

Valley Center Community Planning Group

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1 Vacancy

Ben Mills, Planning Manager
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December 29, 2017

Dear Sir,

The Valley Center Community Planning Group would like to comment on the notice of intent to adopt findings in accordance with the California Environmental Quality Act Section 15183 for the following project: VALLEY CENTER RITE AID; PDS2015-STP-15-022, LOG NO. PDS2015-ER-15-08-021. The Valley Center Community Planning Group strongly disagrees with the county's intent based on the following:

The Site Plan indicates that the project will conflict with the Valley Center Community Plan, the Valley Center Design Guidelines, and therefore the County of San Diego General Plan. The Valley Center Community Plans and the Valley Center Design Guidelines are a legal part of the General Plan and therefore must be evaluated to the same standards.

The VCCPG is in favor of commercial projects in our community that enhance our clearly articulated community character objectives that are a legal part of the county's General Plan. Community Character is a CEQA issue when it involves aesthetics (see attached).

As a commercial enterprise, the use of the property as a Rite-Aid Pharmacy is welcomed by the community. We support the proposed architectural appearance of the building as appropriate to Valley Center. However, there are several major issues with the submitted design of the project that make it unacceptable as it is presented. The particular issues we see with this project are:

- 1) The project was not analyzed for compliance to Valley Center Design Guidelines as is the normal county process for projects of this type. We want the county to evaluate this project like they have with other projects in the vicinity of this property (i.e. Weston Towne Center). Until that appropriate analysis is complete, there is no justification for the county approving what are inadequate findings for this project. Other similar projects in the same area comply with the Valley Center Community Plan. Note that the scoping letter provided by the county for this project noted:

"the proposed project shall demonstrate an overall design integrity and contribute to Valley Center's design objective."

- 2) The size of the planned building, along with the needed parking, limits the landscaping required and thereby violates the Valley Center Community Plan. A smaller building AND one that accommodates the natural features and landscaping requirements specified in our planning documents is necessary and appropriate.

Adequate landscaping is an integral part of the community character of Valley Center, particularly as this location is in one of the most visible intersection of Valley Center. Maintaining the community character in this location is vital to the community and demanded by the Valley Center Community Plan and the Design Guidelines, documents legally integral to the county General Plan. They need to be defended, both by the residents and publicly elected planning group members, as well as by the county in their support of the General Plan proper implementation.

The General Plan Section LU9.3 sets the following standard:

LU-9.3 - Compatibility with Community Character: "Ensure that new development be compatible with the overall scale and character of established neighborhoods."

Residents have chosen to live in Valley Center largely due to its environmental setting: low density, rural character and absence of congestion and pollution. A commercial use that preserves the rural character of Valley Center--that has proper landscaping, protects its oaks, offers parking with trees and other greenery interspersed, and that follows design guidelines--is critical at this location.

- 3) The site traffic ingress and egress is at best inadequate. The site plan does not properly address the existing poor circulation that commonly includes large RVs on their way to the desert and other high speed traffic along Valley Center Rd. This, mixed with large tractor trailer type vehicles turning into the property and blocking traffic due to minimum access road dimensions, inadequate access locations, and no limitations for times of the day and night, indicates the road studies have not properly taken them into account.
- 4) Meeting the "existing community character" is not adequate and has been clearly stated by residents in the Valley Center Community Plan and Guidelines that form a legal part of the San Diego General Plan.

The STP-15-022-CEQA-15183-Checklist states: The subject property is no different than other properties in the surrounding area, and there are no project specific effects which are peculiar to the project or its site. The project site is located in an area developed with similarly sized commercial lots.

This is an extremely visible corner and integral to the theme for Village Center. As such it must be held to higher levels of aesthetics than other community locations. This is clearly shown by the nearby Weston Towne Center commercial property recently approved by the San Diego Board of Supervisors. That project met the Valley Center Community Plan, Valley Center Design Guidelines, and the County General Plan objectives.

Based on the current Site Plan, the project is considerably different with respect to overburdening the property compared to other commercial entities that do meet the objectives in the neighborhood. There is no justification for this project to not meet the same objectives.

- 5) From the Site Plan, it is apparent that the loading dock is not properly screened from the Public Right of Way. As such, the normal trash and debris that routinely collects in this area will be visible and therefore unacceptable for this critical community location.

Community members have publicly elected the Valley Center Community Planning Group, which has worked hard to express and uphold the vision of our little town. VCCPG has recommended denial of the Rite Aid Site Plan based on the applicant's unwillingness to change what we characterize as blatant and careless contradictions of the community's most basic design objectives, and for the ruinous precedent it sets.

If the project property owners and developers cannot, on their own, respect the wishes of the Valley Center community, they should be required by overseers of the "public good" to reduce the footprint of their structure or relocate the project to a more appropriate site so that their enterprise will enhance our little town of Valley Center.

If there is anything the county or the applicant wishes to discuss, please let me know. VCCPG stands ready to work with project applicants to develop a project that is in all of our best interests and preserves and enhances our community.

Regards,


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Attachment: Community Character is a CEQA issue when it involves aesthetics

Community Character is Not a CEQA Issue – Unless It's About Aesthe... <https://landuse.coxcastle.com/2016/04/20/community-character-is-not-...>

Contact Us Now

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APRIL 20, 2016

Community Character is Not a CEQA Issue – Unless It's About Aesthetics

By Tim Paone

Have you ever been required to have your Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) evaluate whether your project will be compatible with the "character of the community"? Recently, in a ruling involving a project in the City of Poway, a California Court of Appeal held that the evaluation of potential impacts of a project on "community character" is not required under CEQA unless those impacts are "aesthetic" in nature. The Court carefully distinguished potential aesthetic impacts from those "psychological and social factors" that make residents "feel good and at home."

In 2013, the Poway City Council unanimously approved a project which would replace a horse boarding facility with twelve homes. An MND was prepared to evaluate the potential environmental impacts of the project. Project opponents asserted that an EIR was required because there was a "fair argument" that elimination of the horse boarding facility would, in the Court's words, "have a significant impact on Poway's horse-friendly 'community character' as the 'City in the Country.'" The City Council did not require an EIR. Instead the Council approved the project using the MND.



No
horsing
around
with

"community character."

Project opponents then sued, the trial court ruled in their favor, and the project applicant appealed.

In *Preserve Poway v. City of Poway*, the Court of Appeal noted that CEQA's purpose is to evaluate existing physical conditions which may be affected by a proposed project. The Court carefully distinguished potential physical environmental impacts from potential economic and social impacts which do not cause physical changes and are not required to be reviewed under CEQA. With respect to the question of whether an EIR should have been prepared by the City of Poway, the Court examined the administrative record for substantial evidence to support a fair argument that a significant environmental effect would result from the project's impact on community character.

The Court reviewed prior decisions that required CEQA evaluation of potential impacts on community character in the context of aesthetics. Examples referenced by the Court included a building that was more than three times the height of existing adjacent buildings, a project that was simply so massive that it was "out of character" with the surrounding community, and the construction of 219 homes on a hillside considered to be beautiful by the community. The Court concluded that the alleged potential impacts on Poway's community character were not of the same nature as the potential aesthetic impacts in these other cases. The Court memorably stated that the community character at issue in Poway "is not a matter of what is pleasing to the eye; it is a matter of what is pleasing to the psyche." Impacts to the locals' "sense of place and identity," the Court said, "are impacts to the collective psyche of Poway's residents" and are in addition to the purely social impacts related to the loss of activities previously available at the horse boarding facility.

Since CEQA does not consider these social and psychological effects to be environmental impacts, there could not be a "fair argument" of a significant environmental impact on community character. As a result, the Court found that an EIR evaluating the potential impacts on community character was not required.

Posted in: **CEQA**

Tagged: EIR, Environmental Impact Report, Mitigated Negative Declaration, MND and Preserve Poway v. City of Poway

Comments are closed.

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