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Land Use Planning in San Diego

By Janet A. Anderson

Due to its widely divergent ecosystems, ranging from ocean shores, salt marshes, canyons and mesas, to foothills, mountains, and deserts, San Diego County has been identified as one of the most biologically diverse areas in the United States.¹ In the context of global biodiversity, the Southern California floristic region, which includes San Diego, has been identified by conservation biologists as one of twenty-five areas throughout the world with an exceptional concentration of endemic species experiencing substantial loss of habitat.² Many of the residents of this region are aware of the fragile nature of the wildlife that surrounds them, and the increasing difficulty of preserving this environment due to extensive population growth and related development pressures. This tension between development and environmental conservation comes to a head when development is proposed that appears to be inappropriate, or environmentally irresponsible. When this happens, concern over rapid, chaotic loss of open space and valuable habitat has motivated citizens to use ballot measures to encourage sustainable land use planning. Several ballot measures presented during the past 20 years illustrate this type of citizen response in San Diego.

In 1984, the San Diego City Council approved a 5,100-acre project in La Jolla Valley in the 12,000-acre North City Future Urbanizing Area (NCFUA). This project generated controversy since the City's General Plan had designated the NCFUA off limits to development until after 1995. Located on land southwest of Rancho Bernardo, the project called for residential development plus a 1,000-acre university, and a 750-acre industrial park.³ Citizens were outraged at this evi-

1. A.P. Dobson, J.P. Rodriguez, W.M. Roberts, and D.S. Wilcove, *Geographic Distribution of Endangered Species in the United States*, 275 *Science* 550-553, Jan. 24, 1997.

2. N. Myers, R.A. Mittermeier, C.G. Mittermeier, G.A.B. da Fonseca, and J. Kent, *Biodiversity Hotspots for Conservation Priorities*, 403 *Nature* 853-858, Feb. 24, 2000.

3. Lori Weisberg, Prop. A Efforts to Continue – Supporters Want to See Initiative Implemented, *SAN DIEGO UNION – TRIB.*, NOV. 7, 1985, at B1.

dence of governmental encouragement of leapfrog development and lack of commitment to sound land use planning.⁴ In reaction, a group of environmentalists, San Diegans for Managed Growth, were motivated to create a ballot measure, The Managed Growth Initiative. This measure, also known as Proposition A, would nullify the city's approval of the project and require voter approval of any new development in the FUA. Voters were sufficiently upset by the city council's apparent disregard for previous planning decisions that the initiative was ratified in the November 1985 election by a vote of 56 percent to 44 percent.⁵ Seventy percent of voters living adjacent to the proposed development voted for the ballot measure, and in a nearby area, it was supported by 63.6 percent of voters. The fact that opposition forces lost, despite outspending supporters by a \$600,000 to \$50,000 margin,⁶ indicates that advertising did not easily sway many voters away from the measure. An editorial in the *San Diego Union Tribune* attributed the initiative's success to citizen desire for careful city planning.⁷

The passage of this initiative resulted in several lawsuits, sale of the property by the original developer, and a filing for protection from creditors under Chapter 11 of the bankruptcy code by the second owner.⁸ Development ceased on the land in question for many years, and once it was reinstated it followed the guidelines that evolved from the 1985 ballot measure requirements. The limited development that took place over the next few years in the FUA was based on the underlying zoning of the land: one dwelling unit per ten acres, or one per four acres if the houses were clustered to preserve larger open

space areas. The City Council realized that this type of sprawl growth was not efficient use of the land. Accordingly, in 1990, five years after the passage of the Managed Growth Initiative, the City appointed an Advisory Committee to create plans for efficient development of the NCFUA.

In June of 1991, the Committee submitted a report recommending the preparation of an area-wide "Framework Plan" to provide a blueprint for development of the FUA. The final plan for the area was completed in August of 1992.⁹ The requirement of voter approval for any development with density greater than the underlying zoning was kept in the "Framework Plan."¹⁰ The plan recommended mixed-use community cores with sufficient residential density to support walkable shopping districts and to encourage transit use. Outer residential districts would mix multi-unit townhouses with single-family detached units thus achieving a diversity of housing and affordability. Pedestrian and bicycle linkages to the core areas would be provided. Open space areas with valuable habitat would be preserved and they were eventually incorporated into the City's Multiple Species Conservation Plan, adopted in 1997.¹¹

Following the adoption of the "Framework Plan," a proposal for development of the entire 12,000 acres of the NCFUA was placed on the ballot in 1994.¹² Both Mayor Susan Golding and the Sierra Club opposed the proposal saying that voters were confronted with too many unanswered questions about how the land would be developed, what areas would be preserved and how the infrastructure would be financed.¹³ The proposal was defeated by a 54% no vote.¹⁴ However, two

4. Jeff Ristine, *Ballot Vote May Not Halt La Jolla Valley Growth*, SAN DIEGO UNION - TRIB., Oct. 17, 1987, at A1.

5. *Id.*

6. Rick Shaughnessy, *North City Voters Fueled Prop. A Victory*, SAN DIEGO UNION - TRIB. NOV. 14, 1985, at B1.

7. Editorial, *Mandate for Better Planning*, SAN DIEGO UNION-TRIB., Nov. 6, 1985, at B6.

8. Ristine, *supra* note 4, at A1.

9. CITY OF SAN DIEGO, *FRAMEWORK PLAN FOR THE NORTH CITY FUTURE URBANIZING AREA 15-17*, (Oct. 1992).

10. *Id.*; see also Weisberg, *supra* note 3, at B1.

11. CITY OF SAN DIEGO, *FRAMEWORK PLAN*, *supra* note 9, at 15-17.

12. *Id.*

13. *Id.*

14. *Id.*

well-planned, anti-sprawl projects for the FUA area were approved by voters in 1998. In contrast to the earlier development proposal, the developers had presented detailed project plans, which had been developed with the input of community planners, environmental groups, and city staff in a series of meetings, and site visits, which took place over a period of nearly one year.¹⁵ The projects were placed on the ballot with the strong support of these groups.¹⁶

Concern for adequate regional planning methods was still high in the minds of the voters in 1988 when two San Diego City and two San Diego County growth control measures were placed on the ballot.¹⁷ Citizens' groups advocating slow-growth originated two of the measures, one pertaining to city-wide growth control and the other a similar proposal relating to County growth control. Two competing measures initiated by the County Board of Supervisors and the San Diego City Council also addressed various growth-control strategies such as regulation of environmentally sensitive lands.¹⁸ None of these ballot measures received more than 45% of the vote. A fifth ballot measure relating to land use issues called for the establishment of a Regional Planning and Growth Management Review Board, and the preparation of a Regional Growth Strategy. This measure, sponsored by County Supervisor Brian Bilbray, passed with 60% of the vote.¹⁹ The review board was designed to fit into the regional associated governments organization, San Diego Association of Governments (SANDAG).²⁰ The Regional Growth Management Strategy, originally adopted in 1993, was revised in 1999 as REGION2020, and currently addresses issues regarding economic

prosperity, transportation, housing, environment, and fiscal reform.²¹

In the early 1990s, the County Board of Supervisors proposed allowing subdivision of the 80,000 acres of privately held infill lands in the 286,000-acre portion of the Cleveland National Forest in San Diego County. Citizens were alarmed when they learned that the County was planning to rezone forestlands to allow housing developments containing 4, 8, and 20-acre parcels.²² A lawsuit brought by the local environmental group Save Our Forests and Ranchlands successfully charged that inadequate environmental studies had been conducted for the proposed general plan amendment. As a result of the lawsuit, a new environmental analysis was required before the lot size changes could take place.²³ This same group sponsored a ballot initiative, the Forest Conservation Initiative, asking for minimal lot sizes of 40 acres for infill development in the forest. Protesting the county supervisors lack of concern for the Cleveland National Forest recreational and open space lands, more than 65% of the voters passed the initiative in November of 1993.²⁴

Less than six months after losing in their attempt to encourage residential development in the Cleveland National Forest, the County Board of Supervisors tried another means to increase rural development. This time the supervisors decided to attack the agricultural lands of the county, rezoning 190,000 acres of agricultural preserve so that one house could be built on every eight acres.²⁵ Save Our Forests and Ranchlands again stepped into the breach with a lawsuit citing the inadequacies of the Environmental

15. Personal experience as Sierra Club representative to the developers' advisory groups.

16. *Id.*

17. Jeff Ristine, All 4 Caps on Growth Rejected – Interpretation of Vote Varies; Advisories Pass, *SAN DIEGO UNION-TRIB.*, Nov. 9, 1988, at A1.

18. *Id.*

19. *Id.*

20. George Flynn, *Proposed Regional Planning, Growth Panel is Taking SANDAG-Like Shape*, *SAN DIEGO UNION-TRIB.*, May 27, 1989, at B4.

21. http://www.sandag.org/projects/regional_planning/landuse.html (revised July 18, 2001).

22. David Harpster, *A Feud Grows in Cleveland Forest – Prop. C Would Cut Housing Density*, *SAN DIEGO UNION-TRIB.*, Oct. 25, 1993, at A1.

23. Jim Gogek, *Prop. C Should be an Eye-Opener for County*, *SAN DIEGO UNION-TRIB.*, Nov. 7, 1993, at A2.

24. *Id.*

25. Jim Gogek, *County Indifferent to Preserving Rural Land*, *SAN DIEGO UNION-TRIB.*, Mar. 21, 1994, at A2.

Impact Report (EIR).²⁶ The outcome of the legal action, changes to the County's environmental regulations for agricultural lands, the addition of state requirements concerning storm water management, and rezoning of the agricultural preserve to 40 acres per parcel east of the County Water Authority line and 10 acres per parcel west of the line led to changes in the county plan for the agricultural preserve, thereby requiring a new EIR.²⁷ The changes in land use regulations plus the new EIR finally led to settlement of the suit in May 2002.²⁸

Undoubtedly inspired by the great success of their Forest Conservation Initiative in 1993, Save Our Forests and Ranchlands prepared an initiative designed to protect the agricultural and rural lands of the eastern part of the county from residential subdivisions. The Board of County Supervisors, alarmed by the possibility that they might lose land use control over a large portion of County lands, fought the initiative tooth and nail, going so far as to seek state legislation to prevent city voters from voting on land use issues affecting unincorporated areas.²⁹ Other opponents of the initiative included landowners, farmers and developers because they wanted to retain their options to subdivide their lands either for smaller farms or for residential development.³⁰ However, the initiative included more land than the 191,000 acres in the agricultural preserve. It addressed nearly 600,000 acres in the eastern two-thirds of the County and introduced an urban limit line beyond which little development could occur. All land in the eastern two-thirds of the county currently zoned for lot sizes of 2, 4, 8 or 20 acres would be rezoned to 40-acre or 80-acre minimum sizes.³¹ The Farm Bureau actively

opposed the measure citing harmful effects on family farms.³² Almost \$600,000 was spent by the opponents, not counting the support they received from the highly publicized anti-initiative actions of the Board of Supervisors. In contrast, the proponents had spent most of their funds on collecting signatures to get the initiative on the ballot.³³ The measure failed badly, by a margin of 40% to 60%.³⁴ Reasons for the failure of this initiative, despite addressing many of the same issues as the highly successful Forest Conservation Initiative of 1993, must include: the broad extent of the proposed changes, affecting over 600,000 acres; the complexity of adding an urban limit line to the proposed changes in zoning; fear that farming lands would be lost; and concern that ordinary residents would be unable to purchase rural lands as they would become too expensive.

Although concern continues over the loss of open space and habitat in the county, the county has begun to take an active role in preserving open space and valuable habitat through the introduction of several multiple species conservation plans based on the California State Natural Communities Conservation Plan.³⁵ The current update of the county's General Plan, GP2020, has been guided by input from the citizen's planning groups representing unincorporated areas throughout the county as well as by an interest group representing developers, landowners, farmers, environmentalists, architects, and archeologists, providing broad citizen input.³⁶ There is hope that the new multiple species conservation plans and the updated general plan will strengthen the citizens' ability to preserve species and habitat for the future.

26. Bruce Lieberman, *County to Revisit Backcountry Plan – New Laws Change Case, Attorney Says*, SAN DIEGO UNION-TRIB., Aug. 11, 2001, at B1:2.

27. *Id.*

28. Luis Monteagudo Jr., *Group Settles Suit Against County Over Backcountry, Challenge to Rezoning Plan Dropped; 8-year Fight Over*, SAN DIEGO UNION-TRIB., May 16, 2002, at B5:7.

29. Editorial, *Let the Voters Decide – Put Land-Use Issue on Countywide Ballot* SAN DIEGO UNION-TRIB., Feb. 15, 1998, at G2.

30. Lori Weisberg, *Rural Initiative Soundly Defeated*, SAN DIEGO UNION-TRIB., Nov. 4, 1998, at B1.

31. *Id.*

32. *Id.*

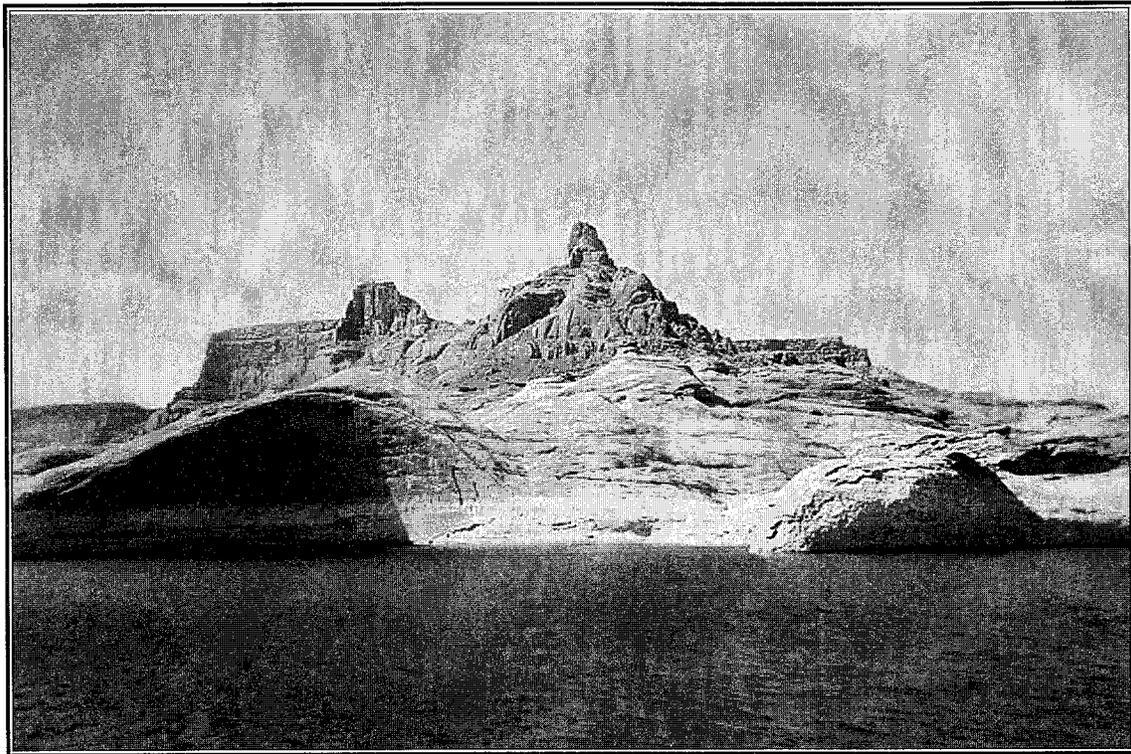
33. *Id.*

34. Richard Louv, *Sprawl Watchdog Retreats to the Woods*, SAN DIEGO UNION-TRIB., Nov. 11, 1998, at A3.

35. <http://www.co.san-diego.ca.us> (last visited Jan. 10, 2002).

36. *Id.*

The ballot measures described here were preceded either by legal action, letter writing campaigns, or other citizen action to change outcomes. Although many of the elected officials in the area have been unresponsive to the interests of the environmental community, the citizens have shown that they will object when they see an obvious example of poor land use planning. As more and more land is developed in the County, local citizens are also becoming more protective of open space and the unique species that they are losing. Clearly, preservation of species and habitat will not occur without the continuous, intense involvement of caring citizens. The nature of our election process, with its heavy dependence on financial donations, ensures that elected officials will be beholden to moneyed interests. More often than not, these moneyed interests are more concerned with the bottom line than with retaining valuable natural resources for the community at large, leaving the protection of these resources up to the general public. Ballot measures are often the only method remaining to protect our natural resources. Of the ballot measures examined, the successful ones dealt with one clear issue with a limited scope and a well-defined goal. Successful ballot measures also had substantial public support even before the initiatives were introduced.



Photograph by Takako Morita

