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COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

DATE: January 9, 2012

##

TO: Board of Supervisors

SUBJECT: GENERAL PLAN PROPERTY SPECIFIC REQUESTS WORKSHOP (DISTRICT: ALL)

SUMMARY:

Overview
On August 3, 2011(1), the Board of Supervisors adopted the General Plan Update. After adoption of the General Plan Update, the Board directed staff to hold a workshop to review property specific requests that had arisen during public testimony on the General Plan Update that were not included in the adopted plan. The Board also asked that each request be evaluated against the General Plan Guiding Principles and for potential impact to the Forest Conservation Initiative remapping efforts. This analysis and other relevant information on the 137 remaining requests are included in this staff report for use and consideration during the workshop. The number of remaining requests has been reduced from 187 to 137 because those requests already considered by the Board are not included.

Recommendation(s)
CHIEF ADMINISTRATIVE OFFICER

1. Receive this report of staff's review of property specific requests for amendments to the County's General Plan.

2. Provide direction to staff on any desired actions related to the property specific requests.

3. If further action is desired, direct the Chief Administrative Officer to return to the Board with a workplan including cost and schedule estimates for completing the workplan.

Fiscal Impact
There are no fiscal impacts associated with this workshop. If the Board provides staff with specific direction for further action, the fiscal impacts of that action will be addressed at a subsequent meeting as part of a detailed workplan.

Business Impact Statement
N/A

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Advisory Board Statement
N/A

BACKGROUND:
On August 3, 2011(1), the Board of Supervisors adopted the General Plan Update. After adoption of the General Plan Update, the Board directed staff to hold a workshop to review property specific requests (PSRs) that had arisen during public testimony on the General Plan Update and that were not included in the adopted plan. The Board also asked that each request be evaluated against the General Plan Guiding Principles and for potential impact to the Forest Conservation Initiative (FCI) remapping efforts.

PSRs originated from public testimony during the first three Board of Supervisors hearings on the General Plan Update: October 20 (1), November 10 (1), and December 8, 2010 (1). A PSR is a petition by a property owner or other entity for the Board of Supervisors to consider a different land use designation on a specific property than what had been recommended by staff and the Planning Commission. At the conclusion of the December 8th hearing, the Board directed staff to inventory and evaluate these PSRs.

An initial list of the requests was published on January 3, 2011 and the public was asked to review the list to ensure that it was complete. Staff prepared draft analyses of the requests which were made available for public review on January 28, 2011 and comments or corrections from the public were requested by February 18, 2011. Additionally, the draft analyses were presented to the Board on February 9, 2011 (1). After the three week public review period, staff updated the responses and evaluations based on comments received and additional staff review and presented the updated report to the Board on March 16, 2011 (1).

In the analysis, each property request was categorized based on the level of change to the General Plan Update necessary to accommodate the request using the categories of Minor, Moderate, and Major. Minor categories indicated changes consistent with the General Plan Update Guiding Principles which required limited additional environmental analysis. Moderate changes also could be consistent with the General Plan Update Guiding Principles, but would require recirculation of the General Plan Update Environmental Impact Report. Major categories were considered inconsistent with the General Plan Update Guiding Principles and would require more fundamental and extensive changes to the General Plan Update and associated environmental documents. A total of 232 requests were analyzed and were categorized as: 83 Minor, 60 Moderate, and 89 Major. On March 16, 2011 (1), the Board directed staff to review the PSRs under the Moderate and Major categories to determine if there were alternatives that could be suggested to allow them to be considered Minor changes to the plan.

On April 13, 2011 (1), the Board considered all the analyses that had been generated by staff and then directed staff to make changes to the Land Use Map based on 58 of the 232 requests. On August 3, 2011 (1), the General Plan Update was adopted, incorporating the 58 PSRs, as directed by the Board in April. The Staff reports for October 20, 2010 and February 9, March 16, and April 13, 2011 are available in Attachment A.

Remaining Property Specific Requests

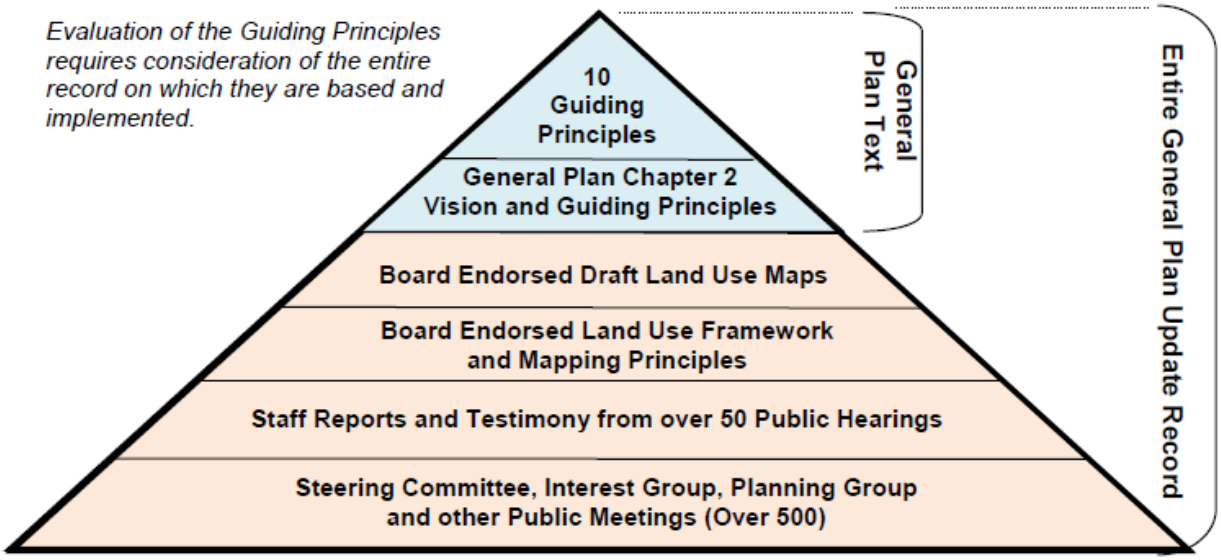
On April 13, 2011 (1), the Board considered PSRs under the Minor category, including compromise alternatives recommended by staff for PSRs categorized as Major and Moderate, and then directed staff to make changes to the Land Use Map based on 58 of the 232 PSRs evaluated. Generally these changes were the same as the property owner request; however, for 12 of the PSRs, the Board approved the compromise alternative recommended by staff in the April 13th staff report (included in Attachment A). If the Board took action on a request, such as supporting staff's recommendation or a compromise that satisfied the property owner, then these requests are not analyzed in this staff report.

In this report, staff has provided an updated version of the analysis prepared for each of the 137 remaining requests. Pursuant to Board direction, this analysis has been supplemented with a discussion of any changes necessary to the General Plan Update Guiding Principles to support the request, along with the potential impact to the timeline for preparing a General Plan Amendment for the FCI lands. Additional changes that may be necessary to other aspects of the General Plan are also discussed, such as changes to the Land Use Map and goals and policies. These evaluations are discussed further below.

Guiding Principle Changes Necessary to Support the Request

Pursuant to Board direction, each request contains an evaluation as to whether changes to the General Plan Update Guiding Principles are necessary to support the request. In conducting this evaluation, it is important to recognize that the Guiding Principles are not simply a set of statements and cannot be interpreted by simply reading those statements. Rather the Guiding Principles are expressions of the General Plan Update "bottom-up" planning process which included significant discussions and documentation about the intent of the General Plan Update and hearings with the Planning Commission and Board to verify direction of this planning process. To fully understand the Guiding Principles, the entire record that they are based on must be considered. The concept is represented in the following graphic.

Building Blocks of the General Plan Update Guiding Principles



This thorough consideration of the Guiding Principles and their record is required for two reasons. First, the law requires that general plan decisions be made based on a deliberative process that is not arbitrary or capricious. This record serves as the basis for that deliberative process.

Additionally, state law requires consistency throughout a general plan. The process described above resulted in the consistent interpretation and application of the General Plan Guiding Principles. Therefore, if the County chooses to implement the Guiding Principles differently for a single property, it risks establishing an inconsistent basis for applying the Guiding Principles to other similar properties.

The requests that are within the Major category were previously identified as requiring a change to the Guiding Principles. This is because the request is not supported by the Guiding Principles with consideration of the 10 Guiding Principles, the record, and how the Guiding Principles have been implemented in other circumstances. In order for the request to be supported, a General Plan Amendment is required to modify the Guiding Principles and generate a new record of public outreach and a review that supports the modifications, such as community planning group and other public meetings, environmental review, Planning Commission and Board of Supervisors hearings.

Additional discussion on the most relevant Guiding Principles and their interpretation is provided in Attachment B.

Other General Plan Changes Necessary to Support the Request

In preparation for this workshop, each request was evaluated for other possible changes to the General Plan necessary to support the request. These changes are primarily needed to maintain consistency within the General Plan. For example, an identified property may be surrounded by several properties with similar characteristics. Therefore, if the General Plan is to be changed to satisfy the request, those surrounding properties should also be changed. Where possible, staff specifically identified the areas that would require changes.

Any changes to the Guiding Principles would likely result in a need for widespread mapping changes. It is difficult to determine what the extent of those changes might be without knowing specifically how the Guiding Principles would be modified. Therefore, in these cases, the staff analysis is more general and further detail could be provided if specific possible changes were identified.

Impact to Forest Conservation Initiative Remapping Timeline

Pursuant to Board direction, each request was also considered for whether or not it would impact the planning process to remap the FCI lands. These lands are areas that were affected by a voter initiative when the General Plan Update was being prepared; therefore they were not included in the General Plan Update. Per the Board's direction, a separate General Plan Amendment is now being processed to bring these lands into conformance with the remainder of the General Plan. As with the adopted General Plan, the land use changes to the FCI lands are based on the General Plan Guiding Principles. Changing the Guiding Principles to accommodate PSRs under the Major category would result in the greatest potential impact to the FCI lands planning

process. This would require all the draft land use maps for the FCI lands to be reevaluated in light of the revised Guiding Principles.

Changes to the Land Use Map that do not also involve changes to the Guiding Principles could also impact the FCI lands planning process. When remapping the FCI lands, the land use designation of adjacent parcels was closely considered. Therefore, the draft land use maps for the FCI lands would also need to be reevaluated if any land use changes are made to accommodate PSRs adjacent to FCI lands.

Workplan for Changing the General Plan

Should the Board decide to direct changes to the General Plan, the extent and type of changes will determine the additional work required and the needed support by staff and consultants. Any change to the General Plan must occur through a General Plan Amendment in compliance with state law. At a minimum, state law requires that all General Plan Amendments include coordination with other agencies and tribes, review by the public, documentation and analysis necessary to comply with the California Environmental Quality Act (CEQA), a recommendation by the Planning Commission, and a hearing with the Board of Supervisors.

Once the Board provides direction concerning the specific changes to the General Plan resulting from this workshop, staff will prepare a workplan to accommodate those changes. This workplan will include the recommended planning process, along with the estimated timeline and costs necessary to accomplish the changes as directed by the Board. Four potential workplan scenarios, ranging from none to major changes, are identified below:

- **No Changes** – Under this scenario, the Board does not direct changes to the General Plan. However, mapping clean-ups will occur as planned every other year to address errors, open space purchases, and other minor updates. These clean-ups would be supported by existing staffing and funding. The first cleanup will occur in calendar year 2012. Additionally, privately requested General Plan Amendments could still be initiated pursuant to Board Policy I-63 at any time and would be paid for by the applicant. The Board would also have the ability to initiate other General Plan Amendments in the future.

- **Minor Changes Only** – These are changes that do not conflict with the General Plan Guiding Principles and do not require substantial additional analysis for environmental impacts. In order to amend the General Plan, some additional environmental documentation would be prepared as would any edits necessary to the General Plan documents. The estimated timeframe for the Minor scenario is 12 months with an estimated cost of up to $300,000 for staff and consultant services to support this approach. Some Minor changes are considered controversial and/or would alter changes already made to the project by previous Board or Planning Commission direction. This controversy could add complexity and cost to the process.

- **Minor and Moderate Changes Only** – These are changes that do not conflict with the General Plan Guiding Principles but may require more detailed analysis. For Minor and Moderate changes, staff would prepare a General Plan Amendment with edits to the necessary General Plan documents, perform additional environmental analyses, and

prepare necessary environmental documents pursuant to CEQA. The estimated timeframe for the Moderate scenario is 18-24 months with an estimated cost of $700,000 in additional staff and consultant costs, depending upon the complexity of the changes. It should be noted that some Moderate changes are controversial and could result in much higher costs and longer processing times.

- **Minor, Moderate, and Major Changes** – Major changes are not supported by the General Plan Guiding Principles and would require more fundamental changes to the General Plan. Therefore, revisions to the General Plan Guiding Principles and associated goals, policies, and mapping concepts are assumed. In many cases, the revisions will also trigger widespread changes to the General Plan Land Use Map to maintain consistency among similar properties throughout the unincorporated area. Minor and Moderate changes could be included in this scenario, but the Major changes would drive the timeline and cost. In order to formulate the fundamental changes that Major requests require, it may be advantageous to coordinate their development with stakeholders, the Planning Commission, and the Board to ensure adequate public participation and staff guidance. Substantial new environmental analysis and documentation is also anticipated for Major changes. A new Environmental Impact Report will likely be necessary as will the technical analysis that supports the preparation of that report. The changes will also require additional traffic modeling and will likely affect the General Plan Mobility Element road network and the County's Transportation Impact Fee (TIF) program. The estimated minimum timeframe for the Major scenario is 30 to 54 months with an approximate minimum cost of $4 million for staff and consultants. Under this scenario, both the cost and time estimates have the potential to be far greater depending on the level of complexity and controversy of the changes.

Environmental Statement

This workshop is not a "project" as defined by CEQA and therefore no environmental documentation is required at this time. Should the Board decide to direct changes to the General Plan, those changes will require a General Plan Amendment. The process to approve a General Plan Amendment is outlined in state law and is considered a project subject to CEQA.

Linkage to the County of San Diego Strategic Plan

The General Plan Update is consistent with the County's Strategic Initiatives for Kids, the Environment, and Safe and Livable Communities by implementing goals and policies for the physical development of the unincorporated county that attempt to improve housing affordability, locate growth near infrastructure, services and jobs, assign densities based on characteristics of the land (e.g. topography, habitats, and groundwater resources), and create a model for community development.

Respectfully submitted,

Sarah Aghassi

SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)
Attachment A – Staff Reports for the General Plan Update
Attachment B – Guiding Principles Background
Attachment C – Property-Specific Requests Analysis

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: [] Yes [X] No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
[] Yes [X] No

PREVIOUS RELEVANT BOARD ACTIONS:
August 3, 2011 (1) – Directed staff to evaluate all remaining property specific requests and to schedule a workshop with the Board for review.

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: Department of Planning and Land Use

OTHER CONCURRENCE(S): N/A

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