

Attachment G – Planning Commission Hearing Report



The County of San Diego

Planning Commission Hearing Report

Date:	October 6, 2017	Case/File No.:	2017 General Plan PDS2016-GPA-16-001; PDS2016-REZ-16-001
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	2017 General Plan Clean-Up General Plan Amendment and Rezone
Time:	9:00 a.m.	Location:	Districts - All
Agenda Item:	#2	General Plan:	Various
Appeal Status:	Board of Supervisors is the final decision-maker	Zoning:	Various
Applicant/Owner:	County of San Diego	Communities:	All unincorporated communities
Environmental:	EIR Addendum	APNs:	Various

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate this proposed General Plan "Clean-Up" General Plan Amendment (GPA) and Zone Reclassification (REZ), and make recommendations to the Board of Supervisors (Board). With the adoption of the General Plan in 2011, the Board directed staff to provide a regular mechanism for making necessary corrections to errors discovered during implementation of the General Plan and to reflect changed circumstances. This Clean-Up includes proposed changes to the Land Use Map, Mobility Element Network Appendix, Implementation Plan, and Zoning.

If the required findings can be made, Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

- a. Find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, and the Draft Addendum thereto, dated September 18, 2017, on file with PDS under GPA 16-001; REZ 16-001, prior to making its recommendation on the GPA and REZ;
- b. Recommend that the Board of Supervisors adopt the Resolution of the San Diego County Board of Supervisors Adopting the 2017 General Plan Clean-Up General Plan Amendment; GPA 16-001 (Staff Recommended Resolution - Attachment A); and
- c. Recommend that the Board of Supervisors adopt the attached Staff Recommended Form of Ordinance:

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE [GPA 16-001; REZ 16-001] (Attachment B).

2. Required Findings to Support Requested Actions

- a. Is the proposed Clean-Up in compliance with the California Government Code?
- b. Is the proposed Clean-Up consistent with the vision, goals, and polices of the General Plan and its community and subregional plans?
- c. Does the Clean-Up comply with the California Environmental Quality Act (CEQA)?

B. PROPOSAL

1. Background

As part of the August 3, 2011 adoption of the General Plan Update, the Board of Supervisors (Board) directed staff to bring forward a “clean-up” every two years in the form of a GPA. The Board deliberations, motion, and vote related to initiating a clean-up process occurred during the April 13, 2011 Board hearing.

The General Plan Update was prepared over the course of many years, with much of the analysis occurring on a macro scale. Considering the immense scope of the project, oversights and inconsistencies requiring correction were likely as the General Plan was implemented. These oversights and inconsistencies include typos, incorrect references, missing table information, and the need to clarify or revise certain policies and definitions in the General Plan and community plans. A process was needed to handle changed circumstances affecting the General Plan, including changes in State law, and changes in ownership that would result in inappropriate land use designations. PDS Advance Planning staff coordinated within PDS and with the County Departments of Public Works and Parks and Recreation for technical clarification and to confirm the findings supporting the staff recommendation.

2. General Plan Amendment Description

The General Plan Clean-Up focuses on modification or adjustments to text in the General Plan, as well as Land Use and Zoning Map changes for consistency. Updates to the Zoning Ordinance are considered through a separate work effort; the Zoning Clean-Up project. The next Zoning Clean-Up is scheduled for 2018.

General Plan Clean-Up items have generally been limited to ownership changes, mapping errors, errors and omissions, minor community plan changes, and internal clarification and inconsistencies. The Clean-Up process addresses minor changes or additions to the General Plan that do not result in additional environmental impacts, beyond the analysis of the General Plan EIR. Therefore, project changes qualifying for the Clean-Up only require only an Addendum to the previously certified General Plan Update Environmental Impact Report (EIR). An Addendum may be prepared when significant environmental impacts were previously analyzed, and only minor changes or additions to the previously certified EIR are needed.

This Clean-Up includes proposed revisions to the Land Use Map/Zoning, Mobility Element Network Appendix, and Implementation Plan. All of the proposed changes in the Clean-Up are described in detail in Attachment C, and briefly discussed below.

a. Land Use Map/Zoning

The types of Land Use Map/Zoning changes in this Clean-Up include both mapping errors and ownership changes. Table A-1 has been provided below and provides a summary of each item.

Table A-1 General Plan Clean-Up Land Use Map/Zoning Change Acreages and Unit Yield Analysis

ID	Community	Parcels	Acreage	General Plan Designation		# Potential Dwelling Units ¹			Category of Change
				Existing	Proposed	Existing	Proposed	Net Change	
AL301	Alpine	1	40	RL-40	P/SP	1	0	(1)	Ownership Change
BO302	Borrego	1	3.4	C-4	No Change	0	0	0	Mapping Error
BS302	Bonsall	1	6.44	RL-40	OS-R	1	0	(1)	Ownership Change
BS303	Bonsall	1	6	RL-40	OS-C	1	0	(1)	Ownership Change
DT301	Desert	13	1,720	RL-80	PAL	21	0	(21)	Mapping Error
HM301	Hidden Meadows	10	308.11	SR-1/RL-20	No Change	143	143	0	Mapping Error
LS301	Lakeside	1	1.73	VR-15	No Change	25	25	0	Mapping Error
LS302	Lakeside	7	405	SR-1/VR-7.3	OS-C	491	0	(491)	Ownership Change
LS303	Lakeside	1	48.4	SR-4	No Change	11	11	0	Mapping Error
LS305	Lakeside	4	140	RL-40	OS-C	3	0	(3)	Ownership Change
LS306	Lakeside	3	40	SR-4	OS-C	10	0	(10)	Ownership Change
NCM301	North County Metro	1	1.8	VR 4.3	No Change	7	7	0	Mapping Error
NM301	North Mountain	3	178	RL-80	OS-C	2	0	(2)	Ownership Change
PP301	Pala Pauma	2	80	RL-40	No Change	2	2	0	Mapping Error
PV301	Pine Valley	3	18	RL-80/PAL	No Change	3	3	0	Mapping Error
SD301	San Dieguito	1	5.49	OS-C	SR-10	0	1	1	Mapping Error
SD302	San Dieguito	1	5	RL-20	OS-C	1	0	(1)	Ownership Change
SD303	San Dieguito	1	14.27	RL-20	OS-C	1	0	(1)	Ownership Change
SD304	San Dieguito	4	98.3	OS-C	P/SP	0	0	0	Mapping Error
SD305	San Dieguito	6	96.57	SR-2	OS-C	36	0	(36)	Ownership Change
TO301	Twin Oaks	1	0.4	SR-10	P/SP	1	0	(1)	Mapping Error
VC301	Valley Center	3	4	C-1	No Change	0	0	0	Mapping Error
VC304	Valley Center	2	148	SR-2	OS-C	39	0	(39)	Ownership Change
Totals		71	3,368.91			799	192	(607)	

¹ Existing and proposed *potential* dwelling units are conservative estimates, based parcel size and slope data for slope dependent designations, and do not consider other planning and environmental constraints that could further reduce the actual unit yield. The numbers in each column represent the total estimated potential units under the existing and proposed designations. The proposed column does not represent a dwelling unit increase/decrease in comparison to the existing column, just the total estimated potential units under the proposed designation.

- Mapping Errors – Corrections to fix mapping errors that were missed during the General Plan Update process. There are 12 items that involve correcting mapping errors.

Four items containing zoning development designator errors were identified during the Clean-Up. An example of this is LS303, where the zoning designation does not identify the property as being located within a floodway/floodplain. The Clean-Up would add an “F” Special Area Designator to the zoning designation to identify the property as being located within a floodway/floodplain.

Four items containing mapping errors related to ownership were identified. An example of this is SD301, where private property was mistakenly assigned a Land Use Map/Zoning designation of Open Space – Conservation (OS-C) and Open Space (S80). The proposal is to change these designations on this private property to Semi-Rural Residential 10 (SR-10) and Rural Residential (RR).

Four items contain zoning regulations that are inconsistent with their respective General Plan Land Use designations. An example of this is PP301, where private property was assigned a Land Use Map/Zoning designation of Rural Lands 40 (RL-40) and Indian Reservation. The zoning designation is incorrect and not consistent for a RL-40 land use. The proposal is to change the zoning to Limited Agriculture (A70).

- Ownership Changes – Assigning appropriate Land Use designations to account for changes in ownership from public to private or vice versa. There are eleven items that involve ownership changes. These ownership changes are located in Alpine, Bonsall, Lakeside, North Mountain, San Dieguito, and Valley Center.

Eight are open space acquisitions by the County’s Department of Parks and Recreation (DPR). An example of this is BS302, where DPR acquired one parcel in Bonsall. The proposal is to change the Land Use Map/Zoning to Open Space Recreation (OS-R) and S80.

Two ownership changes are open space acquisitions by the Endangered Habitats Conservancy (EHC). An example of this is SD305, where EHC purchased six parcels. The proposal is to change the Land Use Map/Zoning to OS-C and S80.

One ownership change is an acquisition by the San Diego County Water Authority. This item is TO301, where the San Diego County Water Authority purchased one parcel. The proposal is to change the Land Use Map/Zoning to Public/Semi-Public Facilities (P-SP).

The 2017 Clean-Up proposes to change Land Use Map/Zoning designations of 71 parcels that are located in 23 distinct areas. This consists of approximately 3,368.91 acres, across 13 communities within the unincorporated County. As a result of these changes, the total estimated number of potential new dwelling units would decrease by 607 units when

compared to the estimated potential density allowed under the existing General Plan Land Use Map/Zoning designations.

b. Mobility Element Network Appendix

Four corrections are proposed for the Mobility Element Network Appendix. One correction is the revision of text in the Mobility Element Matrix to be consistent with the Mobility Element Map for the Desert Subregion. Three revisions involve corrections to road segments on the Mobility Element Maps for Lakeside, San Dieguito, and Valle de Oro. Details of these changes are provided in Attachment C, Section 4.1.

c. Implementation Plan

Described further in Attachment C, Section 4.2, there are two proposed changes to the General Plan’s Implementation Plan. These proposed changes include text revisions to the Mobility and Cultural Resources sections.

C. ANALYSIS AND DISCUSSION

The following summarizes the analysis of the Clean-Up for consistency with the General Plan, Community Plans, Zoning Ordinance, and evaluation of potential impacts through the California Environmental Quality Act.

1. General Plan Consistency

Each proposed change associated with the Clean-Up was analyzed for conformance with the guiding principles and policies of the General Plan, and found to be in conformance. Appendix C-1 of Attachment C provides an overview and analysis of each proposed Land Use Map/Zoning change in the Clean-Up and highlights General Plan policies that directly relate to the need for the Land Use Map/Zoning change. An example of the General Plan conformance findings is provided below:

General Plan Component	Explanation of GPA Conformance
<p>Policy COS-21.1 – Diversity of Users and Services. Provide parks and recreation facilities that create opportunities for a broad range of recreational experiences to serve user interests.</p>	<p>Several of the proposed changes demonstrate consistency with the intent of this policy. There are several Department of Parks and Recreation acquisitions to add acreage to the existing County park system in order to create additional opportunities for user recreational experiences. Changes in Land Use and zoning designations, as a result of these acquisitions, reflect the anticipated reduction in development potential.</p>

2. Community Plan Consistency

Government Code Section 65359 requires that Community Plans affected by a GPA be reviewed and amended, as necessary, to make the Community Plan consistent with the General Plan. Staff reviewed Community and Subregional Plans and found that the changes proposed in the staff recommendation are consistent with the applicable Community and Subregional Plans.

3. Zoning Ordinance Consistency

Government Code Section 65860 dictates that in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended. In accordance with this, the Clean-Up includes proposed zoning and development designator changes for consistency with the proposed Land Use Map changes. Staff reviewed the proposed zoning changes for consistency in accordance with the Compatibility Matrix in Zoning Ordinance Section 2050.

4. California Environmental Quality Act (CEQA) Compliance

This project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project qualifies for an Addendum to the General Plan Update EIR under CEQA Section 15164. An EIR Addendum dated September 18, 2017, has been prepared for the project and is on file with PDS. There are no changes in the project, no changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the previous EIR for the project dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001. See the EIR Addendum for more information (Attachment D).

D. OUTREACH AND PUBLIC INPUT

Changes to an adopted General Plan must follow the process specified in Government Code Section 65350, which includes evaluation and analysis, public and agency review, Planning Commission review, and Board of Supervisors approval. Staff also conducted public outreach that included:

1. Public Notices

- a. On June 16, 2017, a mailed notification was sent to property owners subject to proposed Land Use Map/Zoning changes and a mailed notification was sent to neighboring property owners within 300 feet of the proposed Land Use Map/Zoning changes. This notification included information and web links related to the release of the Draft Clean-Up Report and the start of the public review and comment period.
- b. On September 22, 2017, a hearing notification was sent to property owners and the neighboring property owners within 300 feet of the proposed Land Use Map/Zoning changes. This notification provided the staff recommendations for changed Land Use designations and changes in zoning, in addition to information on the Planning Commission hearing.

2. Web Page

At the initiation of the Clean-Up, a web page was established to provide the most current information as it progressed through the planning phases. The website is:

<http://www.sandiegocounty.gov/content/sdc/pds/advance/2017qpclean-up.html>

3. Public and Agency Review

In addition to the property owner mailed notifications discussed above, a mailed notification was sent to agencies requiring GPA notification per California Government Code Section 65352 on June 16, 2017. An email notification was also sent to community planning and sponsor groups and other stakeholders. These notifications included a link to the web site with information on the project and the full Draft Plan for the GPA.

The email correspondence to community planning and sponsor groups described changes applicable to specific community planning areas and changes applicable to all planning areas, and requested comments and recommendations. This notification also provided information on the 45-day public review period for comments on the Staff Recommendation. Public review comments and other correspondence on the project can be found in Attachment E.

4. Tribal Consultation

All tribal governments in the San Diego region were notified of the changes proposed in this Clean-Up in accordance with Government Code Section 65352. As a result of these notifications, correspondence was received from the following:

- a. The Viejas Band of Kumeyaay Indians (Viejas) responded on June 29, 2017, requesting (1) a site visit, (2) notifications of plans and mitigation measures, (3) active participation in developing mitigation measures, (4) that all NEPA/CEQA/NAGPRA laws be followed, (5) that qualified cultural monitors be on site at all time, and (6) that Viejas be notified of any changes or inadvertent discoveries. County staff clarified with Viejas that the project is a policy document, that no earth-disturbing activities are proposed, and that any future projects such as maps and permits would be analyzed for impacts to tribal cultural resources. The County requested concurrence to conclude SB-18 consultation. No response was received.
- b. The San Luis Rey Band of Mission Indians responded on August 16, 2017, requesting consultation. Staff has followed up with the San Luis Rey Band of Mission Indians and is continuing the consultation process with them to ensure compliance with SB18.
- c. The Campo Band of Mission Indians responded on September 7, 2017, requesting consultation. Staff has followed up with the Campo Band of Mission Indians and is continuing the consultation process with them to ensure compliance with SB 18.

5. Additional Community Planning and Sponsor Group Outreach

Staff coordinated extensively with community planning and sponsor groups to provide the information needed to allow them to include the Clean-Up on their agendas for recommendation votes. Staff attended community planning and sponsor group meetings in Lakeside, San Dieguito, and Valley Center, to discuss the project and answer questions. For other planning

areas, staff coordinated closely with planning and sponsor group chairs through phone and email, to explain all portions of the project applicable to their planning area, and answer questions.

In addition to the Land Use Map/Zoning changes, community planning and sponsor groups had the opportunity to provide recommendations on all of the proposed changes in the project. All of the recommendations received were in favor of the proposed changes, with the exception of item LS302 in Lakeside, and item VC301 in Valley Center. The community planning and sponsor group recommendations are included in Attachment E.

E. PROJECT ISSUES

As part of the outreach process and public review of the Clean-Up, staff received questions and comments on several proposed changes. Staff was able to resolve the majority of these questions and concerns. Based on the comments received, there are three proposed changes that warrant further clarification including LS302, NCM301, and VC301. Each of the three are discussed below.

1. LS302 (Lakeside)

LS302 proposes to change the General Plan land use designation for seven parcels from Semi-Rural 1 (SR-1) and Village Residential 7.3 (VR-7.3) to OS-C and rezone from A70 to S80. LS302 consists of approximately 405 acres in Lakeside that were acquired by the EHC in 2015. The parcels were purchased with funding that precludes development on the property and EHC has conveyed that no development will occur on the property in the future. The property is known within the community as "Lakeside Downs."

Staff received twenty comments opposed to LS302 during public review. The majority of the concerns raised were related to fire safety and trail access. Staff met with the DPR, the County Fire Authority, and EHC. A summary of the concerns are below:

- a. Vegetation growth on the site poses a fire hazard to the surrounding residents if the parcel remains undeveloped. There was also concern that since the property was purchased, and a perimeter fence installed, residents could not proactively clear brush from the property's perimeter. EHC is responsible for fire safety on their property and residents are not allowed to trespass on private land to clear brush. The California Department of Forestry and Fire Protection (CAL Fire) and the County Fire Authority enforce the fire code.
- b. The perimeter fence prevents public access to trails historically used on the site. Staff has confirmed that the property only contains a proposed trail in the Lakeside Community Trails Master Plan. There are no trail easements on the property and the County is not able to condition a trail easement as part of the General Plan Clean-Up.

Ultimately, the inclusion or exclusion of this property in the General Plan Clean-Up will not impact the operation or use of the site. CAL Fire and the Fire Authority will continue to monitor the fire safety and the County has no control over trail access on private property.

The General Plan states that the OS-C designation is primarily applied to large tracts of land, undeveloped and usually dedicated to open space, that are owned by a jurisdiction, public agency, or conservancy group. EHC is classified as a 501(c)3 non-profit and is a known

conservancy group. Staff recommends including LS302 as part of the General Plan Clean-Up for consistency with the General Plan and to ensure the reduction of 491 units is tracked moving forward.

Figure 1 illustrates the existing and proposed Land Use Map/Zoning designations for LS302.

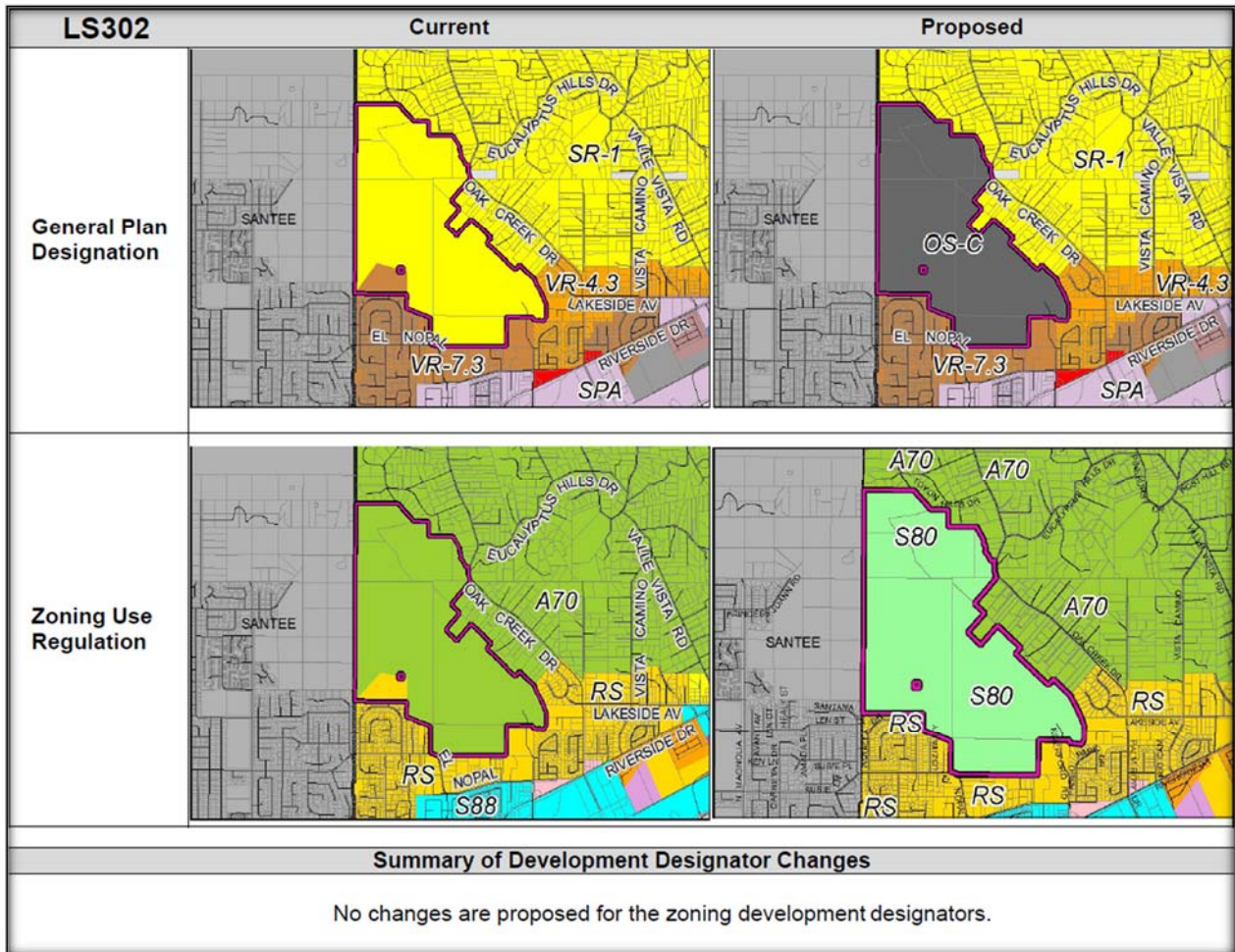


Figure 1 – LS302 Existing and Proposed Land Use Map/Zoning Designations

2. NCM301 (North County Metro)

NCM301 proposes to change the zoning minimum lot size for one parcel from 15,000 square feet to 10,000 square feet. NCM301 consists of approximately two acres that have a General Plan Land Use Map/Zoning designation of Village Residential 4.3 (VR-4.3) and Single Family Residential (RS).

This item is being included in the General Plan Clean-Up because it is a mapping error from the 2011 General Plan Update. The General Plan Land Use designation of VR-4.3 allows 4.3 dwelling units to be built on the property; this requires a lot size of 10,000 square feet or less to be achieved. The zoning is inconsistent with the General Plan because the minimum lot size of 15,000 square feet will only allow 2.8 dwelling units per acre (a difference of 2 additional units). Staff received fifteen comment letters against NCM301 from neighbors who want to retain the

“unique semi-rural nature of their neighborhood.” Staff recommends including NCM301 as part of the General Plan Clean-Up to ensure consistency with the General Plan.

Figure 2 illustrates the existing and proposed Land Use Map/Zoning designations for NCM301.

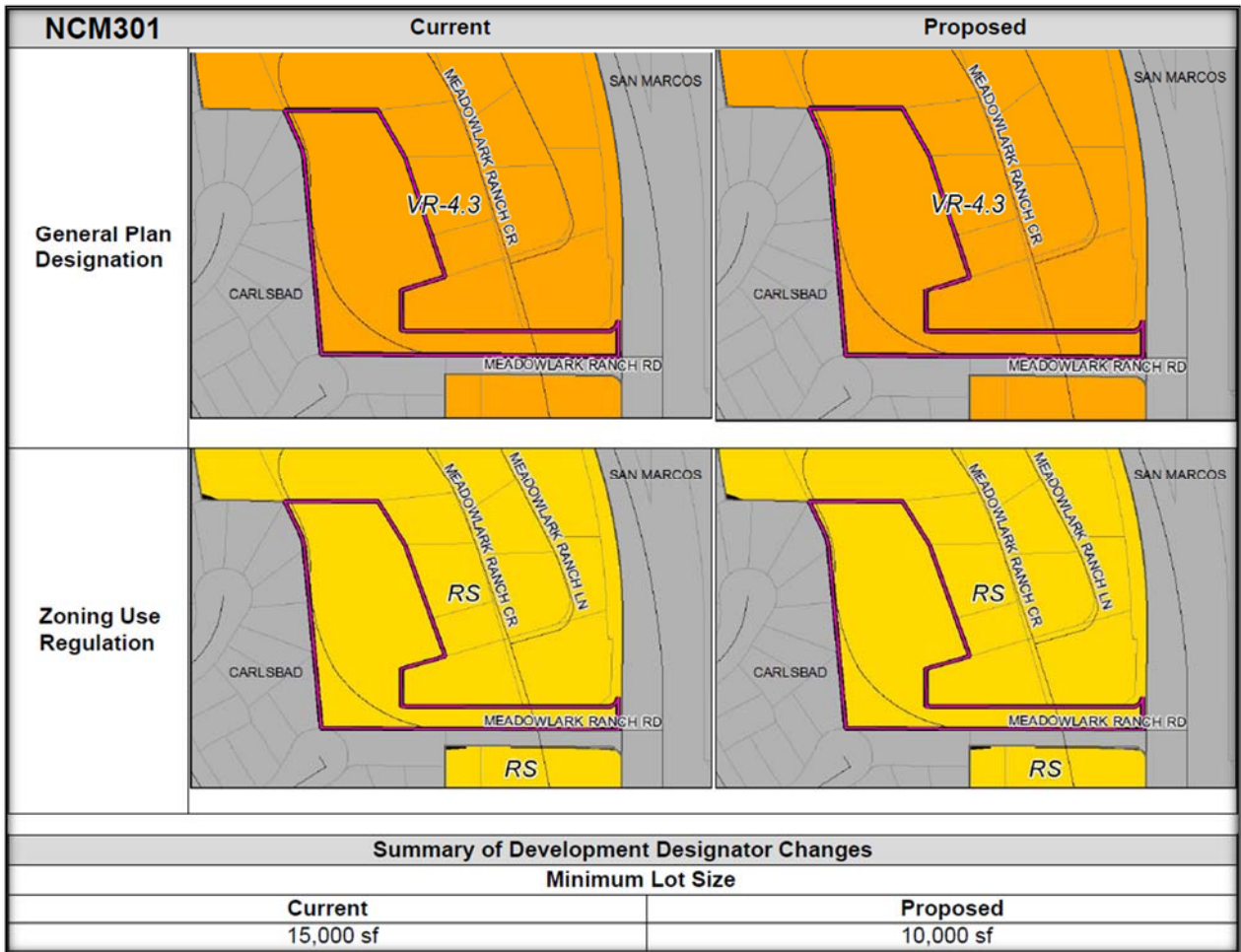


Figure 2 – NCM301 Existing and Proposed Land Use Map/Zoning Designations

3. VC301 (Valley Center)

VC301 proposes to change the zoning code minimum lot size for three parcels from one acre (43,560 square feet) to 6,000 square feet. VC301 consists of approximately four acres that have a General Plan Land Use Map/Zoning designation of General Commercial (GC) and General Commercial (C36).

This item is being included in the General Plan Clean-Up because it is a mapping error from the 2011 General Plan Update. The three parcels were re-designated during the General Plan Update from Rural Residential 1, with a one acre minimum lot size, to GC. This is a mapping error because the surrounding parcels have a Land Use Map/Zoning designation of GC and C36, and all have a minimum lot size of 6,000 square feet. Staff did not receive any comment letters regarding VC301. However, the Valley Center Community Planning Group voted not to recommend approval for these three properties. Instead they would like to consider these changes as part of the upcoming Community Plan update for Valley Center. Staff recommends

including VC301 as part of the General Plan Clean-Up because the appropriate avenue for correcting mapping errors is through the General Plan Clean-Up and not a Community Plan update.

Figure 3 illustrates the existing and proposed Land Use Map/Zoning designations for VC301.



Figure 3 – VC301 Existing and Proposed Land Use Map/Zoning Designations

F. RECOMMENDATIONS

PDS recommends that the Planning Commission take the following actions:

1. Find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, and the Draft Addendum thereto, dated September 18, 2017, on file with PDS under GPA 16-001; REZ 16-001, prior to making its recommendation on the GPA and REZ.
2. Recommend that the Board of Supervisors adopt the Resolution of the San Diego County Board of Supervisors Adopting the 2017 General Plan Clean-Up General Plan Amendment; GPA 16-001 (Staff Recommended Resolution - Attachment A), and

3. Recommend that the Board of Supervisors adopt the attached Staff Recommended Form of Ordinance:

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MARK WARDLAW, DIRECTOR

ATTACHMENTS:

- Attachment A A Resolution of the San Diego County Board of Supervisors Adopting the 2017 General Plan Clean-Up General Plan Amendment; GPA 16-001 (Staff Recommended Resolution)
- Attachment B AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE [GPA 16-001; REZ 16-001]
- Attachment C Staff Recommendation
- Attachment C-1 Analysis of Proposed Land Use Map/Zoning Changes
- Attachment D Environmental Findings and Documentation
- Attachment E Correspondence

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