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Marilyn Mirrasoul, Environmental Planner
City of San Diego Development Services
1222 First Avenue, MS 501
San Diego, CA 92101

June 25, 2007

Re: General Plan and Draft Program EIR, Project No. 104495 - SCH 2006091032

Dear Ms. Mirrasoul:

We submit these comments on the City of San Diego's General Plan and Programmatic DEIR on behalf of Carmen Lucas, waavmii Laguna Band of Indians. This letter supplements the letter from Ms. Lucas dated June 15, 2007, both faxed separately and attached hereto.

While we may have comments regarding other portions of the documents, we will focus our attention here on those sections relating to the Historic Preservation Element and its section of the PDEIR. Both these, and additional comments, may be conveyed to the City during upcoming SB 18 consultative meetings.

The summary for the PDEIR states that, "Implementation of the Draft General Plan *could* result in significant impacts to historic resources associated with the built environment through substantial alteration, relocation, or demolition of historic buildings, structures, objects, landscapes, and sites and to important archaeological sites that occur on property proposed for development, including construction activities, such as grading and excavation. Additionally, the *potential* for encountering human remains during construction development activities *is possible* and impacts to human remains as a result of the Draft General Plan *may* occur. (Emphases added)."

The PDEER summary also states that, "Although significant impacts to historical resources *may* be mitigated through review of discretionary projects, specific mitigation at the Program EIR level is not available since specific development projects are not known."

W-1 First, even if specific development projects are not known, the City can and should devise an improved tool box for mitigating impacts to archaeological sites and tribally significant properties than it has now, which will then serve to help reduce

W-1 The City does rely on a toolbox of options for addressing archaeological sites and traditional cultural properties. Improvements are made to these options as new information is gleaned or new technologies are developed. The proposed General Plan addresses surveys, nominations, districts, curation, mitigation, and other issues in the Historic Preservation Element policies.

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W-2

impacts in the future. This should include goals and targets for surveys, nominations, districts, curated collections and monitoring, among others. Second, significant impacts to archaeological sites and tribally significant sites that may occur through the application of what the City deems "ministerial" or maintenance projects have not been addressed. Third, it is a commonly held belief among tribes that impacts to sacred places and ancestral burials cannot be mitigated and that avoidance must occur whenever possible. Finally, what are the significant changes from the existing Progress Guide and General Plan relative to Cultural Resources and the proposed plan?

W-3

W-4

Comments on the Draft Historic Preservation Element

While there are certainly many laudable policies outlined in the Plan, we make the following recommendations:

W-5

- State Laws Summary Page HP-5 (and DEIR 3.6-6): The section of the Public Resources Code creating the Native American Heritage Commission (PRC section 5097.9 et seq.) and outlining its duties should be described, particularly where reference is made to the NAHC within the City's standard mitigation measures at PDEIR page 3.6-20. Moreover, mention should be made of the NAHC's Sacred Places List and also specifically to PRC Section 5097.9 which states:

No public agency, and no *private party using* or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public *property*, except on a clear and convincing showing that the public interest and necessity so require. The provisions of this chapter shall be enforced by the commission, pursuant to Sections 5097.94 and 5097.97.

The provisions of this chapter shall not be construed to limit the requirements of the Environmental Quality Act of 1970, Division 13 (commencing with Section 21000). The public property of all cities, counties, and city and county located within the limits of the city, county, and city and county, except for all parklands in excess of 100 acres, shall be exempt from the provisions of this chapter. Nothing in this section shall, however, nullify protections for Indian cemeteries under other statutes.

W-6

- History of Preservation Planning HP-10-11: We believe that many of the shortfalls identified in the 1979 City of San Diego Progress Guide and General Plan remain true today including the lack of comprehensive citywide archaeological site and tribally significant property surveys and the need for a

W-2

Ministerial projects are not subject to CEQA. The Historical Resources Guidelines of the Land Development Code requires the City to determine the need for a site specific survey for both discretionary and ministerial projects, based on the Historical Resource Sensitivity Maps. Maintenance activities can be either ministerial or discretionary depending on the scope of the maintenance and location of the project.

W-3

Comment noted. The City of San Diego Land Development Code Section 143.0252 requires all feasible measures to protect and preserve any traditional cultural property be included as a condition of development, except as may be approved through the deviation process (Section 143.0260).

W-4

This comment does not address the adequacy of the Draft EIR. A table of existing policies of the Progress Guide and General Plan with a reference to the proposed General Plan has been provided to the commenter separately and is available on request.

W-5

The proposed General Plan discussion of state laws is not intended to be all inclusive. Additional general language addressing the comment has been added to the discussion.

W-6

Comment noted. It does not address the adequacy of the Draft EIR.

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stronger organizational framework with adequate personnel. Both shortfalls should be more clearly addressed in the Policy Statements. We also disagree with the statement that existing regulations and associated guidelines have proven to be effective in the protection and management of historical resources in San Diego: As can be seen by suggestions below, additional work is needed, particularly with regard to tribal resources.

W-7

Protection of Ancestral Native Burials Language: Language must be put into the Plan acknowledging tribal views toward the necessity for the protection and preservation of their ancestral human remains *in situ* on both publicly and privately owned lands. One place to do this is at page HP-11 in the paragraph discussing consultation. Also, consideration must be given in handling ancestral human remains, that the affiliated people may not desire scientific or other testing of these remains, and that these views should be respected, wherever possible.

W-8

Fully Integrate Tribal Concerns in the Larger Land Use Planning Process HP-A.2.: The need to meaningfully consult with tribes early in the land use planning and project level processes and to flag areas of sensitivity to them during the permitting and environmental review processes must be integrated into this Policy and the City's mitigation measures. This must include the consideration of avoidance and project redesign at a time in the project when these objectives can be achieved. Without these specific actions, tribal resources will continue to be needlessly lost and their impacts unmitigated in San Diego.

W-9

San Diego Historical Organizations Page HP-16: the San Diego Archaeological Center should be listed and SOHO's spelling should be corrected to: Organisation.

Comments on the PDEIR Historical (Cultural) Resources Section

W-10

The document, while concise and easy to read, does not make *any* attempt to offer mitigation for the Plan. Nor does it include a meaningful Alternative that reduces impacts and effects to archaeological sites and tribally significant properties.

W-11

* Prehistoric Period PDEIR 3.6-1: We believe that the term Creation Story is preferable to the term "myth," which can carry a pejorative meaning. More should be said in this brief one-page summary of the metaphysical nature of these people, their artistic and manufacturing abilities to make a living as well as objects of great spiritual meaning, the care given to the treatment of their dead and how these belief systems and activities are reflected in the City's landform today.

W-12

Thresholds of Significance PDEIR 3.6-7: First, to better reflect both NHPA and CEQA, revise the first bullet to read: "Results in adverse physical, indirect or aesthetic effects to . . ." Second, the PDEIR at 3.6-8 states that, "Archaeological resources may be difficult to detect prior to construction activities. . ."

W-13

Accordingly, the impacts section of the PDEIR should mention the need to file a case

W-7

Additional general language addressing the comment has been added to the proposed General Plan discussion.

W-8

Additional language addressing the comment has been added to the proposed General Plan Policy HP-A.2.b.

W-9

Comment noted. The recommended changes to the proposed General Plan have been made.

W-10

As stated on Page 3.6-9 of the General Plan EIR, Section 3.6.4 provides a Mitigation Framework (Section 3.6.4) which includes goals, policies and recommendations combined with other federal and state laws to ensure project level historical resources mitigation for future discretionary projects. This section includes examples of project level mitigation in accordance with CEQA and the City's Historical Resources Guidelines. Project level mitigation would be developed based on the results of technical studies prepared by qualified historical resources consultants in accordance with the City's Guidelines.

W-11

The term "myths" has been revised to read "Creation Story" in the first paragraph of the Prehistoric Period discussion on Page 3.6-1 of the EIR as recommended.

W-12

The Threshold statement comes directly from the City's Initial Study Checklist. The term "indirect" has been added to the referenced bullet under Section 3.6.2, Thresholds of Significance on Page 3.6-7 of the EIR.

W-13

Please see response to comment V-5. Additional language has been added to the Mitigation Framework Section (specifically within Steps 1 and 2) encouraging the use of non-invasive field methods during the initial archeological investigation phase.

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by case basis for testing and encourage the use of noninvasive techniques such as ground penetrating radar, canine forensics, etc., as technologies develop, so that sites may be better understood, avoided and treated in a culturally sensitive manner. Third, the PDEIR at 6.6-8 states that "Previously excavated areas are generally considered to have a low potential for archaeological resources . . ." However, ancestral human remains have been found in several locations in District 1 in fill dirt; this indicates that human remains are being excavated from one location and used as fill on other sites. The PDEIR fails to address this practice.

W-14

• **Mitigation Framework** PDEIR 3.6-9: The PDEIR states that ". . . at the time of this writing, these [standard mitigation] measures are generally considered to be adequate mitigation." What is the basis for this determination? For the last three years or more, tribal entities have come to the City to report the inadequacies of its environmental and development review processes, mitigation and monitoring program and regulatory framework to address ongoing, unmitigated and unacceptable impacts to tribal cultural resources. This includes private and public projects within the recorded Spindrift archaeological site. Many of the tribal concerns remain unaddressed, such as the illegal export of soil with ancestral human remains to be used as fill dirt elsewhere in the City.

W-15

The PDEIR also states that, "Future projects would be subject to site-specific measures in effect at the time the projects are processed." It is our experience that Development Sendees tends to only use its standard mitigation measures - even when the site is anything but standard; how projects have been treated in recent years at the Spindrift archaeological site is a glaring example. What specific measures is the City taking to improve and tailor its avoidance, project redesign and mitigation measures toolbox for these irretrievable resources?

W-16

Areas of weakness in the current implementation of the City's Mitigation Framework include: Initial Evaluation, Testing, Data Recovery, Monitoring, Human Remains Discovery and Post Construction Programs.

W-17

Regarding Initial Evaluation, the PDEIR fails to state that only qualified individuals should do the surveys, evaluation and records searches and that records searches include the Native American Heritage Commission (sacred lands list), the Museum of Man (early site records), the San Diego Archaeological Center (existing collections) and any tribal repositories or museums. Moreover, surveys to assess the likelihood of subsurface prehistoric resources or a traditional cultural property must require the presence of tribal monitors. The monitor must also be involved in making the initial significance determinations under CEQA.

W-18

Regarding **Testing**, it should be revised to state that tribal monitors be present during testing of prehistoric sites. PDEIR 3.6-16 states that, "If significant resources are discovered during the testing program, then data recovery shall be undertaken prior to construction." This measure should be revised to state that "If

W-19

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W-14 The City agrees that in some cases the potential still exists for archaeological resources to be encountered in previously excavated or graded areas. As such, language has been added to the second paragraph on Page 3.6-8 addressing the need for further review of projects located within recorded archaeological sites or identified as traditional cultural properties in areas that have been previously excavated and/or graded.

W-15 The Mitigation Framework within the Historical Resources Section of the DEIR includes a series of steps to be followed by environmental staff to determine the likelihood for a proposed project site to contain historical resources. These steps provide the necessary tools (including archaeological sensitivity maps, survey and testing results reports, etc.) for City staff to identify potential issues related to archaeology and the built environment early in the CEQA process. Confidential archaeological site data is also available from qualified City staff which is used to assist the environmental analysts in determining the need for additional investigative work on the project site. Tribal concerns referenced in the comment letter are being addressed by the Mayor's Office.

W-16 Please see response to comments W-13 and V-5.

W-17 The Initial Evaluation has been revised to include the recommended sources for background information when conducting initial archeological evaluations, and the requirement that individuals conducting any phase of the archaeological program must meet the qualifications in accordance with the City's Historical Resources Guidelines.

W-18 The requirement for Native American participation in all phases of the archaeological program is supported by the City and has been included in the General Plan and EIR. The Historical Resources Guidelines will also be revised to reflect this commitment by the City.

W-19 Step 2 – Testing has been revised to include a statement indicating that the testing program may require reevaluation of the proposed project in consultation with the Native American representative

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significant resources are discovered during the testing program, then project reassessment will occur which may involve some combination of tribal consultation, project redesign and data recovery prior to construction."

W-20 Regarding Data **Recovery**, the PDEIR 3.6-16 states that, "For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared . . ." This section should also state that: for data recovery of prehistoric materials that the presence of a tribal monitor is required, all bone will be timely identified, and the tribal monitor will be consulted on the preparation of the Data Recovery Report. Finally, the PDEIR 3.6-17 states that "Any human bones and associated grave goods of Native American origin shall, upon consultation, be turned over to the appropriate Native American group for reburial . . ." This should be revised to state that the items be turned over for repatriation and not dictate how the tribal group handles its repatriation.

W-21 Regarding the Discovery of Human Remains, the PDEIR 3.6-20 does not appear to reflect recent changes in the Public Resources Code pursuant to AB 2641 (2006). These include that: after the NAHC has notified the Most Likely Descendant (MLD) of the discovery, the MLD has 48 hours from gaining access to the property to inspect the remains and make recommendations for treatment. If the MLD completes the site inspection and makes a recommendation within 48 hours the parties involved will discuss and confer about all reasonable options for treatment of the remains and this time period can be extended by the parties involved especially if multiple burials are discovered and lists specific mechanisms to better protect onsite reinterments such as recording the site with the NAHC or Information Center, using an open space easement or conservation zone or recording a document with the County. Accordingly, this section of the PDEIR and City's standard mitigation measures must be updated.

W-22 Regarding Post Construction Programs, the PDEIR 3.6-22 directs that sites be recorded on the State of California Department of Parks and Recreation forms; this section should also refer to completing the Sacred Place List forms at the NAHC, as applicable. Finally, the curation of artifacts section should clearly indicate that the costs of curation are borne by the project applicant

Significance of Impact within Mitigation Framework:

W-23 It appears that in a rush to override, that mitigation measures for many sections, including the Historic Preservation Element, have not been adequately considered or developed to help mitigate the significant impacts of the Plan or subsequent projects. This is contrary to the very purpose of General Planning and Programmatic environmental documents. The PDEIR should include additional programmatic or standard mitigation measures, some outlined in this letter, and the documents should make clear that future environmental analysis will then be assessed and conducted on a project level basis for all development. The notes and references section also should cite to additional sources of authority under the. CEQA and other Guidance, such as National Park Service

W-24

W-25

5

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which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative).

W-20 The Data Recovery discussion on Page 3.6-16 has been revised to incorporate the recommended language regarding Native American participation in all phases of the archaeological program. The Historical Resources Guidelines will also be revised to reflect this commitment by the City.

W-21 The Data Recovery discussion on Page 3.6-17 has been revised. The word "reburied" will be replaced with "repatriation" as recommended and the words "upon consultation" and "in accordance with state regulations" will be stricken from the sentence. The Historical Resources Guidelines and Mitigation, Monitoring and Reporting Program will also be revised, where applicable to ensure consistency.

W-22 Staff has reviewed the 2006 revisions to Section 5097.98 of the Public Resources Code (PRC) and concurs with the recommended revisions regarding notification, access and recommendations by the MLD within the 48 hour time period. As such, the EIR, Historical Resources Guidelines and Mitigation, Monitoring and Reporting Program will be revised, where applicable to ensure consistency. According to Section 5097.98(e) of the PRC, the requirement for recording the burial site with the Native American Heritage Commission is necessary only when the following situation occurs:

Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with

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appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following:

(1) Record the site with the commission or the appropriate Information Center.

(2) Utilize an open-space or conservation zoning designation or easement.

(3) Record a document with the county in which the property is located.

- W-23 Staff has reviewed the 2006 revisions to Section 5097.98 of the Public Resources Code and concurs with the recommended revisions. As such, the EIR, Historical Resources Guidelines and Mitigation, Monitoring and Reporting Program will be revised, where applicable to ensure consistency with state law.
- W-24 Language has been added to the MMRP under the Post Construction section “Handling of Artifacts” indicating that the cost of curation is the responsibility of the property owner.
- W-25 As stated on Page 3.6-9 in the Historical Resources Section of the EIR, implementation of the policies identified in the Historical Preservation Element and compliance with the Historical Resources Regulation and Guidelines would reduce direct and/or indirect impacts, there is no guarantee that all future project level impacts can be avoided or mitigated to below a level of significance. Therefore, the Mitigation Framework Section provides examples of project level mitigation that is currently being applied to projects which result in significant impacts to historical resources. In addition, improvements to the procedure for staff review of projects where historical resources have a likelihood to be located is intended to provide an early tool toward reducing impacts through project redesign, preservation in place and/or avoidance in accordance with local and state regulations. Please see also response to comment W-15.

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| W-26 | The PEIR Historical Resources Section 3.6.4 has been revised to include language which clearly states that all future project submittals will be subject to site specific review in accordance with the Historical Resources Regulation and Guidelines. |
| W-27 | The referenced section has been updated to include additional regulatory sources as recommended. |

GENERAL PLAN

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June 12, 2007

Ms. Marilyn Mirasoul, Environmental Planner
 City of San Diego Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101

RE: Draft Program Environmental Impact Report (PEIR), 25 Apr 2007 (Project No. 104495, SCH No. 2006091032) and the City of San Diego General Plan (Final Public Review Draft, October 2006) Draft General Plan

Dear Ms. Mirasoul:

References:

- Carmel Valley Community Planning Board letter, 3 June 2005, re: Comments on General Plan Discussion Draft April 20, 2005.
- 2. Carmel Valley Community Planning Board letter, 11 October 2005, re: Comments on General Plan Update Draft July 2005.

Thank you for the opportunity for the Carmel Valley Community Planning Board (CVCPB) to submit comments to the Draft General Plan Update (the Project) and the Draft Program Environmental Impact Report (PEIR) prepared for the Project. Because the nearest available noticed meeting of the CVCPB did not occur until June 12th, which is the earliest opportunity for the Board to publicly discuss and vote on its official comments at a noticed meeting as required by Council Policy 600-24, we trust you will accept this letter for inclusion in the Final PEIR and preparation of formal responses to comments.

Background Summary:

In our two previous letters (refs. 1 & 2) we raised these significant concerns:

- X-1** The relationship of the Community Plan to the General Plan, particularly where the Community Plan is more restrictive and directive than is the General Plan, and our belief that "in cases in which there arise conflicts between the General Plan and a community plan," the more restrictive language of the community plan shall prevail. (Strategic Framework Element and Land Use and Community Planning Element)
- X-2** 2. Other Community Open Space, as a land use designation, shall be viewed as "on par" with and as important as MSCP Open Space in General Plan discussions. (Urban Design Element and Conservation Element)
- X-3** 3. Clarify the City's intention, as addressed in the General Plan, to make the Land Development Code sections of the Municipal Code and Zoning regulations conform to City and community land use plans, rather than vice versa.
- X-4** 4. Include a specific mention of **trails** in the list of recreation element features of the General Plan. (Recreation Element)

X-1 – X-5 While the issues raised in these comments do not address the adequacy of the environmental document, the following responses are provided as a courtesy to the commenter.

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- X-5 5. Respect for Carmel Valley's tailored signage guidelines (adopted by City Council ordinance in 1989), with precedence over the more general city-wide controls found in the Land Development Code signage regulations.

Rather than repeat each of those comments in detail, by reference and attachment, we include those comment letters (refs. 1 & 2) in their entirety with this comment letter. This comment letter, as indicated in the subject caption, provides comments and raises issues from both the October 2006 Final Public Review Draft of the General Plan (the Project) and the Program EIR prepared for that Project.

1. Community Plan

The Draft General Plan document addresses the relationship between its Elements and community plans in several locations, principally the Strategic Framework Element and the Land Use & Community Planning Element. Key among the many statements is the following:

Community plans represent a vital component of the City's Land Use Element because they contain more detailed land use designations and describe the distribution of land uses better than is possible at the citywide document level. San Diego is one of the few jurisdictions in the state that has the size, diversity, and land use patterns that necessitate community-based land use plans. The community-specific detail found in community plans is also used in the review process for both public and private development projects. While the community plan addresses specific community needs, its policies and recommendations must remain in harmony with other community plans, the overall General Plan, and citywide policies. (Underline added.) (SF-8)

The General Plan relies upon the community plans to provide the site-specific guidance to implement many of the General Plan policies, and the continued involvement of an engaged citizenry to monitor its implementation. (Underline added.) (SF-29)

The Land Use Element addresses land use issues that apply to the City as a whole. The community planning program is the mechanism to refine citywide policies, designate land uses, and make additional site specific recommendations as needed. The Land Use Element establishes the structure to respect the diversity of each community and includes policy direction to govern the preparation of community plans. (Underline added) (LU-3)

In its discussion of "Roles and Relationships - General Plan and Community Plans," the Land Use and Community Planning Element appears now to have struck a more workable statement of the relationship of the community plan to the General Plan than that found in the previous draft. The LUCP Element now provides:

The community planning program has a long and diverse history...Each document is a unique reflection of the issues and trends facing the community and corresponding strategies to implement community goals.

Community plans represent a significant and vital component of the Land Use Element in that because they contain more detailed land use designations and site-specific policy recommendations than is possible at the citywide level...While the community plan addresses specific community needs, its policies and recommendations must be in harmony with other community plans, the overall General Plan, and citywide policies. (Underline added) (LU-21)

The previous version emphasized the supremacy of the General Plan, to which all other plans must be deemed "consistent with the overarching goals, objectives, and policies of the General Plan." Under this revised formulation, "harmony" rather than strict "conformity" or "consistency" would appear to allow a

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community plan to better develop the "site-specific policy recommendations" in a manner responsive to the community's needs while respecting the citywide policies of the General Plan.

X-6

At the same time, this revised formulation of the community plan-to-General Plan relationship gives us pause that in some future key land use decision, a conflict will be resolved at the staff level by an assertion that the General Plan "trumps" the community plan. Such an assertion, we suggest here, would be challenged.

2. **Other Community Open Space**

Comment: The two leading Guiding Principles of the Strategic Framework Element mention "open space" as core values guiding San Diego's future development:

The City of San Diego General Plan integrates the following basic principles which describe the essential structure of San Diego's plan and reflect the core values that guide its development:

- 1. An open space network formed by parks, canyons, river valleys, habitats, beaches, and ocean;
- 2. Diverse residential communities formed by the open space network; (Emphasis added) (SF-6)

We believe recognition of the "open space network" as a defining element of community is vital to preservation of communities, whether urban, suburban or rural, and we welcome the emphasis found here in the Strategic Framework Element introduction.

X-7

Issue: On balance, however, this Final Public Review Draft of the General Plan falls well short of adequately addressing open space because it removes any discussion of "Other Community Open Space" that had been included in previous reviewed versions. The April, 2005 draft and the July, 2005 draft both contained a policy statement about protecting "other community open space" along the lines of:

Ensure the protection of **other community open spaces** that have been designated in community plans for long-term open space use primarily because of their value in **protecting landforms**, providing **buffers within and between communities** or potentially incompatible land uses, providing visually appealing open spaces, and **protecting habitat and biological systems of community importance that are not otherwise induced in the...** (MSCP) Open Space Category.

Instead of this strong and clear statement of the value of "other community open spaces," portions of the statement have been watered down and dispersed among several General Plan elements. For example,

- Urban Design Policies - Natural Features:
- UD-A.1. Preserve and **protect natural landforms** and features.
 - a. Protect the integrity of **community plan designated open spaces**. (Emphasis added) (UD-7)

Meanwhile, the General Plan's potentially strongest statement of open space protection, the Conservation Element Policy CE-B, meekly says:

- Protect and conserve the landforms and open spaces that: define the City's urban form; provide public views/vistas; serve as core biological areas and wildlife linkages; are wetlands habitats; provide **buffers within and between communities**, or provide outdoor recreational opportunities.
- a. Pursue funding for the acquisition and management of MHPA and other important community open space lands.
 - b. Support the preservation of rural lands and open spaces throughout the region.

X-6

According to the State of California Guidelines, General Plan Guidelines, "Different policies must be balanced and reconciled within the plan." (12, 2003) The General Plan policies carry equal weight and create an integrated, internally consistent and compatible statement of policies. Consistency between General Plan policies and adopted land use plans is discussed in the PEIR Environmental Analysis section 3.8, page 3.8.26-3.8.29. The City's Threshold of Significance required the General Plan to analyze potential "conflicts with the environmental goals of adopted community plans, land use designations or any other applicable land use plans, policies or regulations of state or federal agencies with jurisdiction over the City." As part of the General Plan, community plan policies carry equal weight with policies in the General Plan. As stated in the PEIR, page 3.8-28, "[t]he adopted community plans have been and will remain the authority for land use, density and site specific recommendations. Where community plans are silent on policy issues, the General Plan policies will apply." The General Plan provides the overall policy framework and the community plans provides site specific direction.

To clarify this point, Policy LU-C.1 has been revised to include sub-item "b" as follows: *Rely on community plans for site-specific land use and density/intensity designations and recommendations.*

An additional policy has been drafted to address policy inconsistencies between a community plan (or a proposed amendment to a community plan) and the General Plan, as follows: *Maintain consistency between community plans and the General Plan, as together they represent the City's comprehensive plan. In the event of an inconsistency between the General Plan and a community plan, action must be taken to either: 1) amend the community plan, or 2) amend the General Plan in a manner that is consistent with the General Plan's Guiding Principles.*

X-7 and X-8 The Carmel Valley plan differentiates between natural open space and community open space (such as manufactured slopes, landscaped corridors etc.), and that the current General Plan draft does not contain the term “community open space”. However, the General Plan policies address all types and roles of open space, both natural and man-made, despite not using the same term used in previous drafts. The General Plan policy is not requiring that community open space provide a conservation benefit, it states that [community] open spaces have been designated in plans because of their many conservation benefits. The General Plan recognizes the protection of community plan designated open space through the Urban Design Element policy UD-A.1 which states: “Preserve and protect natural landforms and features” and sub-policy “a” which states: “Protect the integrity of community plan designated open space.” These statements address open space primarily in relationship to proposed development. The General Plan also recognizes that community plan open space is multi-functional and may vary from community to community. For this reason, policies have been added to the Urban Design, Recreation, and Conservation Elements to capture the variety of roles of open space. The policy modification from past General Plan drafts to the current draft regarding community plan open space offers a broader policy perspective by addressing community plan open space in multiple elements and by providing cross references to similar policies. Additional cross references to these policies have been added since the October 2006 General Plan draft.

X-9. The list of Recommended Community Plan Designations on Table LU-4 of the General Plan is intended to establish a common nomenclature to describe similar land uses and create internal consistency. These land uses are then used in conjunction with site specific recommendations to identify the individual needs of the community. See Policy LU-B.1. Also see Appendix B, LU-2, of the General Plan, Community Plan and General Plan Land Use Designation Table, which lists and groups the existing community plan land use designations under the recommended land use designations provided in the General Plan.

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- X-10. This comment is correct. The City's adopted land use plans provide guidance and set the framework for the implementing regulations found in the Land Development Code. Zoning will be reviewed and changed as appropriate to implement General Plan policies.
- X-11. This comment is correct.
- X-12. The Carmel Valley Signage Guidelines will not be rescinded with the adoption of the General Plan. The General Plan signage policies are intended to provide general guidelines for signage and do not replace existing, more specific signage policies and requirements that may be located in community plans and/or adopted as an ordinance.
- X-13. A rescission of the Carmel Valley Signage Guidelines is outside the scope of the General Plan and PEIR. The scope of the General Plan PEIR analysis does not address the Carmel Valley Signage Guidelines. Any action directly related to the Carmel Valley Signage Guidelines would require separate review and environmental analysis that is not part of this project.