



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: April 13, 2011

##

TO: Board of Supervisors

SUBJECT: COMPREHENSIVE UPDATE OF THE GENERAL PLAN; CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT; AN ORDINANCE CHANGING ZONING CLASSIFICATION OF CERTAIN PROPERTY; AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATED TO CONSERVATION SUBDIVISIONS; AND AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, RESOURCE PROTECTION ORDINANCE, AND GROUNDWATER ORDINANCE RELATED TO THE GENERAL PLAN UPDATE (DISTRICT: ALL)

SUMMARY:

Overview

On March 16, 2011 (1), the Board of Supervisors voted to reaffirm the General Plan Update guiding principles, and directed staff to consider and present modifications to the Plan that would not result in a need to recirculate or perform additional environmental analysis. The Board continued the hearing to April 13, 2011, and further directed staff to review the property specific requests under the Moderate and Major categories to determine if there are alternatives that could be suggested to allow them to be considered Minor changes to the Plan. The categories of Minor, Moderate and Major were created by staff to describe the level of change required to the General Plan Update project to accommodate particular property specific requests for change. The Board also decided that the 27 issues previously identified by the Board for further consideration would be addressed at the continued hearing on April 13th. This report contains information that supplements staff's report of March 16, 2011 in response to the Board's direction.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

1. Receive this report that identifies some possible changes to property specific requests that were identified in Moderate and Major categories to determine whether they can be modified and included in the Minor category.
2. Direct staff to make changes to the recommended project that are consistent with the project objectives and do not require recirculation of the Environmental Impact Report. Changes within these parameters are identified as Minor changes in the staff report and include possible revisions to the land use map and modifications to draft policies and other General Plan components.

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3. Continue the item and direct the Chief Administrative Officer to return to the Board with final General Plan Update documents at a date to be determined at today's hearing.]

Fiscal Impact

If the Board elects to make Minor changes to the General Plan Update (meaning changes that do not conflict with the General Plan Update project objectives, do not require substantial additional analysis for environmental impacts, and do not result in new significant environmental impacts and recirculation of the Environmental Impact Report), then staff would perform edits to the necessary General Plan Update documents, modify the project description in the draft Final EIR, and modify the findings consistent with the changes, and return to the Board. The estimated timeframe for minor changes is up to six months with an estimated cost of up to \$200,000. Staffing and funding necessary to cover this scenario is included in the Fiscal Year 2010-2011 Adopted Operational Plan and Proposed Fiscal Year 2011-2012 Operational Plan.

Business Impact Statement

The General Plan Update considers economic development and provides opportunities for future jobs and business development commensurate with its forecasted growth. The General Plan Update provides development opportunities to businesses by planning for commercial development near existing businesses, transportation hubs and walkable residential areas and ensuring that sufficient, safe and appropriately located circulation routes are available for residential, commercial, and industrial development as well as related public services. Economic conditions for businesses will be enhanced through the synergies that result from new development in and around business districts and revitalization of community centers.

Advisory Board Statement

The General Plan Update Steering Committee and Interest Group did not take a position on this report. Please see prior reports for other Steering Committee and Interest Group positions.

BACKGROUND:

The General Plan Update was presented to the Board of Supervisors for consideration on October 20, 2010 (1) and the hearing was continued to both November 10 (1) and December 8, 2010 (1) to allow sufficient time for the public testimony on the project. At the end of public testimony at the December 8th hearing, the Board directed staff to respond to certain issues raised during the hearings and also to evaluate property-specific requests that were presented in public testimony or through correspondence. Draft responses and evaluations were prepared by staff and presented to the Board on February 9, 2011 (1). After a three week public review period,

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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). On March 16th, the Board took the following action:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board received the report of staff's responses to specific requests for information and review of property-specific requests, as refined as a result of public and staff review; regarding property-specific requests, directed the Chief Administrative Officer to review the moderate and major categories to determine if there is a staff recommendation that might move those items to the minor category, and to prepare a list for the Board's consideration; regarding the list of 27 issues, the Board members will identify at the April 13, 2011 meeting the ones with which they have a problem; the Board reaffirmed the guiding principles, and agreed not to reopen the environmental documents; and continued the hearing to April 13, 2011, at 9:00 a.m.

The staff reports prepared for the October 20, 2010, and February 9 and March 16, 2011 hearings are provided as Attachments A-1 through A-3, respectively.

Policy LU-14.4 and Additional Issue-Specific Information

For the April 13, 2011 hearing, the Board requested that staff be prepared to discuss proposed Land Use Element Policy LU-14.4, Sewer Facilities. Information on proposed Policy LU-14.4 is provided in Attachment B. Additionally, since the preparation of the March 16, 2011 staff report, updated information has become available regarding the State's progress on addressing alternative septic systems, which is discussed as Issue #21 in the March 16 staff report. This information is also included in Attachment B.

Review of Moderate and Major Property Specific Requests

On March 16, 2011 (1), the Board directed that staff review property specific requests in the Moderate and Major categories to seek opportunities that would allow the change to occur but would not cause the need to revise the environmental analysis or revise the project objectives, thus allowing the request to be moved to the Minor category. Property specific requests originated from written and verbal testimony during the October 20, November 10, and December 8, 2010 hearings. At the December 8, 2010 hearing, the Board directed staff to evaluate all property specific requests and report back on what actions would be necessary to include them in the General Plan Update. There were 232 total requests, with 60 of them being Moderate and 89 being Major. Moderate requests were those that may be found consistent with the General Plan Update guiding principles but were not evaluated in the General Plan Update Environmental Impact Report. Major requests were those that were not consistent with the General Plan Update guiding principles.

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Staff's analysis of the 149 Moderate and Major requests is summarized in Attachment C. There is an inherent difficulty in finding alternatives to these requests because of the reasons they were originally categorized as Moderate or Major. For example, for most of these requests, there was no higher density evaluated in the Environmental Impact Report than what was recommended by staff and the Planning Commission. Therefore, in most cases, any alternative that increases overall density above what was recommended would at least be a Moderate. There were also a number of requests where revisions to the recommended project (referred to as compromises) had already been made in response to the request. Therefore, this posed limitations to finding any further movement in densities while maintaining conformance with the guiding principles.

In summary, of the 149 Moderate and Major requests reviewed, there were 26 instances counted where compromises had already been incorporated into the Staff/Planning Commission Recommendation. In addition, potential revisions to 16 requests were identified that, if incorporated, would place the request under the Minor category and 6 potential revisions to requests under the Major category were identified that would change the request from the Major to the Moderate category. Lastly, at least 43 requests were determined to possibly meet guiding principles but were not evaluated in the Environmental Impact Report because they were not a part of a project alternative directed to be studied by the Board. While these requests could not be considered without modifying the current General Plan Update Environmental Impact Report, it is possible that they could be considered as part of future general plan amendments with supplemental analysis.

Environmental Statement

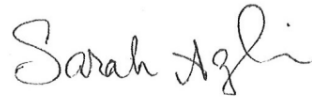
A Program EIR has been prepared pursuant to the California Environmental Quality Act (CEQA) for the General Plan Update. A Notice of Preparation (NOP) soliciting input on the scope of the EIR was first issued in 2002 and again in 2008. The Draft EIR was made available for public review in 2009. Staff has prepared responses to comments received during public review. The NOPs, EIR, comments and responses can be viewed on the project website and all are attachments to the October 20, 2010 staff report (Attachment A-1).

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.

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Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – October 20, 2009, February 9, 2011 and March 16, 2011 Staff Reports

Attachment B – Supplemental Information on Issues Identified by the Board for Follow-Up

Attachment C – Review of Moderate and Major Property Specific Requests

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AGENDA ITEM INFORMATION SHEET |

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

Previous actions by the Board of Supervisors are discussed in Attachment A.

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):

Community Services Group
Finance & General Government Group
Health & Human Services Agency
Public Safety Group

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