



The County of San Diego continues to develop policies that support and encourage local agriculture. Photo source: (<http://www.flickr.com/photos/notahipster/4366374300/>)

## COUNTY INTRODUCES NEW AGRICULTURAL CONSERVATION TOOLS | BY MATTHEW SCHNEIDER

On August 3, 2011, the County of San Diego Board of Supervisors approved the General Plan Update, the first sweeping upgrade in 30 years of the County's growth and development plans. While many local planners and environmental professionals are aware of the General Plan's adoption, some may not be as familiar with the new agricultural conservation tools that were approved in conjunction with the General Plan's passage.

Agriculture covers approximately 312,000 acres of land in San Diego County and not only contributes to the conservation of habitats for plants and animals (including rare and endangered species), but also is a key contributor to the region's economy. The County's 6,687 farms (more than any other county in the nation) reported a total agricultural value of more than \$1.5 billion last year. Introducing new tools to preserve farmland benefits the County both environmentally and economically.

The newly adopted Conservation Subdivision Program, Focused

Williamson Act Program, and Purchase of Agricultural Conservation Easement (PACE) Program represent three new tools that continue the County's policies of supporting and encouraging farming.

The new Conservation Subdivision Program is intended to encourage residential subdivision design that improves preservation of sensitive environmental resources in a balance with planned densities and community character. The program aims to accommodate planned growth without sacrificing other essential components of the County's communities such as character, habitat lands, and farmlands.

The program will achieve its goals through compact residential development that includes community open space on the remaining land for the purpose of protecting environmental resources and/or providing recreational facilities. Conservation subdivision design results in numerous benefits, including the preservation of local biodiversity, retention of existing agriculture/farmland, increased watershed protection, improved

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COUNTY INTRODUCES NEW AGRICULTURAL CONSERVATION TOOLS | CONTINUED

recreational opportunities, reduced infrastructure costs, and improved fire protection for residential developments.

Instead of developing a new program that overlaps existing regulations, the County's Conservation Subdivision Program reinforces existing regulations to better support conservation-oriented design and remove existing obstacles that discourage or preclude it. Key components of the program include the newly drafted Rural Subdivision Guidelines as well as revisions to Planned Residential Development and Lot Area Averaging regulations.

The County's PACE program is another new tool aimed at protecting farmland. The program is based on the framework of what is traditionally referred to as a Purchase of Development Rights (PDR) program. Under the PACE program, willing agricultural property owners are compensated for placing a perpetual easement on their agricultural property that limits future uses and extinguishes future development potential. As a result, the agricultural land is preserved and the property owner receives compensation that can make its

continued use for agriculture more viable. PACE will be initially introduced as a pilot program, with County planners reporting to the Board of Supervisors in 18 months to present a recommendation regarding the viability and general interest in establishing a long-term program.

The County's Focused Williamson Act program reestablishes opportunities for agricultural property owners to enter into Williamson Act contracts and receive property tax incentives for preserving their properties in agriculture. The County's previous Williamson Act program was temporarily suspended by the Board of Supervisors in September 2010 as a result of State subvention payment reductions.

Under this focused program, the temporary suspension has been lifted and additional contracting criteria have been established

to focus the program towards properties that realize density reductions under the General Plan Update. While overall interest and State support for the Williamson Act has dropped dramatically in recent years, farmers such as those transitioning into the County's growing winery industry may become more interested in conservation tools such as the Focused Williamson Act Program due to the associated tax breaks and number of years it takes to produce viable wine crops.

For additional information, please visit the County of San Diego's General Plan Update website at <http://www.sdcounty.ca.gov/dplu/gpupdate/index.html>.

Matthew Schneider works as a Land Use/Environmental Planner for the County of San Diego's Policy and Ordinance Development Division.

The editors of The Environmentor are now accepting environmental photographs for publication. Please send in your own photo — landscape scene, plant or animal species, or other environmentally related photograph. Please send your photographs to Lisa Lind, Newsletter Editor: [sdaepnews@gmail.com](mailto:sdaepnews@gmail.com)

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MEET A MEMBER | PHILIP L. HINSHAW, AEP MEMBER



Philip Hinshaw confers with Karen Scanlon at the May 2011 Fort Rosecrans National Cemetery Memorial Day Service.

Philip L. Hinshaw established A.D. Hinshaw Associates as an environmental consulting firm in 1983. He graduated from San Diego State University with a M.A. degree in Urban and Transportation Geography.

**How did you become an environmental professional?**

While serving in the U.S. Navy I had two assignments as an instructor. Upon leaving the service, I pursued a Master's Degree in Geography and expected to teach at the community college level; however, a faculty advisor recommended a planning internship as a backup plan. I completed internships in the City of La Mesa Planning Department and the City of San Diego Mayor's office that led to a job as a research assistant at SANDAG. That job led

to a planner's position with the Rancho Santa Fe Association. A few years later, I was offered a job as an environmental planner with a consulting firm. When the economy took a downturn, I found myself unemployed and decided to open my own firm. Fortunately, there have been more economic ups than downs in the environmental field and I still enjoy working for myself.

**What do you enjoy most about your work?**

Working on many different types of projects has been the most interesting part of my work, especially the golf courses and cemetery projects. They have been challenging because there are not many projects of this type and they required researching environmental issues not routinely addressed in EIRs. The EIR scoping process for two cemeteries resulted in several unique environmental questions and concerns to be addressed in the environmental analysis.

**How has the environmental field changed over the years?**

Today's environmental studies

contain more technical information than when I entered the field. The advent of Geographic Information Systems (GIS) and modeling allow us to assemble a broad array of data to determine whether or not the project will result in adverse effects on the environment. Computer programs are now an essential part of the environmental profession.

**What are some of your favorite San Diego activities/escapes?**

Participating in the local chapter of the Sons of the American Revolution activities has allowed me to pursue my interest in American history and travel to historic places throughout the United States and abroad. The most enjoyable local activities has been participating in the National Flag Day program aboard the Midway Museum, Veteran's Day Parade, Memorial Day services at Fort Rosecrans National Cemetery, and dedicating plaques at local historic sites. Portraying a Revolutionary War Continental Line soldier is the most rewarding part of these activities because we meet so many interesting people. Grandparents are particularly fond of taking pictures of their grandchildren with a Revolutionary War soldier.

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## MESSAGE FROM THE BOARD | BY MARILYN PONSEGGI, CHAPTER DIRECTOR

The AEP State Board met in San Diego on August 28, 2011. This is a brief summary of the items discussed at the meeting and upcoming events.

The 2011 Conference Planning Committee reported the Conference was a success from both a professional



enrichment perspective as well as financially. The planning is underway for the 2012 Sacramento Conference (May 5-9, 2012), and the call for panel presentations are still being accepted until September 30. The status of the planning efforts for the 2013 Los Angeles Joint AEP/NAEP Conference (April 1-5, 2013) was also presented.

The State Board voted for the first time to enter into an agreement for the preparation of the 2012 CEQA Guidelines book with ICF. Since AEP first started producing the CEQA book, the responsibility has fallen to volunteers from the State Board and membership. Over the last couple of years, the Board has discussed the magnitude of this task and the difficulty to complete the book in a timely manner. There will not be a cost associated with ICF's services so production costs for the book will not go up.

There was a preliminary discussion of the 2013 State Strategic Plan, which will form the basis for the 2012 State Budget. Committee Chairs will be updating the Strategic Plan over the next month. The State

Budget will be the major topic for discussion at the State Board Meeting on November 5. The State Board has been conservative in its financial planning over the last couple of years. The organization maintains a six-month operating reserve at all times. Due to a variety of factors (decreases in membership, etc.), the amount of money left for funding programs has gone down.

As a result of the cuts, some programs were not funded in the 2011 budget such as the Chapter Summit, which is usually held in conjunction with the Conference. The Summit has been an excellent opportunity for the local Boards to interact with one another and the

State Board. At the August Board meeting, the State Board did agree to look into funding the Summit in the 2012 State Budget.

A copy of the 2011 State Budget is available at <http://www.sandiegoaep.org/members.html>. I urge members to provide me with your thoughts and feedback on the 2012 proposed budget prior to the November consideration by the State Board. The 2012 Budget will be available for review prior to its final adopting in January 2012.

An issue of concern to the San Diego Chapter Board was the consideration of whether to consolidate the position of NAEP Liaison with the duties of the State President. The

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*All members should be thinking about the upcoming State Board elections. All positions on the State Board are open to members. The term for State Board officers is two years.*

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MESSAGE FROM THE BOARD | CONTINUED

idea of this consolidation was first raised during the discussions on the NAEP Affiliation Agreement in part due to AEP's costs associated with the NAEP Affiliation, including the new requirement to pay for NAEP membership dues for five executive offices of the AEP State Board (President, Executive Vice President, Administrative Vice President, Financial Vice President and NAEP Liaison).

Other direct expenses for funding a member of the State Board include meeting attendance expenses, stipend for attending the State Conference, etc. In keeping with the conservative approach to operating within an efficient budget and maintaining services to the members, the San Diego Chapter Board had a lengthy discussion and submitted a formal letter to support consolidating the duties of the NAEP Liaison with that of the State President in order to reduce the cost associated with support of this Board position and recommended a vote by the entire membership.

After considering the information presented at the Board meeting, the State Board voted to maintain the position of NAEP Liaison without putting the question forward to the membership for a vote.

One agenda item that all members should be thinking about is the upcoming State Board elections. All positions on the State Board are open for members to run (even when an incumbent is running). The term for State Board officers is two years. All current members of the State Board have indicated an

interest in running again except the positions of Financial Vice President and one Director at Large. If you are thinking about running for a position on the State Board and want more details, please e-mail me for more information at marilyn\_p@cox.net.

As always, I encourage you to follow State Board actions and to let me know your thoughts on important issues. As your representative at the State Board, I strive to represent your thoughts and views and am always anxious to get your direct feedback on these issues.

Marilyn Pongeggi is the Chapter Director on the San Diego Chapter Board and a Principal Planner at the City of Chula Vista.

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LOW FLOOR TROLLEYS TO ARRIVE AT DOWNTOWN STATIONS | BY MICHAEL D’ALESSANDRO



Low floor trolley cars like the one pictured here boarding at Old Town Transit Center will soon service Downtown San Diego stations. Photo: Michael D’Alessandro

The San Diego Association of Governments (SANDAG) has begun implementing projects that will provide major rehabilitation work on the Metropolitan Transit System’s (MTS) Blue Line between Old Town and San Ysidro, and the Orange Line between the 12th and Imperial Transfer Station and Santee. MTS currently provides low floor vehicle access on the newest segment of the trolley network, the Green Line from the Old Town Transit Center to Santee.

as repair and/or replacement of failing and worn wayside components, track sections, traction power and electrification components, signaling system elements, electrical substations, grade crossings, and station elements (station shelters, roadways, parking areas, and communications systems).

Categorical exemptions for all the lines were filed with the County Clerk of San Diego for low floor project elements based on independent utility and implementation timeframe. In addition, a Federal Coastal Consistency Determination was submitted to the California Coastal Commission for project elements located within the Coastal Commission’s permit jurisdiction area. Key environmental issues within the downtown area

included public access associated with parking at trolley stations and construction impacts to pedestrian mobility. The Coastal Commission found that low floor improvements would not negatively impact the coastal environment and would be consistent with the Federal Coastal Zone Management Act. A No Effects Determination was issued in March 2010. The use of low floor trolleys was also evaluated in the EIR for the 2030 San Diego Regional Transportation Plan: Pathways for the Future prepared by SANDAG, November 2007, under the project title “The Low Floor System Improvement Project.”

Working with David Evans and Associates, Inc., SANDAG is nearing completion of final design for proposed low floor improvements in the corridor between Santa Fe Depot, through

The downtown improvements to the Blue Line and Orange Line are part of a more comprehensive low floor improvements program, which is being designed and implemented in several phases with the help of engineering and environmental consultants. The use of low floor vehicles requires a platform height of eight inches above the top of rail to allow passenger loading, including wheelchairs, directly from the platform, which will make boarding faster and safer for passengers. The rehabilitation of the two trolley lines will prepare the system for eventual low floor vehicle operations, as well



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LOW FLOOR TROLLEYS TO ARRIVE AT DOWNTOWN STATIONS | CONTINUED

America Plaza, to Market Street Station on Park Boulevard. Downtown corridor improvements will provide the required low car boarding elevations by raising the station platforms by approximately two inches. Track and signal upgrades are also required to accommodate the proposed MTS operation plan for the Green and Orange Lines at Santa Fe Depot and Blue Line termination at America Plaza.

MTS has proposed an operating plan that will terminate the Orange Line at Santa Fe Depot and extend the

Green Line operations along the Bayside corridor from Old Town to the 12th and Imperial Transfer Station with a stop at Santa Fe Depot for both lines, on the same track. Construction at Downtown stations to accommodate low floor vehicles is scheduled to begin in fall/winter 2011.

Michael D'Alessandro works at David Evans & Associates, Inc., and serves as AEP's representative for the City of San Diego's Code Monitoring Team.

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MEMBERS ENJOY AN EVENING AT STONE BREWERY | BY MINDY FOGG



Tour Guide Samantha Loveira explains the bottling process near the end of the tour.

On August 12, members gathered at the Stone Brewery for the annual AEP Member Appreciation Event. Many of us enjoyed a relaxing commute to the Escondido facility and back to Kearny Mesa via the San Diego Charter bus that met us at the offices of Linscott, Law & Greenspan. Upon arrival, 36 of us were treated to the full Stone

Brewery tour with our guide, Samantha Loveira. The tour was very interactive and Samantha seemed able to answer just about any question we threw at her. Up to four free beer samples awaited us at the end of the tour where we all raised our glasses in a toast to kick off the happy hour part of the evening. We each received two free

drink tokens and unlimited trips to the appetizer area in the garden, where AEP members were waited on by the friendly service staff.

As we reported in June with the membership survey results, a majority of members were not interested in more North County activities...unless it is a special tour of the Stone Brewery. Everyone enjoyed the food, beer, and company as we received many requests to schedule this event again next year. Feel free to email me at [mindy.fogg@sdcountry.ca.gov](mailto:mindy.fogg@sdcountry.ca.gov) with any feedback or suggestions for next year.

Mindy Fogg is the current Membership Chair on the San Diego Chapter Board and works as a Land Use/Environmental Planner for the County of San Diego's Department of Planning and Land Use.

PHOTO OF THE MONTH



© 2011 Craig Hooker

**Bird's Nest Fern**  
By Craig Hooker, ASLA,  
City of San Diego

Craig Hooker captured this photo of a bird's nest fern (*Asplenium nidus*), a tropical plant that has been introduced to San Diego, during a summer visit to Alcazar Garden in Balboa Park. Located near the Art Institute and Mingei Museum, Alcazar Garden is reminiscent of the gardens at Alcazar Castle in Seville, Spain and is based on the 1935 designs of San Diego architect Richard Requa.

Craig is a Landscape Architect and Planner for the MSCP Division at the City of San Diego.



CASEWATCH: GHG AND BUSINESS AS USUAL | BY DAWNA DE MARS

While the Office of Planning and Research formally added the greenhouse gas (GHG) emissions issue questions to the CEQA Guidelines Appendix G over a year ago, lead agencies still struggle with the GHG emission threshold. Most local agencies have based their thresholds on AB 32, which requires a reduction of emissions to 1990 levels by 2020. The emission reduction analysis is done utilizing a business-as-usual (BAU) project baseline and percentage goal. The BAU reduction percentage goals vary, depending on the data source (2008 California Air Pollution Control Officers Association’s (CAPCOA) report CEQA and Climate Change, California Air Resources Board Scoping Plan, etc.). While this methodology was based on industry-accepted data, attorneys often identify GHG impact evaluations as a potential source of litigation. Recently, this potential was realized in the Citizens for Responsible Equitable Environmental Development (“CREED”) v. City of Chula Vista (City) case.

In the case, CREED argued that an EIR should have been prepared for a commercial redevelopment project instead of an MND due to several potential significant impacts, including GHG emissions. CREED argued that the GHG analysis was inadequate because (1) it failed to include GHG emissions from increased waste generation, (2) use of AB 32 as a significance threshold, and (3) the BAU reduction percentage used was arbitrary and unsubstantiated. The first argument was easily dismissed based on substantial evidence that redevelopment would not increase waste generation. This put the focus on AB 32 and BAU.

CREED identified three other well-recognized thresholds (e.g., the 33 percent BAU reduction threshold identified in the San Diego County GHG Inventory Report) which were not specifically identified in the Opinion. CREED argued that the project would exceed these other thresholds, and therefore a fair argument existed that the project would have a significant impact in regards to GHG emissions and climate change.

The City used a 20 percent reduction threshold, based on it being an “appropriate midpoint” between the 11 percent BAU reduction goal to reduce 2010 emissions to 2000 levels and 25 percent BAU reduction goal to reduce 2020 emissions to 1990 levels. The court found that the 25 percent standard should have been used for consistency with AB 32, but the argument was a moot point in this case since the project would have also met the 25 percent BAU reduction goal. The court also found that the City has the discretion to adopt a different threshold than other jurisdictions and upheld the use of AB 32. Furthermore, the court recognized that AB 32 does not require cities or counties to reduce emissions by a certain amount. Ultimately, the court found that “no fair argument exists that the project will have a significant GHG emissions and climate change impact.”

The outcome of the CREED v. City case has validated the use of AB 32 and the BAU percent reduction analysis method. Lead Agencies and CEQA practitioners can now use these thresholds with less litigation worry, and move forward with business as usual!

Dawna De Mars is an environmental analyst at RECON Environmental.

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SEPTEMBER ANNOUNCEMENTS

STUDENT CEQA WORKSHOP

The Student CEQA workshop with guest speaker Kent Norton will be held at SDSU on October 15 from 8:30 A.M. to 1:00 P.M. The cost is \$30 per student with a reduced rate for AEP members of \$15 per student. Stay tuned for more information about registration.

CEQA BASICS WORKSHOP SCHEDULED FOR OCTOBER 27TH

A one-day CEQA Basics Workshop is being scheduled for later this fall at Marina Village. This will be a full day workshop for those experienced professionals that require a good refresher course, or the brand new professional looking to understand how environmental impact analysis is done. This full-day workshop will provide a basic understanding of the fundamentals of CEQA. The program features a curriculum developed specifically for people involved in the environmental review process, including consultants, regulators, applicants, or industry professionals, and will benefit those new to the field as well as practicing professionals. Mark your calendars for the annual CEQA Basics workshop which will be held at Marina Village on October 27. Information about registration will soon be available at califaep.org.

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Board Meetings are typically held on the 1st Wednesday of each month. All members are invited to attend. If you would like to attend, please contact the Chapter Secretary, Seth Torma, for more information. Minutes from each meeting are posted on the Chapter website.

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