, C34, C35, C37, and C45 zones permitting emergency shelters (page H1-59). Please note the County is now required to comply with recent statutory changes to State law (Chapter 633, Statutes of 2007 [SB 2]) requiring, among other things, the identification of a zone(s) where emergency shelters are permitted without a conditional use permit (CUP) or other discretionary action. To address this requirement, the County should clarify emergency shelters will be permitted by-right in at least one zone with sufficient opportunities to accommodate the identified homeless need, including opportunities available in suitable locations near services and facilities. In addition, in accordance with SB 2, the element must demonstrate transitional and supportive housing are treated as a residential use and subject only to those restrictions that apply to residential uses of the same type in the same zone without undue special regulatory requirements. For further information, refer to the Department's memo at http://www.hcd.ca.gov/hpd/housing_element2/SB2memo071708_final.pdf.

Farmworker Housing: The element was revised to include an analysis of the housing types typically occupied by farmworker households. However, while the element does include the total acreage zoned for agricultural uses, pursuant to the previous review, it did not analyze whether this zone, alone, can adequately accommodate the variety of

RESPONSES

in the Existing General Plan. Please see our changes to the existing General Plan Inventory, Housing Appendix H1B

In addition to the supplementation of its existing inventory of vacant sites, DPLU has added program 3.1.1.G to implement a rezone should the General Plan Update not implement its proposed zoning with enough time available for development of the properties to satisfy the State of California HCD.

This section has been revised to incorporate information, such as the expressed interest of property owners, increase in land use intensity vs. existing low improvements, as well as more accurately highlight efforts for planned extensive marketing of these housing sites. These efforts include the designation of sites in the San Diego Association of Government's Smart Growth Opportunity Areas, the opening of a High Frequency Light Rail Line adjacent to the site. Additionally the Housing Element Inventory has been posted and efforts to post the Residential Sites Inventory on the County of San Diego's webpage.

DPLU is currently processing a Zoning Ordinance Amendment to revise the Emergency and Transitional Shelter requirements. The current draft proposes allowing emergency shelters by-right in M-50, 54, and 58 Zones. The element has been edited to reflect this change. Additionally Program 3.4.6.B (Formerly 1.4.6-1) has been edited to clarify that emergency shelters are to be permitted by-right.

Program 3.4.6.B (Formerly 1.4.6-2) has been amended to specify that in the Zoning Ordinance Amendment, transitional and supportive housing will be defined and treated as a residential use.

The element was revised to include total acreage where farmworker housing will be accommodated by-right, which is 767,740 out of the 800,000 acres in private holdings in the County of San Diego, enough to satisfy the need for Farmworker housing.

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The element has been revised to clarify that DPLU is removing farmworker density requirements, therefore making the Farmworker density bonus program unnecessary, the Program has been removed.

The County believes it has adequately discussed this in its current draft, however has added program 3.4.7.G to continue efforts to review regulations for reasonable removal of government constraints.

Noted.

See response to section A1, a program has been added and the Residential Sites inventory has been improved to include additional sites.

housing types needed for farmworkers. Pursuant to discussions with staff, revisions to the zoning code will include amendments to the farmworker density bonus program. The element should clarify how the County will modify the density bonus provisions and ensure those provisions do not conflict with Health and Safety Code Section 17021.6 (Employee Housing Act).

3. *Include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, including land use controls, building codes and their enforcement, site improvements, fees and other exactions and local processing and permit procedures (Section 65583(a)(4)).*

Land-Use Controls: While the element was revised to detail the allowed ranges of development standard for both single- and multi-family housing, pursuant to the previous review, it does not include evaluation of the impact of these standards, and their cumulative impact on the overall supply and affordability nor description of the methodology for determining the development standard of specific parcels.

Local Processing and Permit Procedures: While the revised element now includes a description of the typical decision-making criteria and timing for both single- and multi-family developments, it does not yet include a complete description or analysis of the County's design review process, including typical requirements and approval procedures. Please see the Department's prior review to address this requirement.

B. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing single-room occupancy units, emergency shelters, and transitional housing (Section 65583(c)(1)) .*

As noted in finding A2, the element does not include a complete sites inventory and analysis; therefore the adequacy of sites cannot be established. Based on the results of a complete sites inventory and analysis, the County may need to add or strengthen programs and address any shortfall of residential development capacity. In addition:

Program 1.1.1-3: Regional Housing Needs: The Department understands the County will pursue rezoning concurrently with the general plan update (Fall 2010) to accommodate the regional housing need for lower-income households. However, as there are insufficient sites currently available to accommodate the remaining housing need (See finding A2, above), the element must include a program to accommodate the identified shortfall before the end of the planning period. The program must identify the amount of land that will be rezoned to higher density sites, include a commitment to rezone the identified sites in accordance to Government Code Section 65583.2(h), and

RESPONSES

include a specific date for initiating the rezoning actions. As stated in the Department's previous review, the timing of this program must be early enough in the planning period for development to occur. Even if the planned rezoning were to occur earlier than proposed, zoning being made available at the very end of the planning period (June 2010) is not consistent with the statutory objective to provide opportunities for housing development to occur within the planning period which began July 2005.

As stated in Finding A2, given the County's reliance on a combination of mixed-use and redevelopment to accommodate its housing need, the element must include strong programs and implementation actions to facilitate such development (i.e., specific commitment to provide regulatory and/or financial incentives and promote the development of underutilized and/or mixed-use sites). Pursuant to the previous review, the element should also include programs to facilitate lot consolidation and/or lot assemblage for the identified small sites.

Program 3: Achieve Maximum Development Yield in Villages: The element did not address this requirement (see finding B1 of the Department's previous review).

Program 1.4.3-1 and 1.4.6-2: Emergency Shelters and Transitional Housing: To comply with the provision of SB 2, Program 1.4.3-1 must identify a zone(s) where emergency shelters will be permitted without a CUP or other discretionary action within one year of adoption of the housing element, and Program 1.4.6-2 must clarify transitional and supportive housing will be permitted as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Program 1.3.3-3 and 1.3.3-4: Farmworker Housing: Program 1.3.3-3 must describe how the County will streamline the permit process for farmworker housing. For example, the program should commit to the proposed efforts (page H1-63). In addition, Program 1.3.3-4 should describe the proposed modifications to the farmworker density bonus program.

Furthermore, given the identified need for farmworker housing, the element could also contain programs to specifically encourage and facilitate the development of a variety of housing types required to accommodate farmworker households. For example, the County could work with developers of farmworker housing to identify appropriately located sites, assist in securing financing or provide financial assistance to facilitate housing development, and/or commit to monitor farmworker development to ensure development is occurring commensurate with the housing need.

2. *Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities (Section 65583(c)(3)).*

As noted in finding A3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to strengthen or add programs and address and remove or mitigate any identified constraints.

See comments above.

The residential sites inventory for the mixed use and non-residential sites has been improved. Additional discussions include that parcels ripe for redevelopment meet numerous criteria for development. Small lots within the Regional Housing Needs Inventory were not included unless they were in common ownership, and there have been many owners that have expressed interest in redeveloping sites within the unincorporated County of San Diego. Additionally parcels that have been slated for redevelopment meet at least two and often all of the following three criteria, improvement to land value ratio is less than 1.0, buildings that are over 30 years old and redevelopment capacity could at least triple the existing units.

Program 3. DPLU believes that requirement has been addressed with inclusion of program 3.1.3.A (Formerly 1.1.3-1), with the commitment to review regulations to ensure 80% yield on housing element sites and to potentially include minimum density provisions. It is the opinion of DPLU that these actions, combined with the extensive site analyses that have been completed for each of the Residential Sites Inventory locations are more than adequate to ensure 80% yield on development of multi-family developments.

Emergency Shelters and Transitional Housing: See response above in A2, Programs 3.4.3.A (Formerly 1.4.3-1) and 3.4.3.B (Formerly 1.4.3-2) have been modified and discussion in the element has been revised.

Program 3.3.3.C (Formerly 1.3.3-3) has been revised to clarify DPLU efforts to streamline farmworker housing requirements. Program 1.3.3-4 has been removed, as density is being removed as a requirement for farmworker housing. See page H1-63 for clarification on the Farmworker Housing Program

See response in A3

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DISTRICT 11

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RESPONSES

January 20, 2009

11-SD-VAR

(5, 8, 15, 67, 76, 78, 79, 94, 125, 905)

San Diego County General Plan Update

REVISED

Mr. Robert Citrano

County of San Diego

Department of Planning and Land Use

5201 Ruffin Road, Suite B

San Diego, CA 92123

Dear Mr. Citrano:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Mobility Element of the November 2008 Draft San Diego County General Plan Update. Caltrans would like to submit the following comments:

Mobility Element

- *Pages 4-7 – 4-9, Road Classifications*
 - Caltrans appreciates the mention that “although State highways are included in the Mobility Element road network, the cross-section and right-of-way requirements for State highways may be different than those of Mobility Element road classifications.”
 - For rural conventional highways with speeds greater than 40 mph, a Clear Recovery Zone of 20 feet beyond the edge of the traveled way is desirable. Fixed objects located at distances less than the required Clear Recovery may not be allowed. To prevent dealing with these issues on a case by case basis, it is recommended the County make some reference to the necessary cross-section design requirements for facilities identified in the Mobility Element that are within Caltrans jurisdiction.
- *Page 4-20, Public Transit*
 - The NCTD Sprinter rail line is referenced as “heavy rail,” when it should be noted as “light rail.”
 - In discussing the Metropolitan Transit System (MTS), the North County Transit District (NCTD), and the Full Access & Coordinated Transportation (FACT), the County may also want to include the Reservation Transportation Authority (RTA) and their work on transit issues. For example, in conjunction with SANDAG and the RTA, a consultant prepared a *Transit Feasibility Study* to assess the needs of

Noted.

Added as suggested.

Corrected.

A reference to the RTA has been added.

tribes in the County to improve access for medical, educational, employment, and other essential transportation needs. As a result of the study, some bus routes were expanded. This also adds to the *SR-76 East Corridor Study* done in 2006 to identify operational improvements, in coordination between Caltrans, SANDAG, and the RTA.

- *Pages 4-25 – 4-26, Bicycle, Pedestrian and Trail Facilities*
 - Caltrans appreciates the efforts that the County has undertaken to plan for non-motorized modes of transportation. Bicycles and pedestrians comprise a vital element in community mobility and can help reduce congestion and greenhouse gas emissions by taking vehicles off the roadway. The County has demonstrated this understanding and should be proud of these efforts.
 - Revise the term “on-road bicycle paths” to “bicycle lanes and routes.”
 - Please include some discussion on the California bicycle class types: Class I (bicycle path/trail), Class II (bicycle lane), and Class III (bicycle route).
 - While Caltrans encourages the trail network detailed in the Bicycle, Pedestrian and Trail Facilities section, we recognize the need to complete gaps in the current bicycle network. Careful consideration should be used when weighing the use of limited funds to build Class I and/or multi-use trails. In corridors that could be treated with Class II or Class III bicycle facilities by way of minimal investment, options that would complete bicycle networks in the near-term should be pursued.
- *Page 4-28, Goal M-11, Bicycle and Pedestrian Facilities*
 - Policy M-11.6 – Coordination of Bicycle and Pedestrian Facility Connectivity: Caltrans endeavors to provide safe mobility for all users, including bicyclists, pedestrians, transit riders, and motorists appropriate to the function and context of the facility. Caltrans is committed to working with the County to complete bicycle and pedestrian facilities.

DPLU appreciates your comments

Corrected.

Reference to the California bicycle classes has been added.

Noted -- A statement identifying these considerations will be added to the next update of the Bicycle Transportation Plan.

Text has been included as a sidebar.

Mobility Element Appendix

- *Page 29, Jamul/Dulzura Subregion Matrix*
 - ID #1, State Route 94 (SR-94)
 - Designation/Improvement – 2.1D Community Collector: After "Improvement Options," add [Passing Lanes, Curve Corrections, and Turn Pockets].
 - Special Circumstances: Change statement to read "Improvements to four lanes are included in the Unconstrained Revenue scenario in the November 2007 SANDAG RTP."
- *Page 34, Lakeside Community Planning Area Matrix*
 - ID #2, State Route 67 (SR-67)
 - Designation/Improvement – 6.2 Prime Arterial: The Designation/Improvement shown is for a 6 lane Prime Arterial for SR-67 from Maplevue Street to Scripps Poway Parkway. To the best of our knowledge, a 6 lane facility has not been proposed for SR-67.

Changes incorporated.

The GP Update Board-Endorsed Network (August 2, 2006) specified SR-67 as a six lane Prime Arterial from Scripps Poway Parkway to just north of Willow Road, then as a six lane expressway to it meets the current expressway. Proposed improvements included completing the Winter Gardens interchange, SR-67 overpass at Maplevue and Willow. DPLU recognizes that these improvements were not included on the 2030 RTP.

- Special Circumstances: Change statement to read "Improvements to four lanes are included in the Reasonably Expected Revenue scenario in the November 2007 SANDAG RTP."
- Page 54, Pala/Pauma Subregion Matrix
 - ID #2, State Route 76 (SR-76)
 - Designation/Improvement – 2.1D Community Collector: After "Improvement Options," add [Passing Lanes, Curve Corrections, Left and Right Turn Channelizations, and Intersection improvements].
- Page 73, Valle De Oro Mobility Element Network Map
 - SR-94 from SR-54 to Jamul/Dulzura Subregional boundary is shown as a 6 lane Prime Arterial (purple); this should be corrected to a 4 lane Major Road (red).
- Page 75, Valle De Oro Community Planning Area Matrix
 - ID #7, SR-94/Campo Road
 - Under Special Circumstances, change statement to read, "Improvements are included in the Unconstrained Revenue scenario in the November 2007 SANDAG RTP."

If you have any questions, please contact Connery Cepeda, Community Planning Liaison, at (619) 688-6968.

Sincerely,



JACOB ARMSTRONG, Chief
Development Review Branch

RESPONSES

Revised.

Revised.

The GP Update Board-Endorsed Network (August 2, 2006) specified SR-94 as a six lane Prime Arterial from Jamacha Road/SR-54 to the Jamul CPA boundary. DLPU recognizes that these improvements were not included on the 2030 RTP. (The table has also been corrected to reflect this)

Revised to indicate that improvements to four lanes only are included in the 2030 RTP, Unconstrained Revenue scenario.