

# **Attachment E - Correspondence**

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**Property Specific Requests (NM16, RM15, SD2, & SV17) General Plan Amendment:  
GPA12-012 – Community Planning/Sponsor Group Recommendations Received**

Note: The PSRs (NM16, RM15, SD2, & SV17) GPA (GPA12-012) was included in the materials for the General Plan Clean-Up GPA (GPA12-007) that were sent to planning groups. Each of the PSRs was considered by the applicable planning group in their recommendations (as reflected in the discussions, when minutes include those). The North Mountain Subregional Planning Area is not represented by a CPG/CSG.

Ramona

**County of San Diego  
Ramona Community Planning Group  
FINAL MEETING MINUTES  
May 2, 2013**

**7:00 PM @ Ramona Community Library, 1275 Main Street**

A regular meeting of the Ramona Community Planning Group (RCPG) was held May 2, 2013, at 7 p.m., at the Ramona Community Library.

**ITEM 1: ROLL CALL (Piva, Chair)**

In Attendance:	Torry Brean	Jim Cooper	Matt Deskovick
	Scotty Ensign	Carl Hickman	Eb Hogervorst
	Kristi Mansolf	Donna Myers	Jim Piva
	Dennis Sprong	Paul Stykel (Att. 7:12)	Richard Tomlinson
	Kevin Wallace		

Excused Absence: Chad Anderson, Barbara Jensen

Jim Piva, RCPG Chair, acted as Chair of the meeting, Scotty Ensign, RCPG Vice Chair, acted as Vice-Chair of the meeting, and Kristi Mansolf, RCPG Secretary, acted as Secretary of the meeting.

**B. Draft 2013 General Plan Cleanup that Includes 2 Referrals with a Change in Former Salvation Army Property Land Use Designation to Open Space (portion Purchased by County Parks) (RM 101); Change in Land Use Designation from RL 40 to RS 4 for Teyssier Property With Approved Tentative Map 5194 (RM 15).  
Comments Due 5-20-13**

Ms. Mansolf said the Draft 2013 General Plan Cleanup (DGPC) includes the Teyssier property and the addition of the Salvation Army property which has been purchased recently by County Parks. The RCPG had requested the Teyssier property be a referral since it had already been an approved Tentative Map while the General Plan Update was occurring. The County considered this and said there were already parcels designated 4 acres in the area, so the change would fit in.

**MOTION: TO SUPPORT GPA 12-007, DRAFT 2013 GENERAL PLAN CLEANUP.**

Upon motion made by Kristi Mansolf and seconded by Torry Brean, the motion **passed 12-0-1-0-2**, with Matt Deskovick abstaining, and Chad Anderson and Barbara Jensen absent.

San Dieguito

**SAN DIEGUITO PLANNING GROUP**

P. O. Box 2789, Rancho Santa Fe, California 92067

MINUTES OF MEETING

**MAY 23, 2013**

1. CALLED TO ORDER 7:10 P.M. PLEDGE OF ALLEGIANCE  
present: Willis, Clotfelter, Lemarie, Dill, Jones, Liska, Epstein, Hoppenrath, Osborn, Christenfeld  
absent: Barnard, Arsivaud-Benjamin

**B. Community & General Plan Update - *Continued from 5-9-2013*** Review of proposed draft changes for submittal of comments and corrections to DPLU. Advance Planner: Kevin Johnston, 858.694.3084; SDPG Planner: Lois Jones 760-755-7189 The subject covers:

- the Introduction describes the GP Clean-Up purpose and process – p. 1-1, 1-2 (p. 8-9 in the pdf page counter)
- brief text descriptions of the proposed Land Use Map changes are on p. 2-1 and 2-3 (11 & 13 in the pdf page counter)
- page 3-2 and 3-3 (20 & 21 in the pdf page counter) have additional information on proposed Land Use Map changes (# of parcels, acreage, existing/proposed designations, estimates of change in potential dwelling units, descriptions of Land Use designations and zoning information links)
- the community map of San Dieguito with proposed Land Use Map changes outlined is on p. 3-33 (p. 51 in the pdf page counter)
- zoomed in maps of each proposed Land Use Map change for San Dieguito are on 3-34 through 3-37 (p. 52 – 55 in the pdf page counter)
- proposed corrections/clarifications for countywide General Plan policies/references are on 4-1 through 4-6 (p. 69 – 74 in the pdf page counter)
- proposed policy revisions for the Elfin Forest/Harmony Grove portion of the San Dieguito Community Plan are on 4-20 (p. 88 in the pdf page counter)

**MOTION** by Lois Jones to recommend approval of the proposed "alternative Policy Language" presented as well as the other changes presented at last meeting. Seconded: Christenfeld

Ayes = 9                      nos = 0                      abstain = 0

## Spring Valley

### Spring Valley Community Planning Group

**P.O. Box 1637, Spring Valley, CA 91978**

Regular Meeting held on 6/11/13

Meeting held at San Miguel Fire Station District Headquarters

2850 Via Orange Way, Spring Valley, CA 91977

Members:

- |                                 |                            |
|---------------------------------|----------------------------|
| 1. Bob Eble                     | 9. Clifton Cunningham      |
| 2. Lora Lowes                   | 10. Vacant                 |
| 3. Jeff Hansen                  | 11. Vacant                 |
| 4. Marilyn Wilkinson, Secretary | 12. Walter Lake            |
| 5. Vacant                       | 13. Edward Woodruff        |
| 6. John Eugenio                 | 14. James Comeau, Chairman |
| 7. Richard Preuss               | 15. L. Ben Motten          |
| 8. Michael Daly, Vice Chairman  |                            |

Chairman Comeau called the meeting to order at 7:00 with 12 members present. The minutes of 5/13/2013 were approved as corrected. Vote -10-0-2. Daly and Cunningham abstained.

4. 2013 General Plan Clean Up. Kevin Johnston requests vote of concurrence with all changes presented at 28 May meeting. Mobility element changes, and two land use map changes. Presenter: Lowes. Proponent: Johnston. All requested changes need to be voted on. Lowes made a motion to approve. Vote 11-0-0, in agreement.

February 12, 2013

Attn: Robert Citrano  
Planning Manager, Advance Planning Division  
San Diego County  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666



**Re: SB 18 Consultation for the 2013 General Plan Clean-Up, an Amendment to the General Plan**

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any specific concerns regarding this project.

[SPECIAL NOTE (for projects other than cell towers): *If* this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.

Sincerely,



Joseph Ontiveros  
Director of Cultural Resources  
Soboba Band of Luiseño Indians appreciates  
P.O. Box 487  
San Jacinto, Ca 92581  
Phone (951) 654-5544 ext. 4137  
Cell (951) 663-5279  
[jontiveros@soboba-nsn.gov](mailto:jontiveros@soboba-nsn.gov)

**PALA TRIBAL HISTORIC  
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road  
Pala, CA 92059  
760-891-3510 Office | 760-742-3189 Fax



PALA THPO

April 17, 2013

Bob Citrano  
Planning Manager, Advance Planning Division  
Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

Re: Invitation to Participate in SB 18 Consultations for 2013 General Plan Clean-up, An Amendment to the General Plan

Dear Mr. Citrano:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. It is, however, within the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Because this project references a GPA update and not an actual development project, we do not request consultation at this time. However, if the project is modified to include any sort of construction or other ground-disturbing activity, we wish to be notified so we can reassess the need for consultation.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at [sgaughen@palatribe.com](mailto:sgaughen@palatribe.com).

Sincerely,

Shasta C. Gaughen, PhD  
Tribal Historic Preservation Officer  
Pala Band of Mission Indians



## PECHANGA CULTURAL RESOURCES

*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

May 8, 2013

Chairperson:  
Germaine Arenas

Vice Chairperson:  
Mary Bear Magee

Committee Members:  
Evie Gerber  
Darlene Miranda  
Bridgett Barcello Maxwell  
Aurelia Marruffo  
Richard B. Scearce, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

### VIA E-MAIL and USPS

Mr. Bob Citrano  
Planning Manager, Advance Planning Division  
Planning & Development Services  
County of San Diego  
5510 Overland Ave, Suite 110  
San Diego, CA 92123

### **Re: Pechanga Tribe Request for Consultation Pursuant to SB 18 for the 2013 General Plan Clean-Up, an Amendment to the General Plan**

Dear Mr. Citrano:

This letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government in response to the SB 18 notice provided by County of San Diego dated February 7, 2013. This letter serves as the Tribe's formal request for consultation under SB 18 for this Project. At this time, we request that a face-to-face meeting with representatives of the County be scheduled as soon as possible so that we can begin discussing our concerns regarding the above referenced Project. The Tribe is currently concerned about the North Mountain and Ramona areas as well as several other study areas. We would like to discuss these and possibly other areas as well as the proposed County Policies during our consultation.

Further, the Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Pechanga Tribe asserts that the northwestern portion of the County is within Luiseño territory, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), village complexes and an extensive Luiseño artifact record in various planning areas proposed for clean-up. During our

consultation we will provide more specific, confidential information on the resources located on and near the proposed areas of concern.

As you may know, the County of San Diego is rich with Luiseño history, not only in relation to the Mission Period of California but also centuries before European contact. This history is very important to the Luiseño People and the Pechanga Tribe has much information about their ancestors in the County. The Tribe is aware of multiple place names and cultural resources that would be impacted by the proposed General Plan Clean-Up. The Tribe would like to share this information which will assist the County in developing culturally sensitive and appropriate policies for the County.

As you know, the SB 18 consultation process is ongoing and continues for the duration of the Project. As such, under both CEQA and SB 18 we look forward to working closely with County of San Diego on ensuring that a full, comprehensive environmental review of the Project's impacts is completed. Further, we hope to assist the County with ensuring that the Project is designed to avoid impacts to cultural resources, as mandated by CEQA, in addition to developing mitigation measures addressing the culturally appropriate and respectful treatment of human remains, cultural resources and inadvertent discoveries.

In addition to those rights granted to the Tribe under SB 18, the Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts. Further, the Tribe reserves the right to participate in the regulatory process and provide comment on issues pertaining to the regulatory process and Project approval.

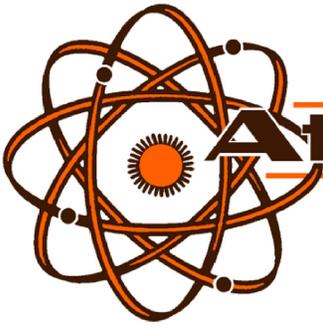
The Pechanga Tribe looks forward to working together with the County of San Diego in protecting the invaluable Pechanga cultural resources found in the County. Please contact me at 951-770-8113 or at [eozdil@pechanga-nsn.gov](mailto:eozdil@pechanga-nsn.gov) once you have had a chance to review these comments so that we might address the issues concerning the mitigation language. Thank you.

Sincerely,



Tuba Ebru Ozdil  
Tribal Planner

cc: Kevin Johnson, San Diego County Planning Department  
Dixie Switzer, Tribal Liaison  
Pechanga Office of the General Counsel



FAX (619) 263-2995  
PHONE (619)234-7966  
LICENSE 169-983

# Atomic Investments, Inc.

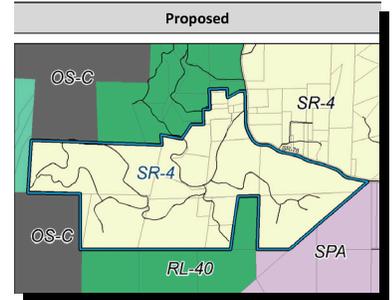
FOUNDED 1956

3200 HIGHLAND AVENUE  
NATIONAL CITY, CALIFORNIA 91950  
www.atomic-inc.com

## & The Teyssier Family Horizon View Farms

**Kevin Johnston**  
**Land Use/Environmental Planner**  
**County of San Diego -Planning and Development Services**  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
kevin.johnston@sdcounty.ca.gov

via email and USPS 7009 2820 0001 7307 6925



**RE: County of San Diego General Plan Clean-Up General Plan Amendment  
(GPA 12-007); County Assigned ID: RM15**

Dear Mr. Johnston:

My family, or one of our family controlled entities, owns the 295 acres generally known as Horizon View Farms, and sometimes referenced as Project Specific Request RM15. In March 2006, the Planning Commission certified a Negative Declaration of Environmental Impact and approved subdivision of the existing 10 lots into a total of 36 lots. The subdivision into 36 lots corresponds with the density allowed under the requested SR-4 land use designation. The approved density of 36 lots and the development that it represents were part of the project description for the Environmental Impact Report that the Board of Supervisors certified before adopting the County General Plan in August 2011.

We agree with Staff that the environmental analysis already certified by the County prior to approving subdivision of Horizon View Farms and prior to adopting the new General Plan is adequate to allow the land use designation of Horizon View Farms to be changed from RL-40 to SR-4 through the analysis that we expect to be included in an addendum to the previously certified environmental documents.

We appreciate the work that you have done in bringing GPA 12-007 forward to the Planning Commission and the Board of Supervisors for approval.

Sincerely,

Philip L. Teyssier  
President

cc: (via electronic mail only)  
Board of Supervisors Chairperson Greg Cox; Board of Supervisors Vice Chair Dianne Jacob  
Supervisor Dave Roberts; Supervisor Ron Roberts; Supervisor Bill Horn  
Cynthia L. Eldred, Esq.



May 17, 2013

*VIA ELECTRONIC AND U.S. MAIL*

Kevin Johnston  
Land Use/Environmental Planner  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[kevin.johnston@sdcounty.ca.gov](mailto:kevin.johnston@sdcounty.ca.gov)

**RE: General Plan “Clean-Up” (GPA 12-007)**

Dear Mr. Johnston:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the proposed General Plan “Clean-up” Amendment process. While EHL generally endorses the need for this process to fix errors and omissions resulting from the complex comprehensive Update that was concluded in August of 2011, this process should not be used to accommodate privately motivated substantive plan changes at public expense. Moreover, the proposed Property Specific Requests included in the Clean-Up individually and severally constitute changes that exacerbate adverse environmental impacts and create internal inconsistencies with the Guiding Principles that make up the framework of the Update. We therefore urge the County to remove the PSRs from the General Plan “Clean-Up.”

### **A Supplemental EIR May Be Required Under CEQA.**

It is well settled that modifications to a project for which an EIR has been certified can require additional environmental review in a subsequent or supplemental EIR where “[s]ubstantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.” (CEQA Guidelines § 15163, subd(a)(1).) The County has the affirmative burden to show that such effects will not occur if it chooses to rely on an “addendum” to a previously certified EIR (as opposed to a subsequent or supplemental EIR) after making project modifications. CEQA Guidelines § 16153, subd. (e) states: “A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”

The four PSRs included in the Clean-Up, when considered cumulatively, have the potential to worsen traffic, GHG and air quality impacts, increase habitat fragmentation,

further stress groundwater resources, and disrupt community character. For example, RM-15 in Ramona will impact nearly 300 acres and add 37 units in a remote, high fire-risk and groundwater-dependent area. NM-16 will place semi-rural densities adjacent to an area reserved for conservation and surrounded by rural zoning.

The County has made no showing that more severe, unexamined and therefore unmitigated impacts will not occur. Indeed, at least two of the requests were *never* previously analyzed in any of the alternatives in the GPU EIR to which any addendum would attach; that they were granted project-level MNDs under the *previous* planning regime is irrelevant. Never before in the long PSR process has the County considered environmental review under the former General Plan as a substitute for environmental review under the new General Plan. To take one salient example, the analysis of impacts to Land Use under the former General Plan would be entirely different than such analysis under the new Plan – a plan which *thoroughly* revamps land use principles, goals and policies and redistributes growth accordingly. Also, the MND’s were adopted up to 6 years ago, with environmental studies predating that. There can be no assumption of no significant impacts for these projects without *supplemental* environmental review.

### **The PSRs Create Impermissible Inconsistencies with the Update’s Guiding Principles.**

More fundamentally, three of the four requests proposed for processing as part of the “clean-up” are not remotely consistent with the Update’s Guiding Principles. We address this point as to each request in more detail below.

#### **Ramona RM15**

RM15 would change the permitted densities on a nearly 300-acre PSR from RL-40 to SR-4, even though most of the surrounding land is in rural densities. To cure the spot zone, an additional 103 acres is involved. The stated rationale for this PSR is an existing tentative map at these densities, even though there is no guarantee that the Map will ever be built out. Almost all the land is constrained by steep slopes and high fire risk. Agricultural lands are found in the eastern portion. The project is simply residential sprawl into a rural area.

Staff never really addresses these constraints, relying principally on the existence of a tentative map. But the existence of a map should be irrelevant to the planning process, since planning to conform to a tentative map would negate the expiration times that are an integral part of the Subdivision Map Act. Indeed, the very reason that tentative maps have a shelf life is to permit local jurisdictions to plan free from such constraints.

General Plan conflicts for RM15 include but are not limited to:

- Guiding Principle 2 (Community Development Model) (encroachment into RL40)
- LU-1.1, LU-1.2, LU-10.3, LU-5.3

- Guiding Principle 5 (hazards and constraints)
- LU-6.11
- Guiding Principle 8 (agriculture)
- LU-7.1
- Guiding Principle 9 (infrastructure) (outside CWA)
- H-1.3

The incorrect categorization of RM15 also hinges upon its status as an unrecorded but inconsistent subdivision. Contrary to arguments made in correspondence by the landowner, the proposed change was *never* analyzed as part of any EIR alternative, but was instead part of a cumulative impacts analysis of pending subdivisions. This summary analysis cannot substitute for analysis of this project’s impacts as part of a project alternative, and additional CEQA review—consistent with a moderate or major change—would be required. The applicant has every opportunity to finalize the tentative map; otherwise, the public interest is served by reverting to the new General Plan.

### **San Dieguito SD2**

SD2 would convert about 54 acres from SR-4 to SR-2; most of the re-planned land is outside the PSR to cure a spot zone. Again, the stated rationale for this PSR is an existing tentative map with a higher density, even though there is no guarantee that the Map will ever be built out. The existence of a map should be irrelevant to the planning process, since planning to conform to a tentative map would negate the expiration times that are an integral part of the Subdivision Map Act. Indeed, the very reason that tentative maps have a shelf life is to permit local jurisdictions to plan free from such constraints. Zoning to conform to a tentative map would negate these statutory time limits. Independent of the map, it is clear the SR-2 designation is inconsistent with the significant habitat values on the site, as well as its location in a high fire risk area.

General Plan conflicts for SD2 include but are not limited to:

- Guiding Principle 2 (Community Development Model)
- Guiding Principle 4 (stewardship)
- LU-6.1
- Guiding Principle 5 (hazards and constraints)
- LU-6.11
- Guiding Principle 8 (agriculture)
- LU-7.1

The incorrect categorization of SD2 also hinges upon its status as an unrecorded but inconsistent subdivision. Contrary to information in a previous staff report (June 20, 2012), the proposed change to SR-2 was *never* analyzed as part of any EIR alternative. Instead, it was merely part of a cumulative impacts analysis of pending subdivisions. This summary analysis cannot substitute for analysis of this project’s impacts as part of a project alternative, and additional CEQA review—consistent with a moderate or major

change—would be required. The applicant has every opportunity to finalize the tentative map; otherwise, the public interest is served by reverting to the new General Plan.

### **North Mountain NM16**

NM16 represents a classic situation of robbing Peter to pay Paul. The owner sold a portion of a rural landholding for conservation (and possibly reaping associated tax benefits) and now seeks to recover all the units the owner would have had if the land had not been sold by increasing densities on the remainder area—a portion with very high habitat values and very high fire risk—by up-planning it from rural densities to a semi-rural SR-10 category.

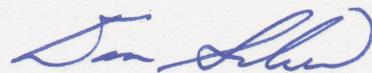
General Plan conflicts for NM16 include but are not limited to:

- Guiding Principle 2 (CDM)
- LU-1.1, LU-1.3, LU-1.4, LU-9.2
- Guiding Principle 4 (stewardship)
- LU-6.2
- Guiding Principle 5 (hazards and constraints)
- LU-6.11, S-1.1, S-7.1
- Guiding Principle 9 (infrastructure) (outside CWA)
- H-1.3

Staff itself had concluded in January that “[d]ue to the remoteness of the property, the application of Semi-Rural designations does not support the project objectives to reduce public costs and promote growth near existing jobs, services and infrastructure” and that such a change was a “major” one that is inconsistent with the Update’s Guiding Principles.” Staff now appears to conclude exactly the opposite, noting that the sale of lands into conservation “mitigates” these impacts. But the issue is not about mitigation of impacts, it is about planning consistent with the rules the Board adopted in the Update, including evenhanded application of the Community Development Model. This arbitrary change in position contravenes the Community Development Model and numerous goals and policies. In addition, this PSR sets a terrible precedent, generating expectations of additional revenue beyond the fair compensation, and tax benefits often received, in a conservation sale.

In conclusion, in order to ensure a legally sound addendum for the legitimate items proceeding under the Clean-Up, we urge you to remove the above PSRs from the Clean-Up.

Yours truly,



Dan Silver  
Executive Director

**Johnston, Kevin**

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**From:** Eric Anderson [erictanderson02@yahoo.com]  
**Sent:** Wednesday, May 22, 2013 5:05 PM  
**To:** Johnston, Kevin  
**Cc:** Horn, Bill  
**Subject:** GPA 12- 007 (SD-2)

Dear Kevin Johnston and Jeff Murphy:

Ref: General Plan Clean Up SD-2

I am writing to support bringing the last element of the General Plan to a close, the clean up on my families 18.5 acres and the surrounding neighborhood. I support the SD-2 land use zoning. The Planning and Development Services has done a very good and complete analysis on this location and there is good reason to finalize this GPA (clean up) on this area. If any location exemplifies the spirit of Ron Robert's motion to finalize the General Plan and deal with the few locations which needed correct analysis to correctly designate the zoning this is it. After the many, often frustrating, years of participation on the General Plan process I am glad to finalize the appropriate zoning on this property.

Thank you for all your hard work.

Respectfully  
Eric T. Anderson  
Farmer in the SD-2 zone

PS- Please accept this email as I thought I had until Friday this week (in the letter from you dated April 3 it said Friday) and it was not until I reached the end that I realized this was due Monday May 20. I sat down to write in a timely manner and am submitting now by email.



March 4, 2014

*VIA ELECTRONIC MAIL*

Adam Day, Chair  
San Diego County Planning Commission  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123  
<[Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)>

**RE: General Plan Amendment & Rezone; PSRs (NM16, RM15, SD2 & SV17)  
(Item 2, March 7, 2014) — *OPPOSE***

Dear Chairman Day and Members of the Commission:

The Endangered Habitats League (EHL) appreciates the opportunity to provide written testimony for these Property Specific Requests. EHL opposes NM15, RM15, and SD2. In a letter dated May 17, 2013 (see Attachment E, incorporated by reference) we detailed why these proposals are contrary to the General Plan and to the public interest in good planning.

After reviewing the staff report, and the convoluted reasoning it contains, we remain convinced that these PSRs are exceptions to the rules, whose sole rationale is to financially benefit the applicants and which create inequities among landowners.

Specifically,

- 1) For each of these PSRs, findings of General Plan conformance were made for the land use designations in the *adopted* General Plan. Now, despite *major* changes from Rural to Semi-Rural, including a 10-fold density increase, staff now magically concludes that something completely different is *also* conforming. Both determinations cannot be correct. Did staff, management, and the Board all get it wrong the first time around? And as EHL has demonstrated in its letter of May 17, 2013, the new proposals violate General Plan policies. Political expediency should not substitute for rigorous planning.
- 2) Findings for mitigation under CEQA were made only for the *adopted* General Plan alternative. The findings do not apply to the *non-adopted* alternatives where the PSRs are found and where their analysis occurred. Therefore, to claim that mitigation for the *adopted* General Plan covers these PSRs is inaccurate. It is blackletter CEQA law that tiering may only occur from the project that was actually adopted under CEQA. (See Pub. Res. Code §21094, subd (b) [Tiering permitted “only to a later project which the lead agency determines (1) is

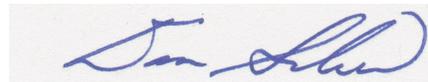
consistent with *the* program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified”], emphasis added.)

- 3) In relying on density reductions due to slope constraints in the adjoining properties that were re-designated in order to avert blatant spot-zoning, these requests violate General Plan Policy LU 1.9 providing that land use designations should be assigned corresponding to *achievable* densities. (“What you see is what you get.”)

In conclusion, the General Plan and CEQA issues presented by the PSRs are not “fixable.” In the case of RM15 and SD2, tentative maps that no longer serve the public interest should be allowed to expire. *That is the very purpose of expiration, which should not be thwarted.* In the case of NM16, the concept of “density transfer” is bogus because the density being “transferred” does not exist; rather, it was sold on the open market.

We urge you to stand for consistency and for fairness to all property owners. Please reject NM16, RM15, and SD2.

Yours truly,



Dan Silver  
Executive Director

Electronic copy: LUEG  
DPDS  
County Counsel  
Interested parties