

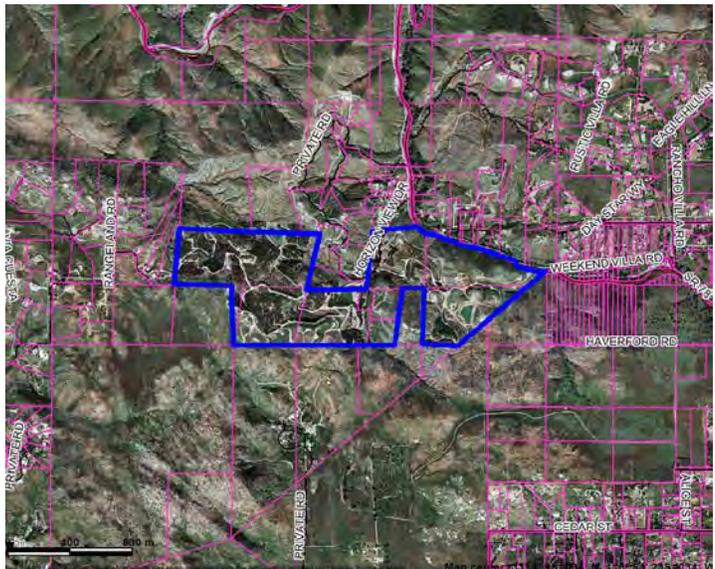
# RM15 [2004 Referral #135]

General Plan (Adopted Aug 2011)	RL40
Property Specific Request:	SR4
Requested by: Leonard & Carl Teyssier	
Community Recommendation	SR4 <sup>1</sup>
Opposition Expected <sup>2</sup>	No
Spot Designation/Zone	No
Impacts to FCI Timeline	None
Change to GPU Principles Needed	No
Level of Change (March 2011)	Minor

**Notes:**

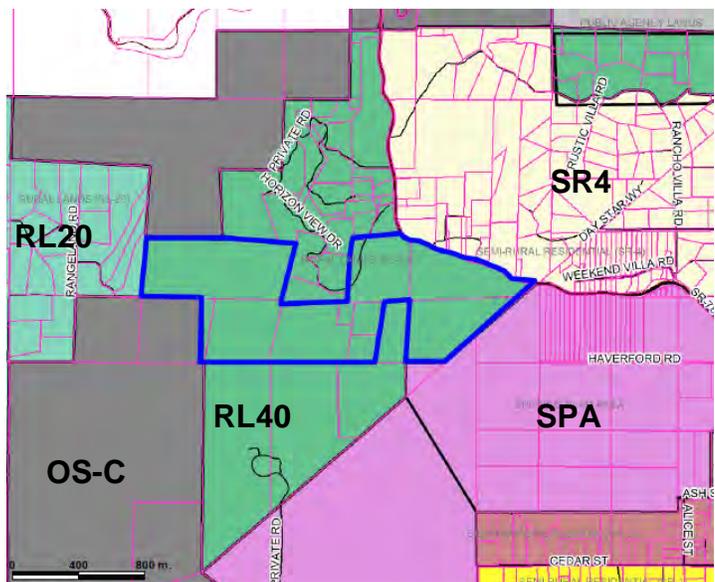
1 – Based on Ramona Planning Group recommending approval of subdivision with 8 acre lots (TM 5194) and Ramona Planning Group letter dated January 20, 2011

2 – Based on staff's experience



Aerial

Property Description	
Property Owner:	Leonard & Carl Teyssier
Size:	257.2 acres 9 parcels
Location/Description:	Northern edge of community planning area south of SR-78. The site is outside of the County Water Authority.
Prevalence of Constraints (See following page):	<ul style="list-style-type: none"> <li>● – high; ◐ – partially; ○ – none</li> <li>● Steep slope (greater than 25%)</li> <li>○ Floodplain</li> <li>○ Wetlands</li> <li>○ Habitat Value</li> <li>● Agricultural Lands</li> <li>● Fire Hazard Severity Zones</li> </ul>



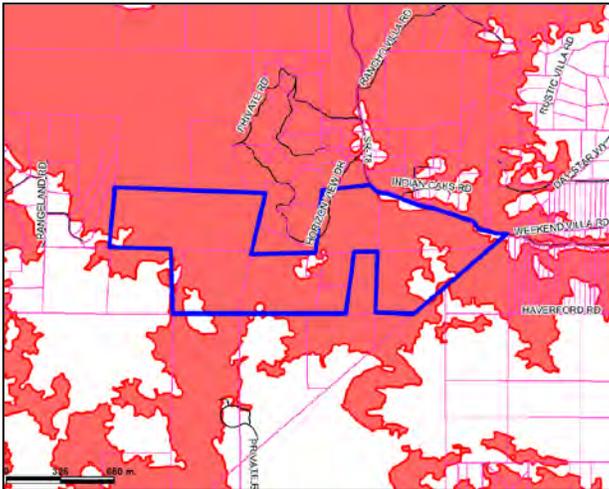
Adopted August 2011

Land Use	
General Plan	
Scenario	Designation
Former GP	1 du/4, 8, 20 ac
GP (Adopted Aug 2011)	RL40
Referral	RL40
Hybrid	
Draft Land Use	
Environmentally Superior	
Zoning	
Former — A70 & S88, 8-acre minimum lot size	
Adopted Aug 2011 — A70 & S88, 8-acre minimum lot size	

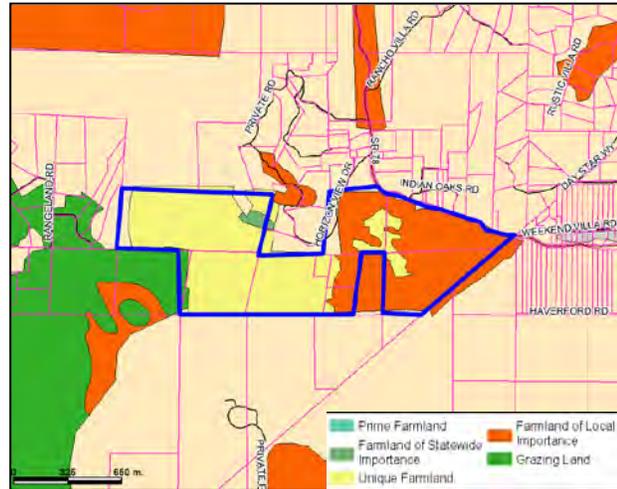
### Discussion

This property was part of a 2004 Residential Referral; however, the Board of Supervisors did not provide any specific direction for staff for the Referral Map. The property is located outside of the County Water Authority, adjacent to the recently approved Montecito Ranch Specific Plan Development. The project has an approved Tentative Map 5194, Horizon View Estates. The Final Map is not yet completed, and if the TM expires the yield of 36 lots will not be able to be achieved under map adopted on August 3, 2011. An SR4 designation is required to accommodate the TM. This change alone would not be a spot designation because of the SR4 proposed across SR-78, however, it could also be added to the single triangular parcel to the west and some parcels to the north, which would not have additional subdivision potential with the change.

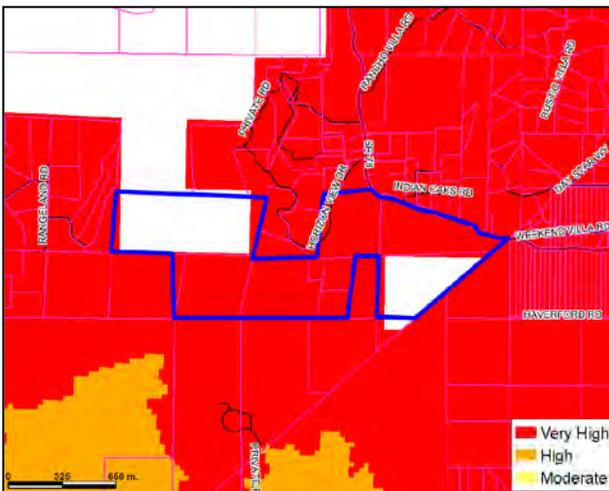
RM15 (cont.)



Steep Slope (Greater than 25%)



Agricultural Lands



Fire Hazard Severity Zones

# RM15 SUPPLEMENT – IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
Semi-Rural 4	Rural Lands 40	Minor

## Rationale for Minor Category Classification

The SR4 designation (one dwelling unit per four acres) would be more intense than the RL40 designation analyzed in the Environmental Impact Report. However, the property has an approved Tentative Map (TM 5194) that is similar to buildout under the SR4 designation. The site is also adjacent to SR4 and SPA designated areas.

## Guiding Principles/General Plan Changes Necessary to Support the Request

The SR4 designation would not be a spot designation because of the area across State Route 78 is already designated SR4. However, SR4 could also be added to 27 acres to the north, which would not have additional subdivision potential with the change.

## Impact to Forest Conservation Initiative Remapping Timeline

None

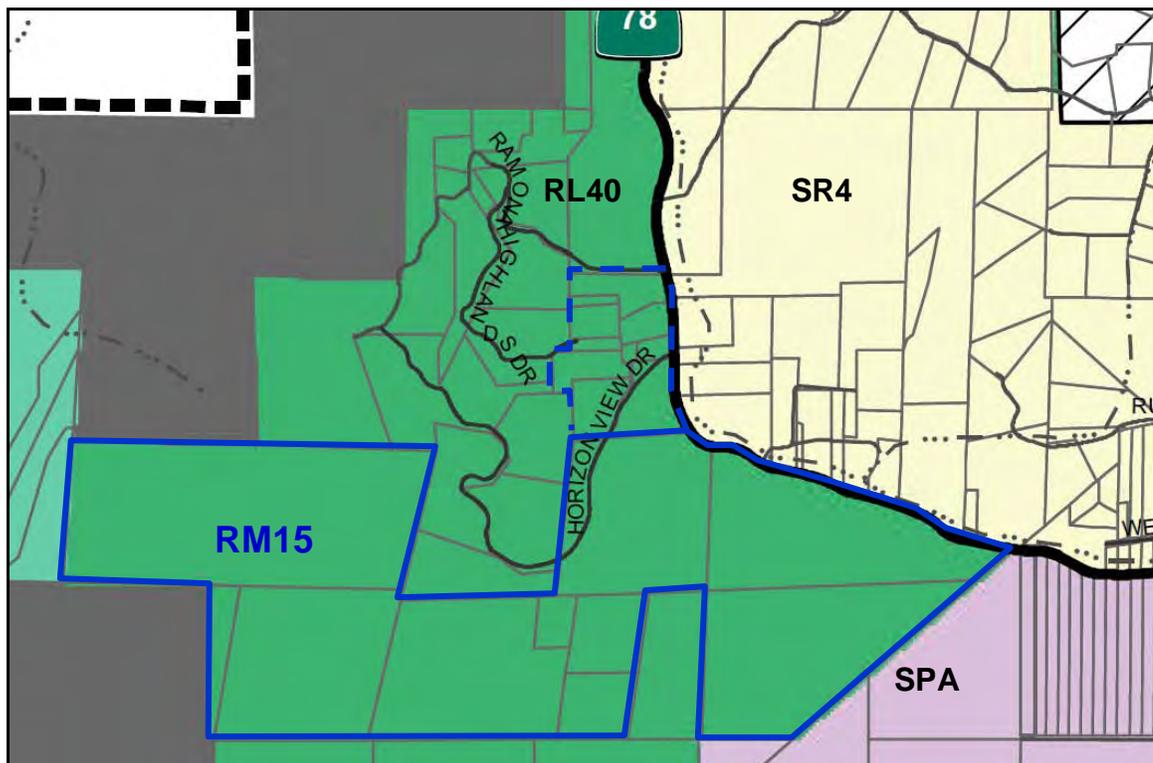


Figure 1: Property Specific Request — Additional Remapping Necessary for Change - - - -

**VIA HAND DELIVERY**

September 22, 2011

Chairperson Bill Horn  
Vice-Chairperson Ron Roberts  
Supervisor Dianne Jacob  
Supervisor Greg Cox  
Supervisor Pam Slater-Price  
County of San Diego  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Re: General Plan Amendment for Horizon View Farms (Project Specific Request RM15)  
November 9, 2011 Board of Supervisors Hearing

Dear Board Chairperson, Board Vice Chairperson, and Supervisors:

We represent Atomic Investments, Inc., the Leonard and Monica Teyssier Family Trust, and Group 8, a California family limited partnership (collectively, the "Teyssiers") regarding their ownership of an avocado, fruit crop, and flower ranch in Ramona, commonly known as Horizon View Farms (the "Property").

On behalf of the Teyssiers and this office, we thank you individually and collectively for your consideration of previous requests for action submitted with respect to the Property. Your courtesy and attention to the Teyssiers' project was and is appreciated.

This letter supplements our previous letters to you and the multiple letters submitted to you by the Teyssiers regarding the Property. A summary of the legal foundation for approval of a General Plan Amendment ("GPA") to the San Diego County General Plan approved on August 3, 2011 ("General Plan") is set forth below. This letter also includes a summary of legal support for an addendum to the General Plan's program Environmental Impact Report, Environmental Log No. 02-ZA-001 ("EIR") with respect to the designation of the Property as SR4.

**REQUEST**

We respectfully request that the Board of Supervisors direct Staff to initiate an amendment to the General Plan changing the land use designation for the Property from RL40 to SR4 (also sometimes referred to as Property Specific Request RM15), to prepare an addendum to the EIR to support the amendment, and to bring the amendment and addendum forward to the Board for consideration.

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September 22, 2011  
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## **BACKGROUND**

The Property is comprised of approximately 295 acres and is referenced as assessor's parcel numbers 279-030-06-00, 279-010-09-00, 279-010-20-00, 279-030-09-00, 279-010-16-00, 279-030-08-00, 279-030-07-00, 279-030-02-00, 279-030-10-00, and 279-030-11-00. The errata sheet package attached to our July 19, 2011 letter contains all of the changes to the General Plan that are necessary to designate the Property as SR4. A copy of our July 19, 2011 letter is enclosed for your ease of reference.

## **ENVIRONMENTAL REVIEW**

The General Plan can be amended for the purpose of designating the Property SR4 with the support of an addendum to the EIR. An addendum is an analysis under California Environmental Quality Act ("CEQA") Guidelines §15162 that is provided to the decision-maker but that is not in the County's practice circulated in advance for public review and comment. Our letter dated August 2, 2011 was hand-delivered to your offices describing the EIR's analysis of the Teyssiers' project and will not be repeated here. A copy of our August 2, 2011 letter is enclosed for your ease of reference. In summary, all of the potential impacts relative to designation of the Property as SR4 were analyzed in the EIR.

Under CEQA, changes or additions to the General Plan can be legally supported by an addendum if those changes do not meet the criteria for the preparation of a subsequent EIR. A subsequent EIR is required under certain specific circumstances based on substantial evidence in light of the whole project (GPU) record. A subsequent EIR must be prepared if: (1) substantial changes are proposed to the project which will require major revisions to the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur regarding the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects; or, (3) new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified show that new significant effects or substantially more significant effects would occur, or that mitigation measures or alternatives not adopted in the EIR are feasible and would substantially reduce a significant effect of the project but the project proponent declines to adopt them. *See*, CEQA Guidelines §15162.

As you recall, the EIR was modeled in part on development of the Property at a density provided for in the SR4 designation. Therefore, designation of the Property at RL40 was a change in the project analyzed in the EIR that the Board certified on August 3, 2011. Changing the designation of the Property from RL40 to SR4 is not a change in the project analyzed in the EIR and will not trigger a subsequent EIR under the first criteria provided above.

Furthermore, there have been no substantial changes regarding the circumstances under which the General Plan was undertaken and approved on August 3, 2011. As a result, changing the designation of the Property from RL40 to SR4 does not trigger a subsequent EIR under the second criteria provided above.

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Finally, there is no new information of substantial importance since the EIR was certified on August 3, 2011. As a result, changing the designation of the Property from RL40 to SR4 does not trigger a subsequent EIR under the third criteria provided above.

CEQA Public Resources Code §21166 prohibits a lead agency from requiring subsequent or supplemental environmental impact reports unless one of the criteria described in CEQA Guidelines §15162 is met. As a California Appellate Court has stated, "a subsequent or supplemental EIR is prepared under Section 21166 only where it is necessary to explore the environmental ramifications of a substantial change not considered in the original EIR. (Cal. Code Regs., tit. 14, § 15162, subds. (a)(1) & (2)". Fund for Environmental Defense v. County of Orange, 204 Cal. App. 3d 1538 (Cal.App.Dist.4 October 11, 1988).

### SUMMARY AND CONCLUSION

The Board of Supervisors may approve an amendment to the GP designating the Property SR4 on the ground that it was adequately analyzed in the EIR. An addendum would be in compliance with CEQA and is the appropriate environmental document to be prepared with respect to the requested amendment. We respectfully request that the Board of Supervisors direct Staff to initiate an amendment to the General Plan changing the land use designation for the Property from RL40 to SR4 (also sometimes referred to as Property Specific Request RM15), to prepare an addendum to the EIR to support the amendment, and to bring the amendment and addendum forward to the Board for consideration. Thank you for your time and consideration of this request.

Very truly yours,



Cynthia L. Eldred, Esq.  
THE LAW OFFICE OF CYNTHIA L. ELDRED  
Enclosures

cc: Clerk of the Board of Supervisors w/o enclosures (via hand delivery)  
w/o enclosures (via electronic mail only):  
The Teyssiars  
Sarah Aghassi, Deputy Chief Administrative Officer  
Eric Gibson, Director, Dept. of Planning & Land Use  
Devon Muto, Land Use/Environmental Planner III  
Claudia Anzures, Esq., Chief Deputy County Counsel  
Adam Wilson, Policy Advisor, Supervisor Jacob  
Dustin Steiner, Policy Advisor, Supervisor Horn  
Tim McClain, Policy Advisor, Supervisor Roberts  
Michael DeLaRosa, Policy Advisor, Supervisor Cox  
Sachiko Kohatsu, Policy Advisor, Supervisor Slater-Price  
gpupdate@sdcounty.ca.gov

**VIA HAND DELIVERY**

August 2, 2011

Supervisor Dianne Jacob  
County of San Diego  
Room 355  
1600 Pacific Highway  
San Diego, CA 92101

Re: General Plan Update; Property Specific Request RM15 Horizon View Farms  
Agenda Item 1; August 3, 2011 Board of Supervisors Hearing

Dear Supervisor Jacob:

We represent Atomic Investments, Inc., the Leonard and Monica Teyssier Family Trust, and Group 8, a California family limited partnership (collectively, the "Teyssiers") regarding their ownership of an avocado, fruit crop, and flower ranch in Ramona, commonly known as Horizon View Farms (the "Property").

This letter supplements our letter to you dated July 19, 2011 and multiple letters submitted to you by the Teyssiers themselves. This letter provides a summary of the legal foundation for certification of the General Plan Update ("GPU") Environmental Impact Report ("EIR") for a project that includes designation of the Property as SR4.

**REQUEST**

We respectfully request that the Board of Supervisors direct that the proposed land use designation for the Property be changed from RL40 to SR4 in the GPU (also sometimes referred to as Property Specific Request RM15).

**BACKGROUND**

The Property is comprised of approximately 295 acres and is referenced as assessor's parcel numbers 279-030-06-00, 279-010-09-00, 279-010-20-00, 279-030-09-00, 279-010-16-00, 279-030-08, 279-030-07-00, 279-020-02-00, 279-030-10-00, and 279-030-11-00. The errata sheet package attached to our July 19, 2011 letter contains all of the changes to the GPU that are necessary to designate the Property as SR4 in the GPU.

Supervisor Dianne Jacob

August 2, 2011

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## **ENVIRONMENTAL REVIEW**

For all of the reasons stated in Attachment G-4 to Staff's Report to the Board of Supervisors (the "Board") for its August 3, 2011 meeting, the Property may be designated SR4 in the GPU without further environmental analysis. Attachment G-4 is comprised of Volume IV of the DEIR, "Amendment to the EIR, Description and Analysis of the Recommended Project".

**G-4 Statement 1:** "The project that has evolved from the iterative CEQA process (the Recommended Project) is within the range of alternatives considered and analyzed in the EIR."

The EIR analyzes the Property as developed with 36 residential lots, consistent with the SR4 land use designation. On March 24, 2006, the Planning Commission voted unanimously to approve Tentative Subdivision Map 5194 ("TM 5194") for the Property. TM 5194 allows the Property to be subdivided into 36 residential lots. The EIR for the GPU analyzed the potential impacts of the GPU based in part on development of the Property consistent with TM 5194.

The designation of the Property as RL40 in the Recommended Project does not remove analysis of the Property as developed with 36 residential lots from the EIR. That analysis remains in the EIR. As Staff reported to the Board on April 13, 2011 and previously, the EIR is adequate to support the Board's approval of Property Specific Request RM15, designating the Property as SR4.

**G-4 Statement 2:** "Inclusion [of the Recommended Project] in the Final EIR does not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."

Designation of the Property as SR4 has been analyzed in the EIR. Therefore, the public has had a meaningful opportunity to comment upon any substantial adverse environmental effect of the project that includes designation of the Property as SR4, as well as feasible ways to mitigate or avoid such an effect.

In addition, on March 24, 2006, the Planning Commission voted unanimously to certify a mitigated negative declaration ("MND") for development of the Property with 36 residential lots, as allowed under the SR4 designation. The MND is incorporated in this letter by reference. Pursuant to circulation of the MND for public review, the public had an additional opportunity to comment upon development of the Property with 36 residential lots. The County received only four comment letters to the MND. The Ramona Community Planning Group voted unanimously to recommend certification of the MND.

**G-4 Statement 3:** "When considering project approval, the lead agency is not required to grant a 'blanket approval' of the project proposed in the EIR. Instead, decision-makers have the flexibility to implement that portion of the project that satisfies their environmental concerns."

In this instance, the project proposed in the EIR included development of the Property with 36 residential lots, consistent with the SR4 designation. The flexibility provided to the decision-

Supervisor Dianne Jacob

August 2, 2011

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maker is not lost when the decision-maker considers approval of an alternative to the proposed project. The Board may approve the project proposed in the EIR as modified by the Recommended Alternative, but decline to include in the Recommended Alternative a decrease in allowed density of development of the Property, keeping the Property at the density analyzed in the EIR that went out for public review.

#### **G-4 Description of Differences between the Proposed Project and the Recommended Project.**

Designation of the Property at SR4 would not impact any of Staff's description of the General Plan Elements, the Road Network, the Ramona Community Plan or any other Community Plans, the Implementation Plan, the Conservation Subdivision Program, the Zoning Ordinance, the Resource Protection Ordinance, or the Subdivision Ordinance.

The description of differences between the Proposed Project and the Recommended Project would merely reverse the changes that Staff has made to the land use map regarding the Property and Staff's discussions regarding those changes. The Property would be restored to a development density of 36 residential lots consistent with the SR4 land use designation. The data provided in the text at page 2 of G-4 discussing acreage shown on Land Use Table 1 and Table 1 itself would be changed to reflect the minor changes to the numbers: the total number of Rural Land acreage would be changed from 488,078 to 487,783 and Ramona's Semi-Rural acreage would change from 20,192 acres to 20,487 acres.

#### **G-4 Comparison of the Effects of the Recommended Project to the Proposed Project.**

Development of the Property with 36 residential lots as allowed under the SR4 land use designation would not alter the analyses and conclusions presented in the EIR for the GPU Proposed Project or Recommended Alternative. Inclusion of the Property in the SR4 land use designation in the Recommended Project would not alter the comparison between the effects of the Recommended Project and the effects of the Proposed Project.

The MND certified for TM 5194 concluded that development of the Property with 36 residential lots, consistent with SR4, has no potential to effect aesthetics, agricultural resources, air quality, geology, soils, hazards, hazardous materials, hydrology, water quality, land use, land planning, mineral resources, noise, population, housing, public services, recreation, utilities, or service systems. With no potential to impact any of these areas of potential environmental concern, designation of the Property as SR4 cannot be seen to contribute even cumulatively to the environmental impacts of the original Proposed Project or the Recommended Alternative.

The MND certified for TM 5194 identified only three areas of potentially significant impact: biological resources, cultural resources, and transportation facilities impacts. With the implementation of the designed mitigation measures, all of these potentially significant impacts are mitigated below a level of significance.

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Impacts to biological resources off-site were determined to be potentially significant unless the subdivider dedicated identified open space easements to buffer those resources. With imposition of this mitigation measure, impacts were determined to be less than significant. The EIR for the GPU includes a mitigation measure requiring that open space easements be dedicated to protect biological resources. The TM 5194 biological resource mitigation measures are subsumed within those already provided for in the EIR for the GPU.

Similarly, impacts to cultural resources were determined to be potentially significant in both the MND for TM 5194 and the EIR for the GPU unless landowners dedicate open space easements to protect those resources and monitor ground disturbance for potential impacts to human remains and other cultural resources. With imposition of these mitigation measure (and others in the case of the EIR for the GPU), impacts have been determined to be less than significant. Again, the TM 5194 cultural resource mitigation measures are subsumed within those already provided for in the EIR for the GPU.

Finally, impacts to transportation facilities were determined to be potentially significant in both the MND for TM 5194 and the EIR for the GPU. In the case of the MND for TM 5194, the only potentially significant impact is a cumulative impact adequately mitigated by payment of the Transportation Impact Fee ("TIF"). Payment of the TIF is also required by County ordinance and is an identified mitigation measure in the EIR for the GPU.

The Property cannot be developed with 36 residential lots unless it is subdivided. It cannot be subdivided by perfection of TM 5194 or any other tentative subdivision map unless all potentially significant impacts are mitigated to below a level of significance, or mitigated to the extent feasible with a finding of overriding considerations. The mitigation measures identified for TM 5194 were determined by the MND to be feasible. As a result, these mitigation measures would be imposed in development of the Property with 36 residential lots under TM 5194 or any other tentative subdivision map.

#### **SUMMARY AND CONCLUSION**

The Board of Supervisors may designate the Property SR4 in approving the GPU on August 3, 2011 as adequately analyzed in the EIR for the GPU and its amendment in compliance with the California Environmental Quality Act. We respectfully request that the Board of Supervisors do so.

Thank you for your time and consideration of this request.

Very truly yours,



Cynthia L. Eldred, Esq.

THE LAW OFFICE OF CYNTHIA L. ELDRED

Supervisor Dianne Jacob

August 2, 2011

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cc: Board Chairperson Supervisor Bill Horn (via hand delivery)  
Board Vice Chairperson Supervisor Ron Roberts (via hand delivery)  
Supervisor Greg Cox (via hand delivery)  
Supervisor Pam Slater-Price (via hand delivery)  
Clerk of the Board of Supervisors (via hand delivery)  
The Teyssiers (via electronic mail only)  
Sarah Aghassi, Deputy Chief Administrative Officer (via electronic mail only)  
Eric Gibson, Director, Department of Planning and Land Use (via electronic mail only)  
Devon Muto, Land Use/Environmental Planner III (via electronic mail only)  
Claudia Anzures, Esq., Chief Deputy County Counsel (via electronic mail only)