

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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September 24, 2012

See additional correspondence received.

**Th24d****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT  
NO. NOC-MAJ-3-12 (Gables/Peppertree) for Commission Meeting of October 10-  
12, 2012**

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**SYNOPSIS**

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on August 2, 2012. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is October 31, 2012. However, it should be noted that this LCP amendment request is identical to one that was filed on June 21, 2011 and agendized for the September 2012 hearing, but was withdrawn by the City for a more proximate hearing in the San Diego area. This amendment request consists of only the one item involving both a land use redesignation and companion rezoning of the property located at the southeast corner of Carmel Creek Road and Tang Drive in the Carmel Valley area of northern City of San Diego.

**SUMMARY OF AMENDMENT REQUEST**

The subject amendment proposes an update of the certified Carmel Valley Neighborhood 8 Precise Plan, that serves as the LCP Land Use Plan (LUP) for this community of the North City LCP segment. The update incorporates more current information on the planning history for the community, makes some editorial corrections and adds language to direct future development on the 5.22 acre parcel located at the southeast corner of Carmel Creek Road and Tang Drive, commonly identified as the Gables/Peppertree property. The Precise Plan text is also being modified to reclassify Tang Drive from a Collector Street to a local street and remove the arrow symbol extending a street connection to the east. As a result, Tang Drive would only provide access to the future neighborhood park east of the project site.

At present, the entire site is designated in the certified LUP as Open Space and the property is also entirely comprised within the Multiple Habitat Planning Area (MHPA) or preserve area of the City's Multiple Species Conservation Program (MSCP). The proposed amendment would redesignate 3.17 acres to Low-Medium Density Residential, which allows attached residential development within a range of 15-29 dwelling units per acre and 2.05 acres would remain designated as Open Space.

Relative to the certified Implementation Plan, the property is included in the Carmel Valley Planned District (CVPD). At this time, the site carries two zone designations: CVPD-OS covers 3.25 acres in the northern portion of the site and the remainder of the property (approx. two acres) is zoned CVPD Multi-Family Zone 1 (MF1), which allows 7-15 dwelling units per acre, along its southern portion. As a result of the proposed amendment, the residential zoning would be expanded on the site to 3.4 acres (3.17 acres corresponding to the revised land use and the remainder for the Carmel Creek/Tang Drive improvements). In order to facilitate the planned residential density, the proposed amendment would also rezone the expanded residential area from CVPD-MF1 to CVPD-MF3 which allows 15-29 dwelling units per acre. The remaining area of the CVPD-OS zone would remain unchanged.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission approve both the land use and implementation plan amendments as submitted. This recommendation is based primarily on the existing conditions of the site, as well as the nature of surrounding development, in an area that is committed to urban uses along Carmel Creek Road. As proposed, although the proposed development footprint would exceed 25% of the site's acreage and necessitate a boundary line adjustment for the MHPA preserve area, the developed and disturbed nature of the site due to its historic horse ranch operations has significantly altered the landscape already and future development reliant on the proposed LCP amendment would not impact any environmentally sensitive habitat areas. Areas of the site that do contain high value and undisturbed southern maritime chaparral will not be impacted by future proposed development or brush management activity and those areas will be conserved on site. Given Commission actions on the Sea Breeze, Clews Horse Ranch and Creekside Villas parcels, the subject property represents buildout of this small area along Carmel Creek Road and it is the most highly disturbed of the four properties. A comprehensive open space system for Neighborhood 8 has generally been determined, including the Carmel Valley Restoration and Enhancement Plan (CVREP) corridor and a regionally significant wildlife corridor, along with other sensitive habitats and the proposed amendment is consistent with those open space elements. The proposed plan amendment also serves to eliminate Tang Drive as a Collector Street and retains it solely as a local street to provide future access to a neighborhood parcel to the east; no private development will take access from it as modified.

The appropriate resolutions and motions begin on Page 6. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 7. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 16.

### **BACKGROUND**

For purposes of developing an LCP, the City of San Diego's coastal zone was divided into twelve segments, each with their own land use plan. In the case of the North City LCP segment, the area included several distinct communities that were in various stages

of planning and buildout. Carmel Valley, where this amendment would apply, is one of the “subareas” of the North City segment, along with Mira Mesa, Sorrento Hills, Torrey Pines, University, Via de la Valle, and the North City Future Urbanizing Area. The Carmel Valley subarea itself is divided into several neighborhoods, each with its own precise plan. The proposed amendment applies only to Neighborhood 8 of the North City Carmel Valley LCP segment.

Neighborhood 8 has a long history, with at least one unusual feature. Legislation (AB2216) was enacted to allow Neighborhood 8 to remove itself from the coastal zone upon Commission certification of a drainage and transportation plan - at that time, these were considered the only significant Coastal Act issues. Ultimately, the City decided against this option, chose to keep the area in the coastal zone, and prepared a full LUP for the neighborhood. The Commission certified an LUP in September, 1990, that included an alignment for SR 56, a planned connection of I-5 and I-15, and, as mitigation for freeway impacts on biological resources, a widened and restored riparian corridor along Carmel Creek, that would occupy much of the valley floor. The IP for this area is the Carmel Valley Planned District Ordinance (PDO) and some portions of the Land Development Code (LDC).

The last Commission review of the entire Neighborhood 8 LUP was in September, 1990, but there have been six amendments to the LCP specifically addressing various aspects of Neighborhood 8 since that time. The 1990 action fixed the alignment of the SR 56 corridor and designated an enhanced/expanded riparian corridor along Carmel Creek known as the Carmel Valley Resource Enhancement Plan (CVREP). Two subsequent amendments were site-specific, one modifying both the LUP and Implementation Plan (IP) to accommodate a 348-unit apartment complex on the site of a prior sand-mining operation (Pinnacle); and one modifying only the IP to accommodate development of a private school (San Diego Jewish Academy). The third amendment incorporated the Multiple Habitat Planning Area (MHPA) boundaries into the LUP, which resulted in the removal of several pockets of residentially-designated land, and, as submitted, modified only maps and tables; some text changes establishing wetland uses and buffers were added as suggested modifications when the Commission certified the amendments. Because the proposed third amendment was designed to increase the open space lands in the community, and reduce the areas for future development, it was routinely found by the Commission to be consistent with Chapter 3 policies.

The City’s third amendment deleted several residentially-designated areas to create a more expansive open space system and keep existing wildlife corridors open, and increased the intensity of development allowed on remaining properties that were in a more disturbed state. However, no open space rezonings occurred at that time. Therefore, in some cases, there are disturbed portions of some sites that are designated Open Space but still zoned for residential uses. Three of the four remaining private parcels, one of which is the subject Gables/Peppertree property, include areas of high quality native vegetation that have been, or will likely be, identified as environmentally sensitive habitat (ESHA).

A fourth amendment did not address the Neighborhood 8 LUP, but amended the Carmel Valley Planned District Ordinance (PDO), the one implementing device for the whole Carmel Valley LCP subarea. The fifth amendment occurred in July, 2005, when the Commission certified new LUP designations and zoning on the first (Sea Breeze) of the four properties referenced above. The Sea Breeze parcel is the one site of the four remaining sites that had no on-site ESHA. The Commission certified it for Neighborhood Commercial use and Open Space. Then, in August, 2007, the Commission certified a sixth amendment for rezoning of the Clews Horse Ranch, the furthest east of the four identified properties, to eliminate prior multi-family zoning and reconfigure the agricultural and open space areas of the site. Finally, in November, 2007, the Commission certified a seventh amendment for the Creekside Villas proposal, redesignating 3.06 acres of that 12.25 acre site from Open Space to Multi-Family Residential with companion rezoning of the developable portion to CVPD-MF3.

**ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP Amendment 3-12 may be obtained from Deborah Lee, District Manager, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the original LCP implementation plan. The final segment, Mission Bay Park, was certified in November 1996. Since 1988, a number of community plans (LUP segments) have been updated and certified by the Commission.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000.

Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future. Since effective certification of the City's LCP, there have been numerous major and minor LCP amendments processed by the Commission.

### **B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

#### Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

## **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:**     *I move that the Commission certify the Land Use Plan Amendment No. 3-12 for the City of San Diego as submitted.*

### **STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

**II. MOTION:**     *I move that the Commission reject the Implementation Program Amendment No. 3-12 for the City of San Diego as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The project site, commonly known as the Gables/Peppertree property, is a 5.22 acre parcel located at the southeast corner of Carmel Creek Road and Tang Drive in Carmel Valley. The property is situated within the Carmel Valley Neighborhood 8 Precise Plan; and, at present, the site is wholly designated in the certified LUP as Open Space. The proposed amendment would redesignate 3.17 acres to Low-Medium Density Residential, which allows attached residential development within a range of 15-29 dwelling units per acre and 2.05 areas would remain designated as Open Space. The Precise Plan text is also being modified to reclassify Tang Drive from a Collector Street to a local street and remove the arrow symbol extending a street connection to the east. As a result, Tang Drive would only provide access to the future neighborhood park east of the project site.

The City's approval of the subject LCP amendment included a number of other associated actions, including approval of a coastal development permit (CDP) for

subdivision of the property into five lots and construction of a 92 unit apartment complex, removal of remnant structures from the horse ranch operation and revegetation/permanent restoration of disturbed areas outside the proposed development footprint. The City's CDP will not be appealable to the Commission. The coastal development permit is not before the Commission but it provides an example of the type of development accommodated by the proposed LUP amendment.

**B. CONFORMITY OF THE LAND USE PLAN AMENDMENT WITH CHAPTER 3**

The currently-certified Neighborhood 8 Precise Plan LCP Land Use Plan designates the entire site as Open Space, and the whole site is within the City's Multiple Habitat Preserve Area (MHPA). The relevant Chapter 3 policies are as follows:

**Section 30240**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**Section 30250**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. ...

**Section 30251**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, ....



### **Section 30252**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

### **Section 30253**

New development shall do all of the following: [...]

(4) Minimize energy consumption and vehicle miles traveled. [...]

#### **1. Biological Resources/ESHA**

The 5.22 acre Gables/Peppertree site has a long history of development impacts and on-site uses. As late as around 1970, the site was part of a larger approximately 18 acre sand and gravel mine operation. In the late 1970s, mining operations ended on the site and a horse ranch was established and operated by various owners on different configurations of the property until 2008 when the Clews Land and Livestock Company moved the horse ranch further east in the river valley. The Clews Horse Ranch relocation and development was also subject to an LCP amendment which will be described later.

In terms of development impacts, in 1992, a major portion of the original 18 acre site was condemned and acquired through eminent domain proceedings for State Route 56 and its associated mitigation, the Carmel Valley Restoration and Enhancement Plan (CVREP). The freeway, CVREP corridor and Tang Drive are situated immediately north of the subject site and run east/west along the northern boundary. After that action, approximately seven acres were retained by the owner. At about the same time, road acquisitions for the improvement of Carmel Creek Road bisected the remaining ownership, resulting in 1.2 acres being located on the west side of Carmel Creek Road; this parcel was subsequently purchased by Sea Breeze Property for a commercial office project and the San Diego Jewish Academy for development area and additional Carmel Creek Road improvements. In 1994, on a site two properties away at the southern terminus of Carmel Creek Road, the Pinnacle Apartment complex was developed and additional Carmel Creek Road improvements were made resulting in the 5.22 acre property currently proposed for the land use and zoning amendments.

In terms of coastal resources, the subject site contains 1.19 acres of southern maritime chaparral (SMC), 0.11 acres of non-native grassland (NNGL), 0.78 acres of disturbed land formerly used for horse/burro corrals and 3.14 acres of developed land formerly used as a horse ranch including barns, pens and associated landscaping. During the horse ranch's history, manufactured slopes were created, pipe bar corrals were installed,

temporary buildings placed on the site and other improvements were made for the equestrian operation. In addition, another 0.28 acres are dedicated on-site for Carmel Creek Road improvements. Southern maritime chaparral, one of the rarest and most valuable habitats in the coastal zone, is present on the north-facing slopes and in the northeastern corner of the site; the northeastern corner contains the undisturbed, higher quality SMC on the site while the north-facing slopes contains disturbed habitat areas due to the historic ranch operations which included a fenced burro pen along Tang Drive. Even in the northeastern corner of the site, there is a developed round pen associated with the previous ranch that is planned as a restoration area along with the northern slope areas. Given the City's Multiple Species Conservation Program (MSCP), the quality of the undisturbed southern maritime chaparral in the northeastern corner of the site, the presence of a regional wildlife corner that also intersects the site in that area of the property and previous determinations on the abutting properties, this portion of the site would qualify as environmentally sensitive habitat area (ESHA) under the Coastal Act.

The developable area to be supported by the planned redesignation of 3.17 acres of Open Space to Low Medium Density Residential will not directly or indirectly impact any of the 1.19 acres of southern maritime chaparral present on the site. There is, though, 0.10 acres of southern maritime chaparral in the redesignated area that were approved for off-site development related to the Creekside Villas project on the abutting property directly east. This impact is being mitigated at a 2:1 ratio consistent with the City's MSCP and Land Development Code. For the Gables/Peppertree land use plan amendment and its related specific project, however, there are no impacts to ESHA and the southern maritime chaparral areas on site will be both permanently preserved and restored, if appropriate.

Grasslands provide foraging area for many species and are particularly valuable for raptor foraging. Non-native grasslands are considered less valuable than native grasslands but still perform many of the same biological functions. The 0.11 acres of non-native grassland present on the subject site are located at the base of the northeastern slope adjacent to Tang Drive. Therefore, none of the non-native grasslands are within, or even near the proposed developable area and no impacts to this vegetative community will result from the proposed LUP amendment.

Five sensitive plants were directly observed on or adjacent to the site during project surveys including Del Mar Manzanita, *Ceanothus verrucosus*, Nuttall's scrub oak, Del Mar san aster and Pamer's sagewort. No impacts to any sensitive plant species are expected to occur on-site as all specimens on-site would remain outside the proposed developable area. In addition, no sensitive animal species were directly observed on-site. The southern maritime chaparral on-site could support federally threatened California gnatcatchers; however, protocol surveys consistent with resource agency guidelines were conducted as part of the City's environmental analyses and no gnatcatchers, either foraging or nesting, were identified on the property.

As noted previously, the subject site is located south of the Carmel Valley Restoration Enhancement Plan (CVREP) area which contains riparian habitat. Again, CVREP runs

east to west between State Route 56 and Tang Drive, immediately to the north of the subject property. The CVREP project preserves the Carmel Creek floodway and floodplain and also included a 50 ft. wide riparian buffer and passive recreational trails (both equestrian and pedestrian/cyclist) along the outer edges. However, no direct or indirect impacts to any wetlands or riparian area have been identified and the proposed developable area would be almost 200 feet from Carmel Creek. Only sheetflow from the site would flow toward Carmel Creek and the entire northern facing slopes of the subject property are planned for restoration. At the closest point, the public trails are situated about 80 feet from the subject property boundary and located almost 200 feet from the proposed developable footprint. Consistent with Section 30240(b) of the Coastal Act, the proposed land use redesignation will site future development where it will adequately protect off-site coastal resources and provide appropriate buffering of the CVREP public recreational amenities.

Lastly, the impetus for placing the site and adjacent properties in designated Open Space and the MHPA preserve area was the existence of a regional wildlife corridor, between Del Mar Mesa to the south and CVREP to the north. This is an important regional linkage in the City's MSCP. Moving from Carmel Creek Road to the east along the CVREP project, the parcel boundaries include first the Gables/Peppertree site, then the Creekside Villas parcel, a future City park development and then the relocated Clews Horse Ranch development at the eastern end. The regional wildlife corridor extends down from the Del Mar Mesa across the southern slopes of the Clews site, across the planned City park property and then over the northeastern slopes of the Creekside and Gables/Peppertree parcels, leading down to the Carmel Creek riparian corridor. No impacts to the wildlife corridor are anticipated as the developable area is confined to historically developed and disturbed areas of the property.

As specified above, there will be no impacts to any environmentally sensitive lands present on the property either directly in the establishment of the development footprint or through brush management activities. The proposed land use plan amendment can therefore be found consistent with Section 30240 of the Coastal Act given that no coastal resources on-site or off-site in the adjacent Carmel Creek corridor would be affected. In addition, the residential designation generally incorporates the areas of the site historically used for the horse ranch that were also zoned for residential use. The area designated to remain Open Space incorporates the northern slopes of the parcel adjacent to CVREP and the bulk of this area will be restored in association with the associated coastal development permit. It will therefore improve the connectivity between the regional wildlife corridor, preserved open space on adjoining parcels and the CVREP corridor. Therefore, as no adverse impacts to any sensitive biological resources or public recreational areas will result from the land use changes, the Commission finds the proposed land use plan amendment consistent with Section 30240 of the Coastal Act.

## **2. Land Use/Concentration of Development.**

As cited above, Sections 30250, 30252 and 30253 of the Coastal Act all address the siting of new development and the need to provide adequate open space and ensure

public mobility to the coast. Although there are no sensitive resource impacts associated with the proposed development footprint, the entire site is also currently within the MHPA and proposed land use redesignation would include a 1.22 acre boundary line adjustment to the MHPA. It is an unusual and unique circumstance when the Commission is asked to approve an LUP amendment to change the LUP designation from Open Space to Residential. The City processed an LCP amendment in 1998 that reduced densities throughout the precise plan area and designated large areas of the community as Open Space. The amendment identified the Multiple Habitat Planning Area (MHPA) boundaries on the LUP maps, and changed several pockets of residentially-designated land to Open Space. Because the LCP amendment request was to increase the open space lands in the community, and reduce the areas for future development, it was routinely found by the Commission to be consistent with Chapter 3 policies. The City's concept with that amendment was to delete several scattered residentially-designated areas to create a more expansive open space system, keep existing wildlife corridors open, and increase the intensity of development allowed on remaining properties, or portions of properties, that were in a more disturbed state, including the subject site. However, and most critically to the subject site's potential development, open space rezonings never occurred for the property such that mixed zoning of residential and open space remains on the site.

As background, although the City never submitted its MSCP to the Commission for review and formal inclusion into all the certified Land Use Plans, there was an acknowledgement of the conservation planning effort in the City's LCP Implementation Plan or Land Development Code (LDC), including the Environmentally Sensitive Lands Ordinance, Biology Guidelines and its O-R Zones. The certified City of San Diego LDC allows development of only 25% of properties located entirely within the designated MHPA area, which includes both public and private holdings. For properties partially within the MHPA, all lands outside the MHPA can be developed, but encroachments into the MHPA are only allowed if needed to reach 25% allowable development area on the entire property. These provisions were allowed as part of the comprehensive planning effort for the Multi-Species Conservation Plan (MSCP) that created the MHPA, wherein 75% of all lands so designated in their entirety would remain open space in perpetuity and development would be restricted to 25% of the MHPA on such sites. In addition, any authorized development must be located in the least sensitive area of the site.

In accepting the previous land use plan amendment to expand the Open Space land use designations throughout the river valley, even for areas that were disturbed habitat or historically developed with agricultural or ranching operations, the concept to utilize those areas for possible restoration and mitigation opportunities was promoted. Therefore, the Commission still finds from a planning perspective that the subject land use plan amendment to convert designated open space to residential uses is an issue. However, as part of the adopted MSCP, the state/federal resource agencies (DFG/FWS) did authorize possible expansion of the otherwise prescribed 25% development footprint through an MHPA boundary line adjustment. In those instances where resource conditions might have changed, resource protection priorities might be reassessed or other opportunities arise, MHPA boundaries could be adjusted as long as 2 to 1

replacement area was obtained and permanently conserved. In assessing the subject property, a 25% development footprint would allow a maximum of 1.3 acres. Adding in existing improvements to Carmel Creek Road and Tang Drive, the allowable encroachment limit would be 1.55 acres. However, the companion project to this LCP amendment proposes a 2.77 acre development impact, of which 2.49 acres is the residential development and the remainder represents additional road or off-site improvements. Therefore, the amount of additional development encroachment into the MHPA is 1.22 acres (2.77 acres minus 1.55 acres allowable development impact). A MSCP/MHPA boundary line adjustment has been endorsed by the state/federal resource agencies for the proposed developable area supported by this land use plan amendment resulting in a 2 to 1 land exchange. Compensatory land of 2.40 acres, including 1.5 acres of restoration, are proposed off-site in Soledad Canyon, which also lies within the Los Penasquitos Lagoon watershed, and the acreage will be permanently conserved. The 2.40 acres include southern maritime chaparral, coastal sage scrub and native grassland.

In evaluating the open space system and appropriate development pattern for the river valley, it is important to review the history of Commission actions. As noted earlier, in 1990, the Commission certified the land use plan including the development of State Route 56 and the CVREP mitigation program which bisected the site originally containing the subject site. A subsequent LUP/IP amendment accommodated the development of the Pinnacle apartment complex (348 units) which is situated at the southern terminus of Carmel Creek Road. In 1998, the LUP amendment was adopted to incorporate the MHPA boundaries into the Precise Plan and redesignate sites as Open Space. However, no open space rezonings ever occurred and sites continued with both residential and open space zoning applied to them.

After those amendments, there remained four private parcels left undeveloped. In July 2005, the Commission certified new LUP designations for the Sea Breeze site; the amendment redesignated areas of the site from residential and open space to allow commercial development. The 4.5 acre Sea Breeze site is the only site of the four private holdings without any on-site ESHA. However, while the entire site was not all designated open space or wholly contained within the MHPA, the approved amendment included the largest MHPA boundary line adjustment, amounting to 2.7 acres, of the four remaining sites.

In August 2007, the Commission certified rezonings for the Clews Horse Ranch located at the eastern end of the affected area. The rezonings deleted residential use and redefined the locations of the property where agriculture and open space zones were applied. Comparable to the Gables/Peppertree site, the entire site was designated in the LUP as Open Space and it was completely designated as MHPA preserve area. The 38 acre site was approved as submitted by the Commission, including a 1.2 acre boundary line adjustment to the MHPA. The Commission adopted findings in support of the proposal based on the nature of the agricultural-related uses, open space conservation of the adjacent regional wildlife corridor and the very minimal impacts of the related development project. In that amendment, the Commission also noted that the certified LUP does not contain the 25% development limit.

Then, in November 2007, the Commission also approved the Creekside Villas LCP amendment as submitted on the property which immediately abuts the Gables/Peppertree property to the east. Some of the equestrian operations also extended onto that site as well. In that action, the Commission approved a land use redesignation from Open Space to Residential on 3.06 acres of the 12 acre parcel, thus establishing a 25% developable area. The LCP amendment also included rezoning of the property to accommodate a higher density development and applied the residential and open space zones to different areas of the site. Again, for the Creekside Villas development, the entire site was designated Open Space in the LUP and wholly comprised in the MHPA preserve area. However, given that the development footprint did not exceed 25% of the site, no MHPA boundary adjustment was required for that site. However, it presented the same planning issue of modifying designated Open Space to Residential use and the Commission found the proposal provided benefits outweighing the impacts of the related development. The cited benefits included concentrating development on the parcel in an area committed to urban uses and minimizing ESHA impacts.

Although all LUPs approved since the LDC certification identify the MHPA boundaries and general intent of the MSCP goals, they typically do not address the 25% allowable development area concept in sufficient detail, if it is mentioned at all. However, through the City's preparation of its MSCP Subarea Plan, the environmentally sensitive resources on these properties were evaluated on a regional basis, and significant areas of undisturbed habitat, along with connecting lands, were identified for permanent conservation as part of the MHPA, which implements the MSCP. Because of the value of coastal land, the majority of preserve lands are in the less developed parts of the City outside the coastal zone, although a few urban canyon systems in the coastal zone, and the City's estuary and lagoon areas, are included in the preserve as well. Through this regional planning effort, it was determined that an allowable development area of 25% of each property within the MHPA was an appropriate accommodation to land owners to insure preservation of the other 75% of such lands. In some cases, again mostly outside the coastal zone, entire properties have been preserved, with the development that could have been accommodated within 25% of the property transferred to properties in less sensitive locations. On a region-wide basis, this program is likely more effective at preserving significant biological resources and key linkages than addressing each individual property independently, which can often lead to isolated areas of sensitive habitats and disruption of wildlife corridors.

In addition, the City chose not to make the MSCP Subarea Plan a part of its LCP. It has referenced the plan in newer LUP documents, mostly with respect to boundaries on LUP maps, that are typically coincidental with the LUP's open space boundaries, and with references to adjacency guidelines. Thus, the Commission has not been able to review the MSCP as a whole and determine if the best interests of the habitat are served by allowing some impacts on individual sites while preserving large contiguous areas of open space. The Commission must instead weigh the merits of each individual proposal site by site, without the flexibility a region-wide approach would afford.

Therefore, in light of the Commission precedents and project-specific determinations to accept MHPA boundary line adjustments on the three other nearby parcels, the absence of any sensitive resources to be impacted by the Gables/Peppertree development footprint and the preservation of the wildlife corridor, the Commission finds in this case that the MHPA boundary line adjustment is appropriate. The proposed development footprint serves to concentrate development on the most appropriate, and historically developed, areas of the specific site and within the river valley. The development footprint will be within an area committed to urban uses with adequate public services. The City determined that the anticipated trip generation associated with the land use plan amendment would not alter existing levels of service for the surrounding street system, nor add significantly to the area's overall traffic. Thus, the maximum possible development accommodated by the proposed LUP amendment would not adversely impact the traffic circulation system of the community or adversely impact coastal access opportunities. In terms of open space, the CVREP corridor, the future City neighborhood park two parcels east and regional wildlife corridor all serve to adequately preserve open space. In summary, the Commission finds that the LUP changes proposed by the City would accommodate development in the most appropriate area of the site and preserve all the on-site ESHA and it can therefore be found consistent with the cited Chapter 3 policies.

### **3. Visual Impacts/Scenic Resources**

The subject site has been significantly altered by the historic mining and subsequent horse ranch operations, it fronts on a major road in the community and it is contiguous with existing or approved development on its southwestern and southeastern boundaries. Nonetheless, the northern boundary of the subject, roughly triangular, site fronts onto State Route 56 and the CVREP riparian corridor, with its public recreational amenities, and there are prominent and scenic hillsides that serve as a visual backdrop further to the south. In addition, the aforementioned regional wildlife corridor extends down from the southern ridgelines across the northeastern corners of the subject site and the adjoining Creekside Villa property.

Section 30251 of the Coastal Act mandates that the scenic and visual quality of coastal areas be considered and protected. Topographically, the subject site slopes down from the southeastern portion of the property to the northwestern corner from approximately 170 feet above mean sea level in the middle of the eastern property line to 109 feet above mean sea level just east of the northwest corner at Tang Drive and Carmel Creek Road. Proposed development is not expected to create a significant visual impact as the proposed footprint will be located substantially lower than the southern ridgeline when viewed from public vantage points, such as SR56, the CVREP corridor or Carmel Creek Road. The road itself trends up as one drives southward passing the Creekside Villas development site and ending at the Pinnacle Apartment complex. In terms of setbacks from the CVREP riparian corridor and public recreational amenities, the property boundary and proposed development footprint are over 100 feet from those areas. Tang Drive also separates the subject site from the CVREP corridor and there is a substantial elevation difference between the public trails and the proposed development area. In

addition, the open space areas outside the proposed development footprint will include restoration activities along Tang Drive and thus enhance the landscape buffering there. The restoration work on those north-facing slopes will improve the viewshed and the Commission therefore finds that the land use plan amendment will not have a significant adverse effect on scenic vistas within Carmel Valley.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LCP IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

Relative to the certified Implementation Plan, the property is included in the Carmel Valley Planned District (CVPD). At this time, the site carries two zone designations: CVPD-OS covers 3.25 acres in the northern portion of the site and the remainder of the property (approx. two acres) is zoned CVPD Multi-Family Zone 1 (MF1) in the southwest corner. The proposed amendment would expand the residential zone classification onto 3.4 acres of the property (3.17 acres corresponding to the revised land use and the remainder for additional Carmel Creek/Tang Drive improvements). In order to facilitate the planned residential density, the proposed amendment would also rezone the expanded residential area from CVPD-MF1 to CVPD-MF3 which allows 15-29 dwelling units per acre. The remaining area of the CVPD-OS zone would remain unchanged.

**B. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP, including the LUP amendments proposed herein. The primary concerns in a rezone are that the zones be consistent with the certified LUP. It has been determined in previous findings that the proposed boundary between open space and allowable development area is proposed in the appropriate location on the site.

The Carmel Valley Neighborhood 8 Precise Plan includes policies that are applicable to the proposed rezones, including the following:

On Page 3 (within Planning Background), the bottom paragraph (referring to a 1999 LCP Amendment) states:

This amendment recognized the importance of the Carmel Valley open space to implementing the Citywide MSCP by including the CVREP corridor (including the Carmel Creek floodway), steep hillsides, wildlife corridors, and sensitive habitats of Neighborhood 8 within the Multi-Habitat Planning Area (MHPA) preserve.



On Page 7 (within Key Development Factors), the second bullet point states:

Projects shall comply with the City's brush management requirements. Brush Management Zone 1 (minimum 35 feet in width and refers to the area adjacent to structures, consisting of pavement, non-combustible structures, and/or permanently irrigated, ornamental plantings) shall be contained within the developable area. The width of Zone 1 should be increased when possible to reduce the width of Zone Two and impacts to native vegetation.

Brush Management Zone Two activities are not permitted within environmentally sensitive habitat areas. [...]

On Page 13, and continuing onto Page 14 (within Land Use Element), the bottom paragraph states:

Development is expected to occur only within areas of low conservation value where site disturbance has already occurred and access is already provided. Three major roads bisect Neighborhood 8: El Camino Real, Carmel Creek Road, and Carmel Country Road. The segments of El Camino Real and Carmel Country Road within Neighborhood 8 cross environmentally sensitive areas not suitable for development, as well as the Palacio Del Mar golf course. The portion of Carmel Creek Road south of Shaw Ridge Road fronts properties where either agricultural or urban development has already occurred, including the private school, a commercial equestrian facility, and the Pinnacle Carmel Creek apartment complex. This area is the appropriate location to concentrate development and assure preservation of the maximum amount of remaining undeveloped open space and/or Multiple Habitat Planning Area (MHPA) lands to provide habitat linkage and connectivity between the riparian corridor of Carmel Creek and the coastal sage hillsides of Carmel Valley within Neighborhood 8. Carmel Creek Road also provides convenient access between Neighborhood 8, the SR-56 freeway, and other Carmel Valley neighborhoods to the north. Properties fronting Carmel Creek Road may accommodate some development, while areas within Neighborhood 8 with limited access should be conserved as open space or developed with limited recreational use where appropriate.

[...] Neighborhood 8 is expected to have a higher level of land use integration at the development node centered along Carmel Creek Road. Areas of high resource sensitivity are expected to have a low level of integration to preserve their habitat value for wildlife. This will be accomplished in a variety of ways as outlined below:

- The enhanced floodway and associated hiking/equestrian pathways will provide a distinct and continuous identity feature, linking the various portions of the Precise Plan area.
- The pedestrian and bikeway system will connect to pedestrian and bikeway paths to the north and south to integrate Neighborhood 8 with Neighborhoods 4, 5, 6.

- Development will be located to avoid areas of high resource sensitivity and shall provide barriers to discourage access to habitat conservation open space. (emphasis added)

On Page 25 (within Open Space Element), the last paragraph of Part C/Natural Open Space states:

In addition, the natural open space areas would include the existing undisturbed habitat areas on the remaining undeveloped properties that are designated open space and MHPA. The City shall ensure the preservation of portions of public and private property that are partially or wholly designated as open space and /or MHPA to the maximum extent feasible. Development potential on open space lands shall be limited to preserve the park, recreation, scenic, habitat and/or open space values of these lands, and to protect public health and safety. Maximum developable area and encroachment limitations shall be established to concentrate development in existing developed areas. Disturbed lands beyond the allowable development area can be restored to functional habitat value as part of the MHPA. Rezoning to implement the appropriate encroachment limitations and development standards shall occur prior to development of these properties.

On Pages 39 and 40 (within Circulation Element), the bottom paragraph on Page 39 and top paragraph on Page 40 state, in part:

Carmel Creek and Carmel Country Roads will provide the primary internal access to Neighborhood 8. In addition, Shaw Ridge Road is improved as a 2-lane collector street to provide access west of Carmel Creek Road. Tang Drive is an improved driveway extending east from Carmel Creek Road. It currently is used for driveway access to a nearby residence that is planned to be removed as part of the Creekside Villas development, and to provide parking for trail users.

The Precise Plan initially identified Tang Drive as a collector street that would connect Carmel Creek and Carmel Country Roads. However, more recent changes in the development patterns within the community make a street connection between Carmel Creek Road and Carmel Country Road no longer necessary.

On Page 50 (within Design Element), the second bullet states:

- Maintain the sense of an open visual corridor that is presently enjoyed along SR-56 and the CVREP trails.

On Page 50 (within Design Element), the sixth bullet states:

- Preserve or enhance sensitive environmental features such as riparian areas, sandstone bluffs, and significant vegetation groupings.

On Page 50 (within Design Element), the last two paragraphs state:

As indicated in the environmental constraints map (Figure 3), several visually significant hillsides occur on the valley's north-facing slopes. These hillsides provide the valley with a significant visual element. These hillsides will be maintained in their natural state pursuant to the sensitive slope criteria as written in this Precise Plan (Chapter VIII).

To preserve views to these hillsides from public vantage points, such as SR-56 and the CVREP multi-use trails, permitted structures shall not exceed 35 feet in height. Where no public vantage views of the natural hillsides and sandstone bluffs would be adversely affected, higher buildings may be allowed.

### **MF3 Zone**

a) Purpose and Intent of the Ordinance. The multi-family zones are intended primarily for the development of cluster and multiple residential structures at densities of five to forty-four dwelling units per net acre (dua).

b) Major Provisions of the Ordinance. The multi-family zones of the Carmel Valley PDO incorporate the use provisions of the RM-1-1 Zone (previously the R-3000 Zone). However, the PDO includes specific regulations for the following development criteria that are different from, and take precedence over, those found in the RM-1-1 Zone:

- Density varies per zone, but 15-29 dua for MF3
- Minimum Lot Areas and Dimensions
- Yard (setback) Requirements
- Maximum Building Heights of 50 feet
- Lot Coverages
- Floor Area Ratios, and
- Landscaping

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The MF3 Zone is one of five zones available to denote multi-family development areas within the Carmel Valley community. It allows multi-family development at densities ranging from 15 to 29 dua. The project area must be a minimum of 6,000 sq.ft., and 450 sq.ft. of usable open space must be provided per unit. Buildings can be no higher than 50 feet, or four stories, whichever is less. This restriction would apply generally to all the neighborhoods of the Carmel Valley community; however, the subject Neighborhood 8 LUP has a height restriction of 35 feet, with an exception allowed for developments that do not impact views of the community's natural hillsides and sandstone bluffs from public vantage points.

The proposed IP amendment to rezone a portion of the 5.22 acre site to the multi-family residential MF3 Zone is consistent with all the cited LUP policies. The proposed zone

could accommodate about 100 residential units on the subject site (3.4 acres of residential area times 29 du/a).

Any future development on the property would be concentrated in the southwest corner of the property, which is already highly disturbed and developed from the historic horse stable operation. Such future development would take access from Carmel Creek Road only. The siting of future development, retained open space and restoration of other open space on-site would preserve the existing wildlife corridor that extends along the northeast corner of the site. Any development authorized within the redefined residential area would be required to complete and/or provide the following as part of any discretionary reviews, based on the City's LDC: permanent conservation of all on-site resources; habitat restoration and long term maintenance/monitoring of restored areas; pregrading surveys and necessary mitigation for any active nesting, including gnatcatchers, within the typical bird breeding season; drainage provisions to protect habitat and redirect drainage/point source storm water from new development to city facilities; lighting controls; prohibition on invasive landscaping; water conservation measures; water quality BMPs and architectural refinements/setbacks.

Because of surrounding development and topography, it is possible to design buildings greater than 35 feet in height on the subject site that are consistent with the public view policies of the certified land use plan. From SR-56 and the CVREP trails, the existing Pinnacle Carmel Creek apartment complex and planned Creekside Villas development would form a backdrop to future structures on the subject property. Thus, any building design that did not exceed the height of those buildings, from those public vantage points, would be consistent with the cited LUP policy. Therefore, the Commission finds the proposed MF3 Zone appropriate for the proposed development envelope on the subject site, and consistent with, and adequate to carry out, the LUP policies cited above.

### **OS Zone**

#### a) Purpose and Intent of the Ordinance/Major Provisions.

The Carmel Valley PDO includes only one Open Space Zone. There is no stated purpose or intent, nor any major provisions. As currently certified, the zone states in its entirety:

Open space preservation is required. Approval of the final map shall be conditioned upon preservation of the open space through a mechanism acceptable to the City, limiting the future use of the open space and preserving it as an open space.

#### b) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The Carmel Valley PDO is a very old planning document, dating to 1979, with no greater specificity added to the open space language since 1990 at the latest. Thus, the PDO open space regulations are not as detailed as newer ordinances. The LUP identifies three

kinds of open space, the CVREP riparian corridor; other natural areas, such as the on-site wildlife corridor and other biological resources; and developed open space, such as the golf course east of Carmel Country Road and recreational areas within subdivisions. From the language of the OS Zone, cited above, it would appear that the zone is intended to primarily address preservation of open space through subdivision maps.

Most of the undisturbed areas of the subject site are comprised of Southern Maritime Chaparral, which are deemed to be environmentally sensitive habitat (ESHA). All of the on-site ESHA will be protected and placed in open space. In addition, the entire wildlife corridor, which connects large preserved areas to the south with the CVREP riparian corridor, and ultimately the Los Penasquitos Lagoon and ocean, is included within the proposed open space zone. The proposed open space area is contiguous with undeveloped lands owned by the City of San Diego to the east, where future passive park improvements may occur, and with the Creekside development to the east. As such, the Commission finds that the proposed allocation of open space zoning on the property is consistent with, and adequate to carry out, the certified land use plan's policies.

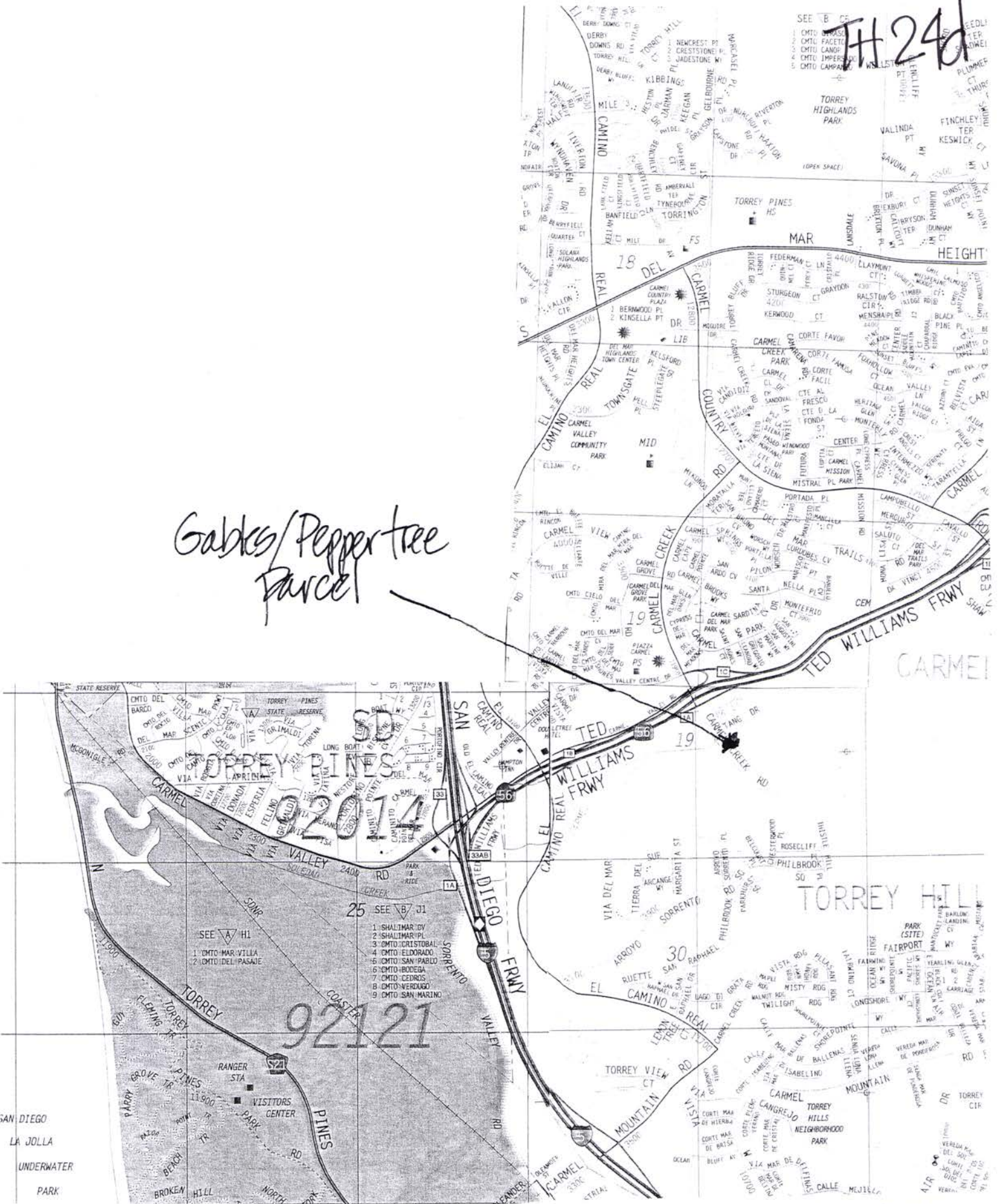
#### **PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts. Therefore, the Commission further finds the proposed LCP amendment conforms with CEQA provisions.

TH 24d

Gables/Pepper tree  
Parcel



↑  
NORTH

SD LCPA # 3-12  
Vicinity Map/Ex. 1



(C) 333  
(R-2011-762)  
COR. COPY  
Tri 24d

RESOLUTION NUMBER R- 306730

DATE OF FINAL PASSAGE MAR 29 2011

A RESOLUTION ADOPTING COMMUNITY PLAN  
AMENDMENT TO THE GENERAL PLAN AND THE  
CARMEL VALLEY NEIGHBORHOOD 8 PRECISE PLAN FOR  
GABLES CARMEL VALLEY PROJECT.

WHEREAS, Lion Gables Realty Limited Partnership, a Delaware Limited Partnership, requested an amendment to the General Plan and the Carmel Valley Neighborhood 8 Precise Plan from open space to residential land use at the site located at the southeast corner of Tang Drive and Carmel Creek Road in the Carmel Valley Planned District in the CVPD MF-1 zone (proposed CVPD MF-3 zone) of the Carmel Valley Neighborhood 8 Precise Plan, the site being legally described as a portion of the east half of the southwest quarter of the southeast quarter of Section 19, Township 14 South, Range 3 West, San Bernardino Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, as described in deed to Marvin Del Carmel, a General Partnership, filed in the Office of the County Recorder of San Diego County on May 26, 1983 as File No. 83-175453 of Official Records; and

WHEREAS, on March 29, 2011, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the General Plan and the Carmel Valley Neighborhood 8 Precise Plan; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

RECEIVED

MAY 10 2011  
San Diego COASTAL COMMISSION  
Resolution EXHIBIT #2  
CARMEL VALLEY NEIGHBORHOOD 8 PRECISE PLAN  
PLANNING DISTRICT

WHEREAS, the Planning Commission of the City of San Diego recommended approval of the proposed amendment to the General Plan; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

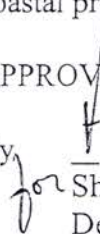
WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the amendments to the Carmel Valley Neighborhood 8 Precise Plan, a copy of which is on file in the office of the City Clerk as Document No. RR- 306730

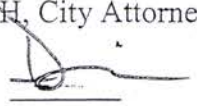
BE IT FURTHER RESOLVED, that the Council adopts an amendment to the General Plan for the City of San Diego to incorporate the above amended plan.

BE IT FURTHER RESOLVED, that this resolution shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this resolution applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: IAN I. GOLDSMITH, City Attorney

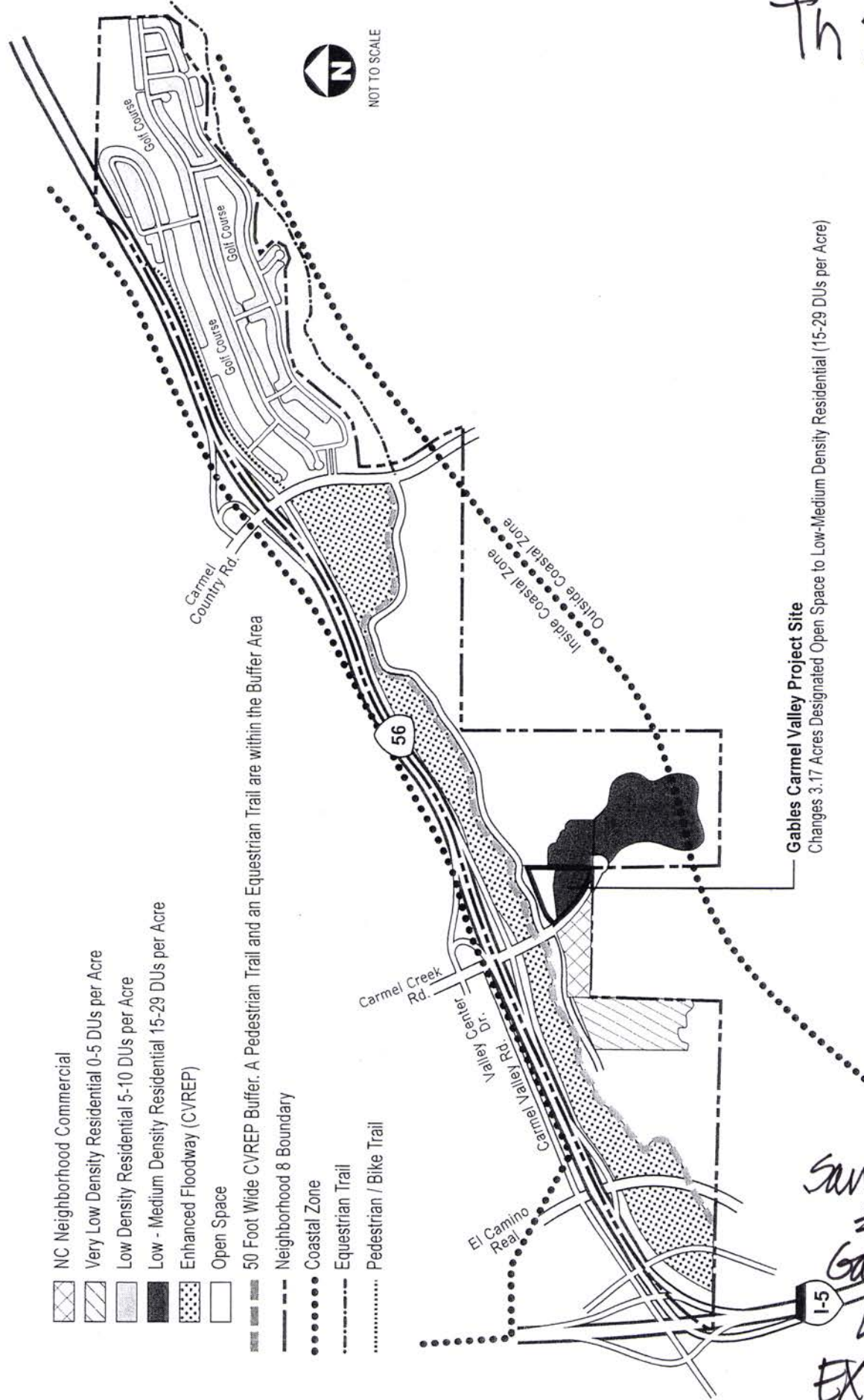
By  for Shannon M. Thomas  
Deputy City Attorney

*Signature on File*





Th 2Ad  
Land Use Plan  
Carmel Valley Neighborhood 8  
Figure 4

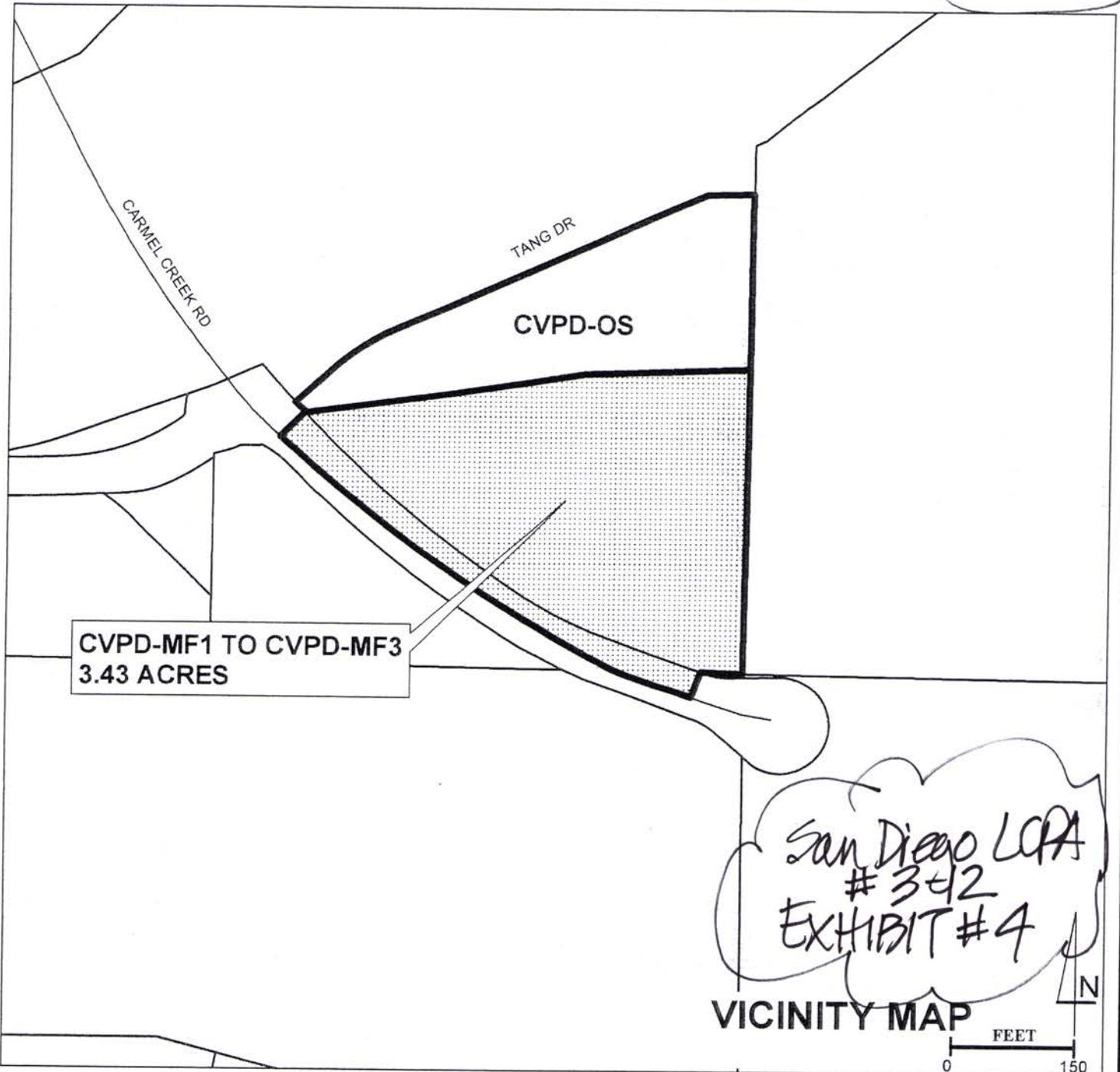


SAN DIEGO LCPA  
# 3-12  
Gables/Peppertree  
ZUP revision  
EXHIBIT # 3



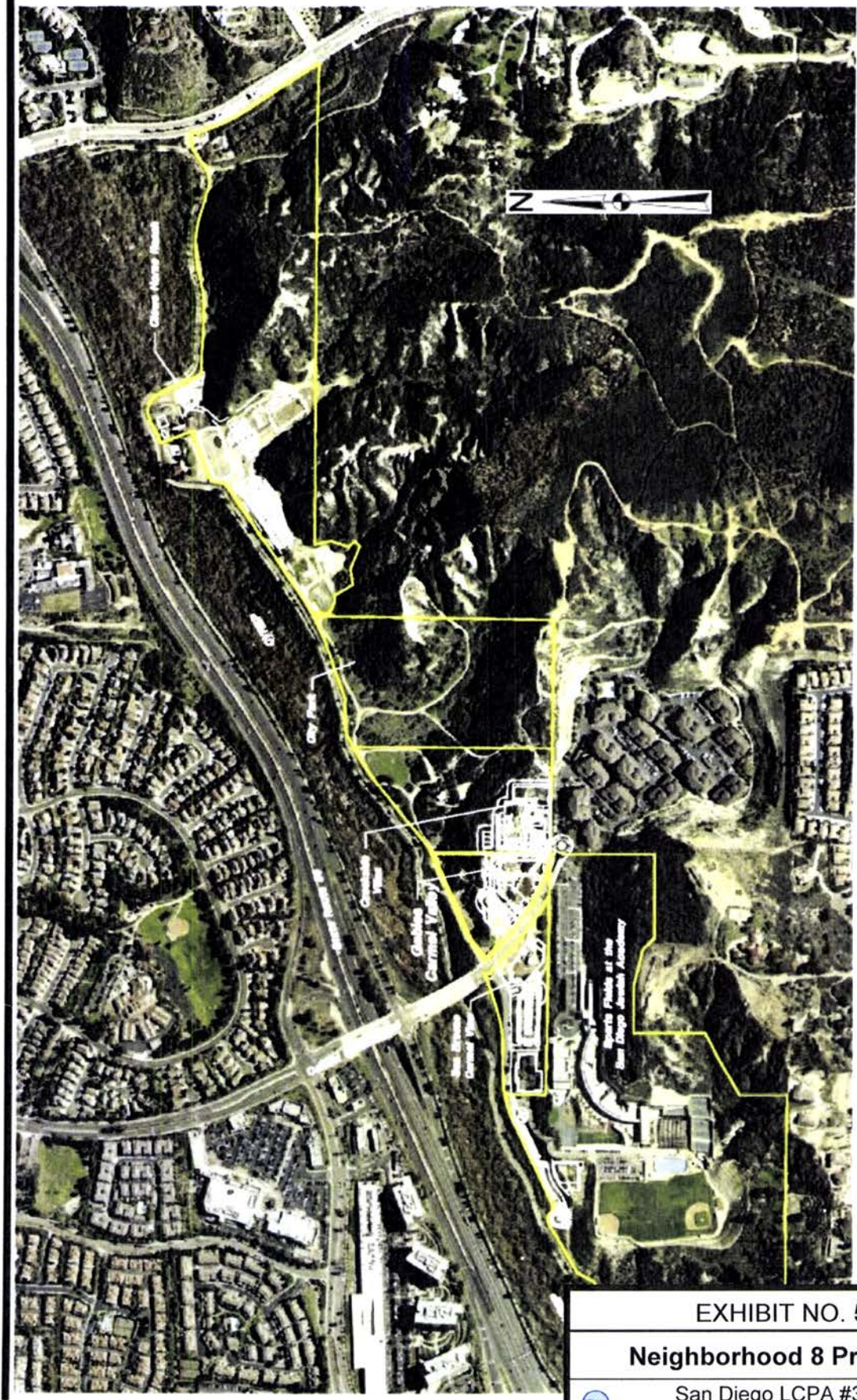
CITY OF SAN DIEGO • DEVELOPMENT SERVICES  
**PROPOSED REZONING**

Th 24d




SEC 19-14-3W*SEQ*DOC09-0058828		CASE NO. 23431730
ORDINANCE NO. _____	REQUEST CVPD-MF3	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	<b>B- 4277</b>
BEFORE DATE _____		APN: 307-023-40
EFF. DATE ZONING _____		(192-1444) 5-05-09 Idj
MAP NAME AND NO. _____		



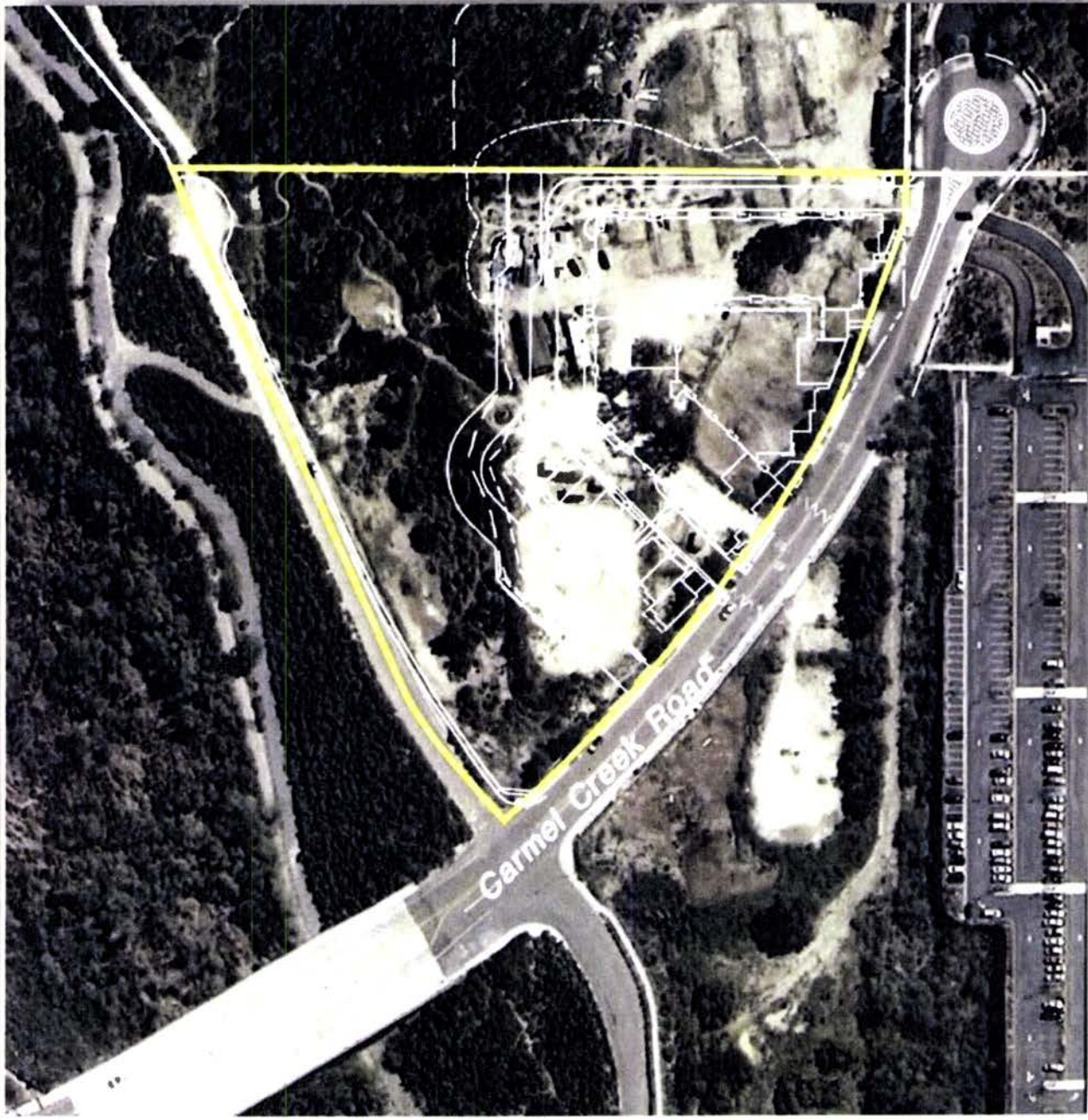


**Carmel Valley Neighborhood 8 Projects Composite Exhibit**

AERIAL 1/2008

<b>EXHIBIT NO. 5</b>	
<b>Neighborhood 8 Projects</b>	
	San Diego LCPA #3-12 California Coastal Commission





Aerial Photo with Site Plan

*Gables Carmel Valley, Neighborhood & LCP Amendment*

EXHIBIT NO. 6	
<b>Gables/Peppertree Development</b>	
	San Diego LCPA #3-12
California Coastal Commission	

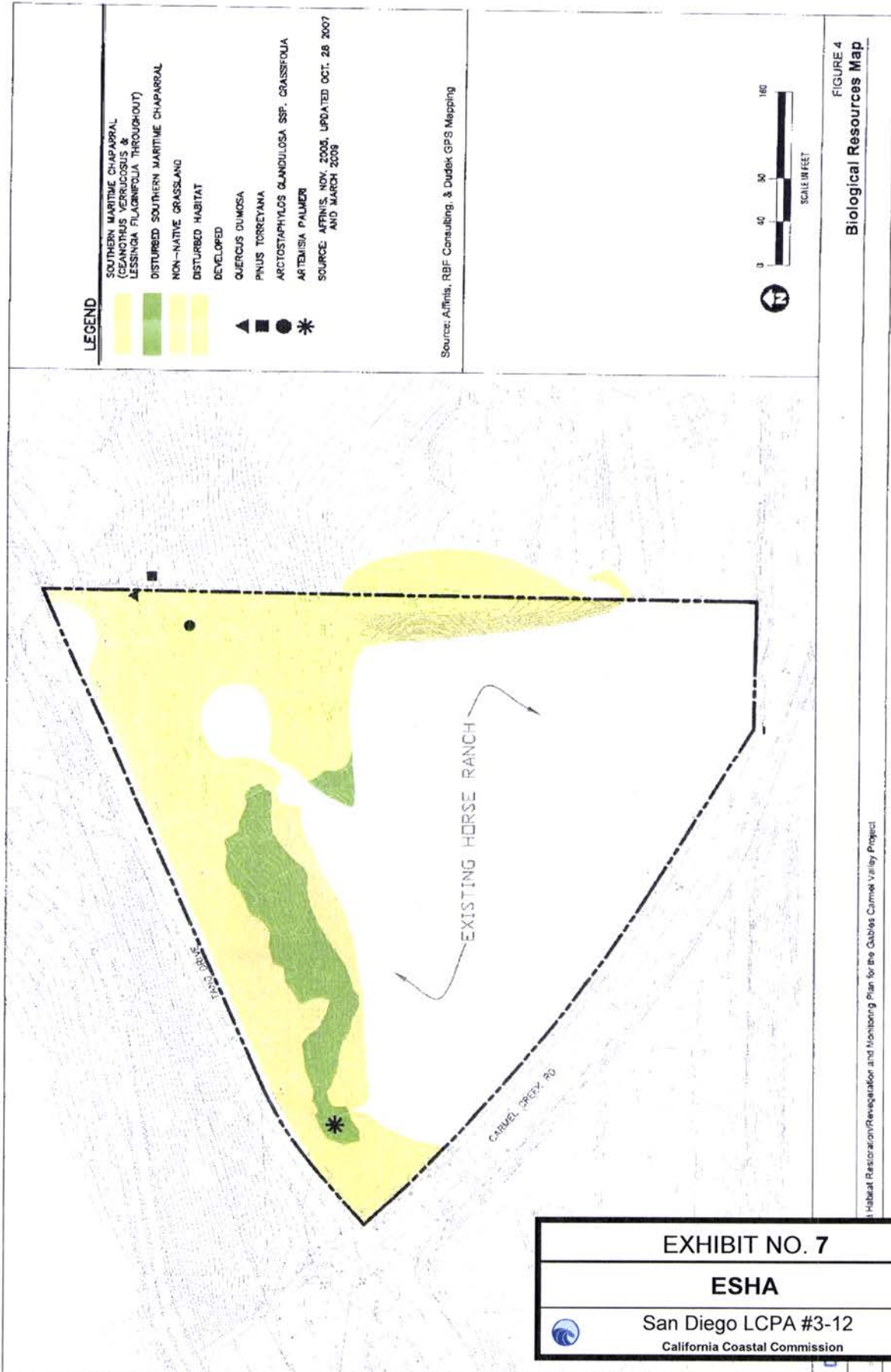
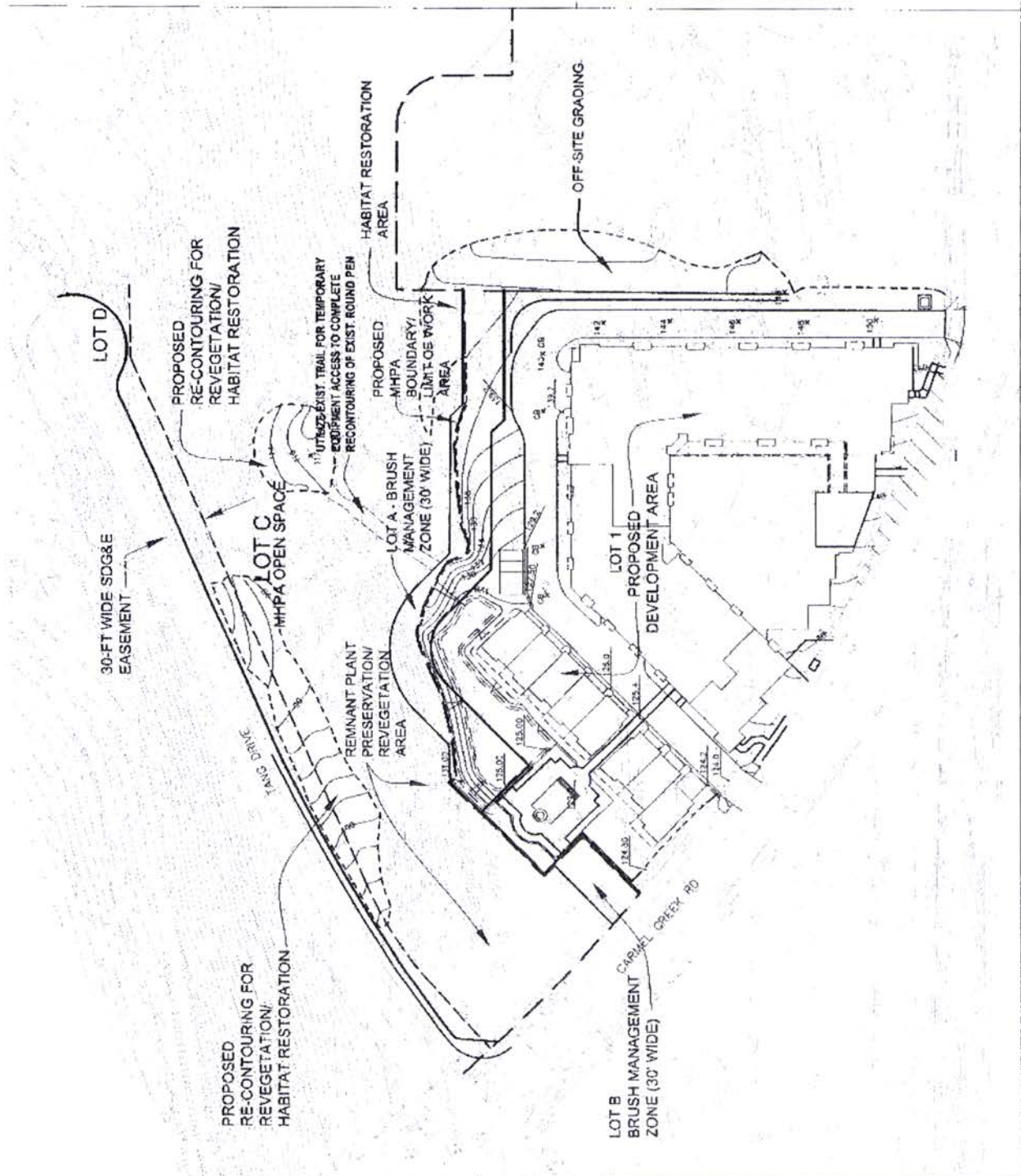


FIGURE 4  
Biological Resources Map





<b>EXHIBIT NO. 8</b>	
<b>Development Footprint</b>	
San Diego LCPA #3-12	
California Coastal Commission	



Th 24d

THE CITY OF SAN DIEGO

October 8, 2012

Chair Mary Shallenberger and  
Members of the California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Dear Madam Chair and Commissioners:

Re: Agenda Item Th. 24.d. City of San Diego LCP Amendment No. NOC-MAJ-3-12  
(Gables/Peppertree)

I am writing on behalf of the City of San Diego to express support for the staff recommendation to approve the referenced LCP Amendment for the City of San Diego's LCP. This is a project-driven LCP amendment for a 5.22-acre property in Neighborhood 8 of the Carmel Valley segment of the City of San Diego LCP. The sole owner of this former commercial horse ranch and sand and gravel mining site is Marvin Del Carmel, a Limited Partnership.

The LCP Amendment includes a Land Use Plan (LUP) amendment and a rezoning on a portion of the site. These actions will complete the planning efforts of a small, compact area along Carmel Creek Road that has involved this property, together with three additional properties that have previously received Coastal Commission approvals. Specifically, the LUP amendment proposes changing the land use designation on 3.17 acres of highly disturbed or developed land from the original designation of Open Space to Low-Medium Residential (15-29 dwelling units per acre). In addition, it adds language insuring development is restricted to the highly disturbed portion of the property, deletes Tang Drive as a collector street, thereby reducing Tang Drive to driveway access to a future park site east of the project site, and makes additional text changes to conform the LUP to the City's Environmental Sensitive Lands regulations. The rezoning implements the LUP and insures that the site's development is consistent with that of existing and planned development on surrounding properties.

This LCPA will facilitate the future construction of attached infill rental housing in the City, restoration and preservation of significant areas of southern maritime chaparral, coastal sage scrub, and native grasslands, both on-site and off-site, and expansion of ESHA (known in the City as the MHPA/MSCP area). As a result of this LCPA, 2.8 acres of ESHA is restored, and a total of 4.5 acres of ESHA is conserved. Finally, as a result of this LCP Amendment, the proposed MHPA boundary adjustment, having been approved by the City and federal and state

27

Development Services Department  
1222 First Avenue, MS 501, San Diego, CA 92101-4155  
Phone: (619) 446-5460

City of San Diego  
LCPA # NOC-MAJ-3-12  
City letter of support



October 8, 2012  
Chair Mary Shallenberger and  
Members of the California Coastal Commission  
Page 2

wildlife agencies, will replace at a 2 to 1 ratio, 1.2 acres of highly disturbed MHPA, with 2.4 acres of fully restored and conserved MHPA habitat.

The City's designated planning group for the area, the Carmel Valley Planning Group, reviewed this LCPA and unanimously recommended approval to the City Planning Commission.

Both the City Planning Commission and the City Council unanimously approved the LCPA.

Your staff is recommending approval of this LCPA, as submitted. The City supports the staff recommendation and respectfully requests your approval.

Sincerely,

| *Signature on File* 

Dan Normandin

Cc: Ms. Deborah N. Lee, California Coastal Commission  
Marvin S. Gerst, Ph.D., Managing General Partner, Marvin Del Mar  
Mr. Jeff Barfield, Project Manager, RBF Consulting  
Ms. Nancy Lucast



Th 24d

**CARMEL VALLEY COMMUNITY PLANNING BOARD**

**Attn: Allen Kashani, CVCPB Secretary  
6025 Edgewood Bend Court  
San Diego, CA 92130  
858-794-2571 / Fax: 858-794-2599**

October 8, 2012

Chair Mary Shallenberger and Members of the California Coastal Commission  
CALIFORNIA COASTAL COMMISSION  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Re: Agenda Item Th. 24.d. City of San Diego LCP Amendment No. NOC-MAJ-3-12  
(Gables/Peppertree)

Dear Madam Chair and Commissioners:

The Carmel Valley Community Planning Board (CVCPB) is the officially sanctioned citizens' planning group elected by the community to advise the City of San Diego's Planning Commission and City Council on land use matters for the Carmel Valley planning area within the City of San Diego.

The board reviewed this project on numerous occasions and on October 28, 2010 the planning board carefully considered the Gables/Peppertree Land Use Amendment. The board ultimately approved the project with a unanimous vote of 13-0. I understand that the LCPA went on to win unanimous approvals of the City Planning Commission and the City Council.

This is an important amendment to the City's LCP and the Carmel Valley Community in that it will provide for new rental housing as well as improve the community's natural environment by restoring and increasing ESHA.

I encourage the Coastal Commission to follow your staff's recommendation for this LCPA of "approval as submitted."

I thank you for your consideration.

Sincerely,  
Carmel Valley Community Planning Board

*Signature on File*

Frisco White, AIA  
Chair

cc: Ms. Deborah N. Lee, California Coastal Commission  
Mr. Dan Normandin, City of San Diego  
Marvin S. Gerst, Ph.D., Managing Member, Marvin Del Mar Limited Partnership

City of San Diego  
LCPA# NOC-MAJ-3-12  
Letter of Support  
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Marvin S. Gerst, Ph.D  
P.O. Box 3707  
Rancho Santa Fe, Ca. 92067

**Th. 24.d.**

October 8, 2012

Chair Mary Shallenberger and Members  
of the California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Re: **Agenda Item Th. 24.d. City of San Diego LCP Amendment No. NOC-MAJ-3-12  
(Gables/Peppertree)**

**Dear Madam Chair and Commissioners:**

I am the managing partner of Marvin Del Carmel, a California General Partnership, owner of the property that is the subject of the above-referenced LCP Amendment and the real party in interest in this LCP Amendment.

Working with the City, we observed the patterns established by your Commission in recent LCP amendments on adjacent properties in Carmel Valley Neighborhood 8 and have closely followed those precedents in crafting this LCP Amendment. We are confident that the Coastal Act has been properly applied through this LCP Amendment, and your staff agrees. As a result, staff is recommending "approval as submitted."

Staff performed a thorough analysis of this LCP Amendment request, as is evident in the staff report. We support the staff recommendation and respectfully request you approval of the City's LCP amendment request.

Sincerely,

*Signature on File*



Marvin S. Gerst, Ph.D.  
Managing Partner  
Marvin Del Carmel, a California General Partnership  
Cc: Deborah N. Lee, California Coastal Commission  
Mr. Jeff Barfield  
Ms. Nancy Lucast

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City of San Diego  
LCPA# NOC-MAJ-3-12  
Property Owners  
Letter of Support