

**CALIFORNIA COASTAL COMMISSION**

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February 25, 2005

**TH 12D****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA  
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR  
AMENDMENT 3-03C (Sunset Pointe) for Commission Meeting of March 16-18,  
2005**

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**SYNOPSIS**

This request, LCPA 3-03C, is part of LCP amendment package No. 3-03. The remainder of the package that has not already been approved by the Commission addresses an adjacent, 185-acre site (Crescent Heights) which is also on the agenda, but will be addressed in a separate staff report as LCPA 3-03B. A time extension for up to one year for Commission action on LCPA #3-03B and LCPA #3-03C was approved by the Commission on October 15, 2004. LCPA 3-03A, an IP change that addressed companion units, was acted on by the Commission in November, 2003. In addition to the LCP amendment, portions of the affected lots are in an area of deferred certification (i.e., everything beyond the rim of the canyon), where the Commission retains permit authority at this time. The corresponding coastal development permit application is currently undergoing staff analysis, although it is incomplete and not yet filed. The Coastal Commission will review this and the proposed subdivision for Sunset Pointe at a later date.

**SUMMARY OF AMENDMENT REQUEST**

The City of San Diego is requesting to amend both the certified North City LCP Land Use Plan (LUP) segment (Mira Mesa subarea) and the certified LCP Implementation Plan (IP). The proposed LCP amendment would change the current boundaries between the residential and open space land use designations on a 37.5 acre site known as Sunset Pointe. The site affected by the proposed amendment contains an eastern and western mesa top separated by a north-south trending finger canyon which contains steep hillsides and coastal sage scrub vegetation and leads to the main east-west trending Lopez Canyon. The proposed residential use area would include both mesa tops and the northern portion of the finger canyon to accommodate construction of an access road connecting the mesa top areas and residential units along the northern property boundary. The remainder of the site is proposed as open space.

sensitive portion of the site. The western mesa is flatter and, although it contains some coastal sage scrub and native grasslands, the quality of the habitat has been degraded through introduction of non-native species. Staff acknowledges grading beyond the canyon rim would be necessary to construct access to the flatter, less sensitive portion of the western mesa; however, such access would not impact ESHA. Staff also acknowledges the eastern mesa could accommodate three single family residences without encroachment beyond the canyon rim. However, the eastern mesa is entirely comprised of ESHA in the form of native grassland and coastal sage scrub habitat.

Staff recommends the IP amendment be denied as submitted. No modifications are suggested at this time. The suggested revisions to the LUP are significant, and may result in the City and/or the property owner wanting a different development type than was previously approved. It would be premature to assign a specific zone without knowing what density and product type can be accommodated on the least sensitive portion of the property.

**The appropriate resolutions and motions begin on page 6. Suggested Modifications begin on page 8. The findings for denial of the LUP amendments begin on page 12. The findings for approval of the LUP amendments with suggested modifications begin on page 27. The findings for denial of the IP amendments begin on page 32.**

## **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. Mira Mesa, where this site is located, is one of the "subareas," along with Carmel Valley, Sorrento Hills, Torrey Pines, University, Via de la Valle, and the North City Future Urbanizing Area. Portions of the property are also within the Penasquitos Canyon Preserve study area, which is an area of deferred certification within Mira Mesa, where master planning has not yet taken place.

The area of deferred certification (ADC) known as Los Penasquitos Canyon Preserve encompasses both Los Penasquitos and Lopez Canyons. This is identified in the Commission's certification action in 1988 in narrative form only, with no accompanying map. However, the Preserve master planning area encompasses both the streambeds and canyon walls. Therefore, both the City and the Commission have acted for the past 16 years on the understanding that the area of deferred certification includes everything below the rim of the canyons, with only the mesa tops in the City's coastal development permit jurisdiction. Thus, for purposes of coastal development permits, portions of the subject site on the mesa tops are within the City's jurisdiction, and portions beyond the canyon rim are within the deferred certification area, where the Coastal Act remains the legal standard of review, and the Mira Mesa LUP and older North City LUP are used for guidance.

## **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 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 and conforms with 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.

that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- II. **MOTION:** *I move that the Commission certify Land Use Plan Amendment No. 3-03C submitted by the City of San Diego (Sunset Pointe) if modified in accordance with the suggested changes set forth in the staff report.*

**STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:**

Staff recommends a YES vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED:**

Subject to the following modifications, the Commission hereby certifies the Land Use Plan Amendment for the City of San Diego, Mira Mesa Community and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below 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 or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- III. **MOTION:** *I move that the Commission reject Implementation Program Amendment No. 3-03C as submitted by the City of San Diego (Sunset Pointe).*

**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program Amendment 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

likely to be achieved except on lots that have large areas in slopes of less than 25 percent.

3. On Page 80 of the certified Mira Mesa Community Plan, add the following section under Site-specific Proposals:

e. **Sunset Pointe.** Approximately 37.5 acres (Pardee Homes) located to the west of Camino Santa Fe, south of Calle Cristobal, at the southern termini of Sunny Mesa Road and Lopez Ridge Way, are proposed for a mix of residential housing and open space. The following development criteria shall apply:

1. Any development in the developable area (western mesa top) shall take access from Sunny Mesa Road, with the remainder of the property retained as open space.

2. All open space lands outside the area to be developed shall be preserved through open space deed restrictions or conveyances, and all such areas shall be zoned as OC (open space conservation).

3. Downstream sensitive resources, particularly the remaining populations of the endangered Monardella, shall be protected from the effects of runoff through appropriate on-site detention facilities and stormwater conveyance systems located within the developable area.

4. Grading over the rim of the Los Penasquitos Canyon Preserve shall be prohibited except to access flatter, less sensitive areas on the western mesa top, and only under all of the following specific circumstances:

a. Such grading is the only means to access flatter, less sensitive portions of the site which shall be determined through review of a comprehensive alternatives analysis.

b. Required grading avoids impacts to steep hillsides and sensitive biological resources to the maximum extent possible and such impacts are mitigated in accordance with the Biology Guidelines contained in the Land Development Manual.

c. Flexibility in road design is achieved through use of retaining walls, minimum road width, or other appropriate methods to reduce impacts to steep hillsides and sensitive biological resources to the maximum extent possible.

5. Brush management/fuel modification requirements shall be consistent with the following specific standards:

a) The disturbed area for the proposed development is the minimum necessary to allow appropriate development consistent with this plan while implementing an environmentally sensitive alternative. The proposed disturbed area should be sited to cluster development within/adjacent to existing disturbed areas and/or adjacent to existing development.

b) The impervious areas for the proposed development (e.g. building footprint, driveways, roads and sidewalks) are the minimum necessary to allow appropriate development consistent with this plan.

c) The proposed development must result in a new increase in the preservation of Tier I habitat and avoid all impacts to wetlands, including vernal pools and their watersheds, and provide adequate buffers to resources consistent with the Environmentally Sensitive Lands regulations contained in the City of San Diego Land Development Code and the Biology Guidelines.

d) The proposed development must maintain or improve overall habitat value and wildlife movement/corridors.

e) Slopes encroaching into the canyon must be blended into the natural topography with contour grading and be revegetated with native plants, including the planting of native species from areas proposed for disturbance.

f) The proposed development must be consistent with the City of San Diego MSCP Subarea Plan.

g) The site design must not exacerbate erosion/siltation in the watershed and Lopez Canyon by using sensitive grading techniques and best management practices (BMPs). No detention basins shall be located within the MHPA and all facilities must be designed/sited to minimize impacts to open space.

h) The project must be sited and designed not to significantly impact views from designated open space areas, including trails.

Any development consistent with this section that results in structures being visible from the floor of Lopez Canyon, or encroaches into Plan designated open space shall require an amendment to the Community Plan.

accommodate the development approved by the City, which includes 30 single family units. Although the zone would allow development of up to 8 duu, the City-approved project for this site attains a density of only 0.8 duu when considering the entire 37.5 acres. Development of 10 acres with 30 units achieves a density of 3.0 duu.

In addition to the LCP amendment request, the associated coastal development permit application is undergoing staff analysis at this time for specific development of this site that has already been approved at the local level. The Coastal Commission will review the proposed subdivision, and portions of the proposed residential development, which are located in areas of deferred certification, at a later date.

**B. NONCONFORMITY OF THE LAND USE PLAN AMENDMENT WITH CHAPTER 3 POLICIES OF THE COASTAL ACT**

The City of San Diego is requesting to amend the certified Mira Mesa LUP policies addressing development adjacent to canyons. The amendment will also modify several maps to refine the line between designated residential use and open space on an approximately 37.5 acre property. This area of Mira Mesa consists primarily of flat mesas several hundred feet in elevation that abruptly drop off into deep canyons. The canyons were formed by streams that were once intermittent but that now, because of upstream development, run most of the year. The canyon walls are vegetated with a number of different native plant communities, with small areas of disturbance and/or exotic plants also present.

The specific policies the amendment proposes to modify are those addressing appropriate densities for new development, and an existing prohibition on grading over the rim of Los Penasquitos Canyon Preserve. These changes would result in significant modification to the current development pattern in this area of Mira Mesa, a part of the North City LCP segment. With very minor exceptions, typically for drainage facilities, existing development in this area of Mira Mesa occurs only on the flat mesa tops, with the slopes and canyon walls remaining undisturbed, consistent with the existing LUP language specifically prohibiting grading beyond the canyon rim of Los Penasquitos Canyon Preserve, which includes both Penasquitos and Lopez Canyons. The proposed changes would occur on Pages 39, 77, 107 and 108 of the certified Mira Mesa Community Plan, and are shown below:

Page 39: ~~Retain A-10 zoning on areas designated~~ Rezone open space areas to a zone appropriate for open space preservation.

Page 77: ... Design flexibility on these hillside parcels is necessary to integrate development with the natural environment, preserve and enhance views, and protect areas of unique topography and vegetation. Especially when clustering is used on ridgetop and hillside parcels, appropriate zoning should be applied to the developable area which matches the development intensity, with open space zoning applied to the associated open space areas. ~~The R1-10,000 Zone or the~~

h) The project must be sited and designed not to significantly impact views from designated open space areas, including trails.

Any development consistent with this section that results in structures being visible from the floor of Lopez Canyon, or encroaches into Plan-designated open space shall require an amendment to the Community Plan.

As submitted, modifications of this, and other, existing LUP language cannot be found consistent with Chapter 3 of the Coastal Act, as detailed below.

**1. Land Use/Concentration of Development.** The following Coastal Act policy addresses the appropriate location of new development, and states, in part:

**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. ...

The existing property is generally located south of Calle Cristobal, west of Camino Santa Fe, and north of Lopez Canyon. The site is not directly bordered by either Calle Cristobal or Camino Santa Fe, but would be accessed through an existing subdivision to the north of the subject site; that existing subdivision borders Calle Cristobal, thus, the Sunset Pointe property is technically located south of the Sunny Mesa Road and Lopez Ridge Way cul-de-sacs. Similarly, the proposed Crescent Heights multi-family west subdivision component (addressed in LCPA 3-03B) would be located between the subject site and Camino Santa Fe; however, existing topography and vegetation would not allow access to Sunset Pointe through Crescent Heights. The currently-certified Mira Mesa Community Plan LCP Land Use Plan designates portions of two mesas (ridges) in the northern part of the Sunset Pointe property for residential development and, thus, concentrates development on the flatter portions of the property. The canyon between the eastern and western mesa and the southern portion of the site is designated open space.

The finger canyons leading to Lopez Canyon are below the canyon rim and in the area where the Commission deferred certification of the LCP pending completion of a master plan for the Los Penasquitos Preserve. Since the Commission deferred certification of this area in 1988, the City and Commission staff have used the rim of both Lopez and Los Penasquitos Canyons as the line denoting Commission permit jurisdiction and the area where grading is prohibited pursuant to the certified Mira Mesa LUP. The standard of review for development in this area is Chapter 3 of the Coastal Act.



Commission finds the proposed language to be misleading and to suggest the development intensity should be determined before the appropriate zoning of the site is determined and should dictate how the site is to be zoned. This is inconsistent with the system of land use planning required by the Coastal Act, as well as other aspects of State law.

Although the City does not propose to change the definitions of the low and very low density LUP map designations, in this particular case, the zone proposed for implementation of the 0-4 duu land use designation would accommodate up to 8 duu (RS-1-14). This zone would not typically be used to denote very low density, but is generally considered more in the medium density range. However, it was chosen by the City because it corresponds best to the specific development proposal it has already approved with respect to housing type, minimum lot size, setback requirements, etc. To allow more potential flexibility in future zone selection, the proposed LUP amendments delete the reference to any specific zone. The Commission finds that change to be acceptable, as the specific zones are normally designated in the IP rather than the LUP. However, the Commission finds the City's proposed replacement language is not necessary to allow consideration of the range of residential zones offered in the LDC as potential zoning, taking into consideration the land use designation and other applicable policies of the LUP. Moreover, as indicated above, it appears to reverse the appropriate order in which land use decisions are made. Therefore, it should be deleted.

In summary, the Commission finds that the LUP changes proposed by the City would accommodate development in areas resulting in significant adverse effects on coastal resources, which is inconsistent with Section 30250 of the Act. Thus, the proposed LUP must be denied. Nevertheless, the Commission believes that, with modifications to the proposed amendments, residential development consistent with all plan policies and still allowing a higher concentration of development in limited areas can occur. Suggested modifications to accommodate this will be discussed in Part V of this report.

**2. Environmentally Sensitive Habitats/MHPA.** The potential impacts to environmentally sensitive habitat area (ESHA) associated with the proposed LUP amendment would occur through the significant changes being proposed to the line which separates areas designated for residential use and open space. The revised line would change the land use designation of the upper portion of a large finger canyon within the Los Penasquitos Preserve system containing ESHA and steep hillsides from open space to residential. These areas to be removed from open space contain coastal sage scrub and are currently protected by the Environmentally Sensitive Lands regulations in the certified Land Development Code (LDC) and the Multi-Habitat Preserve Area (MHPA) identified in the City's Multiple Species Conservation Program (MSCP). Prior to the LDC, the steep hillsides that contain coastal sage scrub were protected by the Hillside Review Overlay Zone. The LDC defines environmentally sensitive lands (ESL) to include sensitive biological resources, steep hillsides, floodplains, coastal bluffs and beaches. The term environmentally sensitive lands is not the same as environmentally sensitive habitat area or ESHA addressed in Section 30240 of the Coastal Act. For

used by listed species and/or contiguous with other ESHA or located within wildlife corridors. In this particular case, there are areas vegetated with native grassland (Tier I) and coastal sage scrub (Tier II) on the western mesa that have been disturbed and degraded through introduction of non-native species. The report dated 1/4/05 prepared by Natural Resource Consultants indicates less than 35% of the plant cover is native vegetation in areas identified as Polygons 1, 2, 3, 4 5 and 7 located on the western mesa. Although there is Tier I and II vegetation present, the Commission's staff ecologist has determined the vegetation in these areas does not meet the definition of ESHA. However, according to the report, vegetation on the eastern mesa in Polygons 6, 8, 9 and 10 are considered high quality and from 75% to 100% native vegetation. These areas are considered ESHA and protected by Section 30240 of the Coastal Act.

A number of different Coastal Act policies address potential impacts on sensitive biological resources. These will be cited in the appropriate subheadings below:

#### UPLAND HABITATS

##### 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.

The property involved in these proposed LUP and IP changes contains significant areas of sensitive upland vegetation, including areas of up to ten different sensitive upland communities of coastal sage (six communities), chaparral (one community), both native and non-native grasslands and one area of mixed coastal sage and native grasslands. There is coyote bush scrub in the lower reaches of the on-site canyons, though far removed from any proposed development. In addition to the presence of several sensitive habitat types, the coastal sage and associated upland communities are home to a number of sensitive and and/or listed plant and animal species, including the San Diego Coast Barrel Cactus, Coastal California Gnatcatcher, Ashy Spike-Moss and Southern California Rufous-Crowned Sparrow. These species occur on both the portion of the property proposed as open space and the portion proposed for development.

Native grasslands are very rare, and are identified as a Tier I habitat in the City of San Diego's MSCP. Tier I habitats are considered those that are rarest and most valuable for the overall preservation of sensitive plants and animals. Grasslands provide foraging area for many species, and are particularly valuable for raptors as hunting fields. Non-native grasslands, a Tier IIIB habitat, are considered less valuable than the native grasslands, but still perform many of the same biological functions. Nearly all the identified non-native

the parameters accommodating it will remain part of the City's LCP to dictate other development proposals in the future.

The proposed amendment (in conjunction with the accompanying amendment #3-03B) would be the first time the Commission will act on a request to modify the residential/open space boundary in a manner that decreases the existing habitat values of the property being protected. Coastal sage communities would be removed from the existing open space and MHPA boundaries and incorporated into the future development footprint. The areas being added to the preserve do not include areas where sensitive species have been sighted, whereas the areas lost contain Rufous Crowned Sparrows and San Diego Coast Barrel Cactus.

In summary, areas of sensitive vegetation that are currently protected as open space, will no longer be protected if the amendment is approved, including ESHA containing coastal sage scrub adjacent to, and contiguous with, occupied gnatcatcher habitat. The proposed project footprint would also displace or destroy a significant number of the other identified sensitive plant and animal species that are located, again, in areas that are now designated open space, but which would be within the developable area if the LUP amendment is approved. The Commission has, in the past, approved a few modifications of the open space/MHPA line, but, in those instances, the modification resulted in more habitat of equal or better quality being protected, and was based not on proposed project design but on the locations of on-the-ground resources. As submitted, the Commission cannot support the revised line between developable area and open space, as it would not be consistent with Section 30240 of the Coastal Act.

#### WETLAND HABITATS/WILLOWY MONARDELLA

Another wetland concern is protection of the willowy Monardella (*Monardella linoides* ssp. *Vimineae*), which is a riparian subshrub species that grows on sandy terraces in seasonally dry washes. It is found only in San Diego County and Baja California, Mexico, and is declining rapidly in San Diego due to urbanization. Urbanization increases runoff, primarily through decreasing permeable surfaces and planting/irrigation practices, and many canyon streams that were once ephemeral now flow all, or nearly all, year long. Areas that were only subject to occasional erosion during major storms or floods now see some level of erosion during nearly every rain event. The San Diego County population of Monardella has dwindled to a few scattered locations within the northern part of the city, including two small areas in Lopez Canyon downstream from the subject properties; as comparison, a biological survey conducted in 1982 in conjunction with a different project located 14 distinct populations of this species in Lopez Canyon.

In Lopez Canyon, increased flows have caused all sediments to wash downstream, and the entire streambed, with the exception of some small remaining islands, is now cobble. Although Lopez Creek is still usually dry part of the year, the banks of these islands are being eroded away bit by bit. The Monardella requires the very specific micro-habitat that these islands/terraces provide. There have been a few attempts to transplant the

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. ...

The potential effects of brush management on biologically valuable habitat must not be underestimated and the potential for wildfire at the subject site warrants brief discussion as well. The areas to be designated for single-family development are immediately adjacent to naturally vegetated steep slopes that are part of a large canyon system. It is very likely that future development on this site will be threatened by fire sometime during the economic life (approximately 75 years) of such development. This is true, however, for most new development throughout the City of San Diego and indeed Southern California. Population increases have forced new development ever further into undisturbed and topographically constrained areas. Specific fire safety design criteria are not currently discussed in the certified LUP for the Mira Mesa community. However, design criteria in the Land Development Code address this concern and requires specific building elements and setbacks in fire-prone areas.

In the certified LDC regulations currently require different brush management zone widths depending on the site's location east or west of Highway 805 and El Camino Real. West of 805, Zone One is required to be 20-30 feet and Zone Two is 20-30 feet. East of 805, Zone One is 30-35 feet and Zone Two is 40-50 feet. These regulations were in place prior to last October's devastating wildfires in San Diego County. Based on these events, and in anticipation of a challenging upcoming fire season, the Fire Chief is recommending a minimum 100-foot brush management zone be applied citywide, including a minimum 35 feet of clear-cut (Zone One) and 65 or more feet of selective clearance and thinning (Zone Two).

The City is currently reviewing its brush management regulations, and will be bringing forth an LCP amendment to incorporate modifications in the near future. These will address all habitable structures within a *High Fire Hazard Area*, as well as accessory structures measuring more than 120 sq.ft. in size and located less than 50 feet from any habitable area. The City's proposed code changes define *High Fire Hazard Area* as "any open space, park area, undeveloped public or private lands containing native or naturalized vegetation, and areas containing environmentally sensitive lands." The potential changes would also require new habitable structures to incorporate fire prevention construction materials, including sprinkler systems, non-combustible roofs and garage doors, and special exterior treatments for eaves, skylights, gutters, etc.

brush management measures without conflicts with Section 30240 of the Coastal Act. However, such specific measures should be included in the LUP amendment to address setbacks, assure fire safety for new development and limit significant and disruptive impacts to sensitive resources within the adjacent open space areas. Thus, as submitted, the proposed LUP amendment is not consistent with Section 30240 and 30253 of the Coastal Act.

**4. Water Quality.** The following Coastal Act policy addresses this issue:

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The subject site is located within the Los Penasquitos Lagoon watershed, and the area to be developed in the future is located north and upland of the streambed of Lopez Creek, and south and upland of the streambed of Penasquitos Creek, on top of the adjacent mesas. The proposed LUP amendment will not result in any direct changes in water quality because no physical improvements are approved at this time. However, the proposed LUP amendments set the stage for intense residential development in this location, which will significantly increase the amount of impervious surfaces. Moreover, the amendments, as submitted by the City, would allow grading beyond the rim of the canyon, including placement of fill within canyons, again increasing runoff potential.

Due to the age of the subject certified LUP, water quality was not discussed as a major concern at the time of Commission review. This issue has gained prominence in recent years, and newer LUPs include specific water quality standards. Since this LUP amendment addresses only a few specific policies, and does not represent a more general update, it would not be appropriate to add a significant number of new policies through this Commission action. Moreover, the City's Land Development Code includes detailed water quality regulations, which are ultimately reviewed by the State Water Resources Board.

**5. Visual Resources.** The following Coastal Act policy addresses this issue:

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

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject site is currently vacant land that, based on the number of footpaths across the site, has been and is currently used by members of the public to gain access to Los Penasquitos Canyon Preserve and to experience the open space vistas afforded from the property. A master plan for the preserve system has not yet been developed and is one of the reasons that area was not included within the certified LCP and certification is deferred.

The certified LUP indicates "a trail system is proposed in Los Penasquitos Canyon Preserve as part of the Preserve Master Plan to provide access to equestrians and hikers. The trail system is a concept plan only and will be refined during environmental analysis to avoid sensitive areas of the Preserve." (page 51). General locations for these trails are shown on Figure 7 in the LUP and include the floor of Lopez Canyon as one of the main trail locations.

Given that Lopez Canyon is designated as a primary access point within the Los Penasquitos Preserve, the Commission must assure public access to such lower cost public recreational facilities is maintained. Development of the western mesa could be done in such a manner as to eliminate an opportunity to provide a formal public access point or vista point within the adjacent Preserve system. The LUP should contain policies that provide for access points and support facilities, such as parking, to the ultimate trail system proposed for the Preserve. As such, as submitted without specific language addressing provision of public access to the adjacent public recreational areas, the proposed LCP amendment does not meet the requirements of Sections 30212.5, 30213 and 30223 and 30240 of the Coastal Act.

#### **PART V. FINDINGS FOR APPROVAL OF LCPA NO. 3-03C FOR THE CITY OF SAN DIEGO (SUNSET POINTE) LAND USE PLAN, IF MODIFIED**

Although the LUP amendment, as submitted, has been denied as inconsistent with numerous Chapter 3 policies of the Coastal Act, modifications have been suggested that would allow the Commission to approve the amendment request. With adoption of the suggested modifications, identified impacts on biology, visual resources, fire safety, water quality and land use can be avoided or minimized when the site develops in the future under the policies of the LUP.

#### **B. BREAKDOWN OF INDIVIDUAL SUGGESTED MODIFICATIONS**

Suggested Modification #1 addresses corrections to several of the LUP maps. It requires revision of the identified maps to be fully consistent with the resources on-the-ground on the Sunset Pointe property. As proposed by the City, areas of sensitive habitats, including ESHA, would be included in the developable areas of the site. This cannot be found consistent with Section 30240 of the Coastal Act.

Suggested Modification #1 requires modification of the LUP maps such that all high quality native grasslands and coastal sage scrub identified as Polygons 6, 8, 9 and 10 by Natural Resource Consultants will remain protected, or, if not protected now, will become protected through the open space designation. The modification may also protect some less sensitive habitat which are on steep hillsides and contiguous with native grasslands and coastal sage scrub, which also perform important biological functions. The revised open space line generally follows the rimline or the upper limits of the coastal sage scrub vegetation and native grassland where non-ESHA vegetation extends beyond the rim line, as shown on the biological resources map shown and Figure 4C-2 in the certified EIR. In addition, any development of steep hillsides is still regulated by the ESL regulations of the LDC and the LUP policy prohibiting grading beyond the canyon rim. Brush management allowable within open space areas is addressed in Suggested Modification #3 and discussed below. As modified, the LUP maps would be consistent with Coastal Act section 30240.

Suggested Modification #2 addresses the description of very low density residential development found on Page 77 of the certified LUP. The proposed amendment would remove references to the R1-10,000 and R1-5,000 Zones, which are no longer part of the City's municipal code. When the old code was replaced with the Land Development Code in 2000, all zone names were changed and a significant number of completely new zones were added. The City added new zones to provide greater flexibility/creativity in site design, because much of future development will occur in biologically and topographically constrained areas of the City, both inside and outside the coastal zone. The wider range of zones was intended to encourage the concentration of development and maximization of open space by allowing zones to be chosen for reasons other than density alone.

In place of the references to the now-obsolete R1-10,000 and R1-5,000 Zones, the City's LCP amendment proposes a requirement that the zoning chosen should match the development intensity of the site, with open space zoning applied to open space areas. The Commission finds the proposed statement is confusing and not necessary to adequately direct future zoning and development pattern of the remaining sites zoned A-1-10 in the Mira Mesa community. Moreover, the certified requirement that areas designated for very low density development can only be developed with 0-4 dwelling units per acre is not changed through this amendment, and will continue to provide a cap on the actual density allowed on any given site, yet allow the City to use higher density zones if other criteria of those zones are more suitable to the site. Since the LUP is the controlling document, the land use designation in the LUP will take precedence over specific zone criteria should there be a conflict between the two.

As stated above, Suggested Modification #3 adds specific development criteria for the Sunset Pointe property on Page 80 of the certified LUP. This is warranted due to specific resources on the site and its topography. Subsection 1 requires residential development to be cluster on the western mesa taking access from Sunny Mesa Road. The western mesa is the least sensitive portion of the property and contains adequate buildable area to

Subsection 6 addresses impacts that are permitted within ESHA or those native grasslands and coastal sage scrub habitat preserved in open space on this site. The Commission acknowledges there may be some areas of the native grasslands and/or coastal sage scrub vegetation that are suitable for restoration or enhancement. The prohibition on fuel modification/brush management measures within ESHA does not limit the implementation of habitat restoration and maintenance measures that are wholly and exclusively for habitat management purposes. In addition, maintenance of those restoration areas must be allowed to occur entirely independent from fire safety requirements to serve adjacent new development. The habitat must be allowed to fully develop, and the suggested language acknowledges that habitat restoration and enhancement and maintenance of the restored areas are the only allowable impacts within ESHA.

The last site-specific criterion, Subsection 7, indicates public access to the existing informal trail leading down to the floor of Lopez Canyon shall be maintained for public use. The subject site is currently vacant land that, based on the number of footpaths across the site, is used by members of the public to gain access to Los Penasquitos Canyon Preserve and to experience the open space vistas afforded from the property. A Master Plan for the Preserve system has not yet been developed and is one of the reasons that area was not included within the certified LCP and certification is deferred.

The certified LUP indicates the floor of Lopez Canyon to be a main component of the trail system for Los Penasquitos Canyon Preserve. Given the Lopez Canyon is designated as a primary access point within Los Penasquitos Preserve, the Commission must assure public access to such lower cost public recreational facilities is maintained and that adjacent development is compatible with the continuance of such public recreational areas. As such, Subsection 7 includes the requirement that in connection with any future development of the site, public access through the site to the Preserve should be maintained and the street system should provide upland support facilities, such as parking, consistent with Section 30212.5, 30213, 30223 and 30240 of the Coastal Act.

The Suggested Modification #4 augments and updates existing development criteria on Page 107 of the certified Mira Mesa Community Plan that apply to development adjacent to Los Penasquitos Preserve. It acknowledges the exceptions to the prohibition on grading over the canyon rim for the Sunset Pointe property, and clarifies the prohibition applies to the rim of Los Penasquitos Canyon Preserve, which includes both Lopez and Los Penasquitos Canyons in the coastal zone. It also updates an existing policy that requires predominantly native species to acknowledge the problems associated with introduction of invasive species into the environment. The revision would allow only non-invasive species in association with development adjacent to the preserve to meet the requirements of Section 30240. The revisions accommodate the site-specific grading exception for Sunset Pointe and add "non-invasive" as a requirement for landscaping adjacent to canyons.

Suggested Modification #5 deletes in its entirety one of the requested amendments to the LUP. As proposed by the City, grading over the rim of the canyons would be allowed in



The proposed zone, RS 1-14 corresponds to the R-1-5000 zone in the old Municipal Code and along with application of the resource protection policies and very low density residential land use designation in the LUP, may be able to carry out the conditionally certified LUP. However, the Commission finds it is premature to select a revised zone for the property at this time. The Commission action on the conditionally certified LUP has made significant changes to the area available for development. As stated above, the certified LUP contains a range of residential zones that would be available to accommodate reasonable use of the property, given the highly constrained nature of the site. Thus, the Commission finds, for the reasons stated below, the proposed rezone to RS-1-14 should be denied at this time.

### **C. SPECIFIC FINDINGS FOR REJECTION**

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.

#### **RS-1-14 Zone**

a) Purpose and Intent of the Ordinance. As stated in the Land Development Code (LDC): "The purpose of the RS zones is to provide appropriate regulation for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties."

b) Major Provisions of the Ordinance. The specific RS-1-14 Zone primarily provides for:

1. Minimum 5,000 sq.ft. lots with one home per lot;
2. Recreation and open space enjoyment;
3. Small residential care facilities and transitional housing;
4. Other uses complementing residential use, with discretionary permits;
5. Regulations for setbacks, height, parking, FAR, etc.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The certified LUP identifies this site for very low density residential and open space. The proposed RS-1-14 and OC-1-1 Zones are consistent with the intent of those designations and may be appropriate to carry out their implementation. However, the Rezoning Map B-4149 shows the boundary between the zones in an area that does not protect all the ESHA on the property. It is the same boundary as shown on the proposed LUP maps, and is unacceptable for all the reasons stated previously. Moreover, drawing the boundary in this location is specifically inconsistent with the following Mira Mesa Community Plan LUP policies:

Policy 1.a. states:

The City shall permit very low density development in canyon and slope areas that are not to be preserved for open space and shall permit flexibility in street improvements in residential subdivisions in topographically constrained sites.

Proposal 1. states in part:

The following density ranges and building types are proposed to meet the goals of this plan: ...

... Very low density: 0-4 dwelling units per gross acre. This density range is proposed for Lopez Ridge and the northeastern corner of the community near Canyon Hills Park. This range is generally characterized by clustered detached single-family or attached multifamily units (such as duplexes and townhomes) built on large hillside parcels **that contain relatively small areas suitable for buildings.** Design flexibility on these hillside parcels is necessary to integrate development with the natural environment, preserve and enhance views, **and protect areas of unique topography and vegetation.** ... The maximum four units per acre is not likely to be achieved except on lots that have large areas in slopes of less than 25 percent. ... (*emphasis added*)

Taken together, these policies emphasize the importance of the community's canyon and open space system, and stress the importance of protecting all native vegetation and functioning habitats. The proposed RS-1-14 Zone would be one way to achieve that purpose, as long as it applies to non-sensitive areas, but it is not the only acceptable zone. When considering the conditionally certified LUP, it is clear that the appropriate development area on this site is much smaller than what the City originally proposed. Thus the City and property owner may consider multi-family development more desirable given the potential development footprint is smaller.

A look at the range of zoning available in the City's LDC demonstrates that many different zones could be applied to the property and still implement the certified LUP, as amended. Nearly all the multi-family zones also allow SFRs, so a multi-family zone could provide more flexibility in allowing either single-family development, multi-family development or a combination of the two. However, the applicant is proposing 5,000 sq.ft. lots to accommodate the particular development approved by the City for this site and minimum lot size in the multi-family zones is 6,000 sq.ft. Thus, if single family units are built under the multi-family zone, there would likely be fewer units within the same area but larger individual lots. Since the recommended boundary line will concentrate the area available for development on the western mesa, the City might also wish to consider the zone being proposed for the single-family areas of Crescent Heights, east of the subject site. The RX-1-2 Zone being proposed for that property would allow minimum lot sizes of 3,000 sq.ft. such that the site could hold a greater number of homes on smaller lots.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

In this particular case, the requested LCP amendment, as submitted by the City, is not consistent with CEQA, particularly with regard to land use and biological resources. Therefore, the Commission denies the LCP amendment and then approves it with suggested modifications addressing these issues. As modified, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

WHEREAS, on May 29, 2003, the Planning Commission held a public hearing for the purpose of considering the amendments to the plans for the Project and recommended to the City Council approval of the proposed amendments; and

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

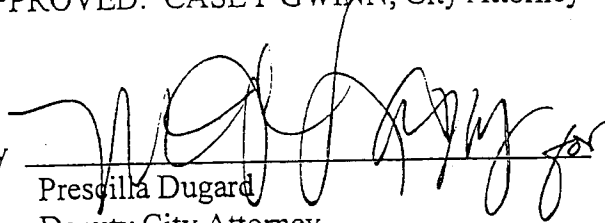
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the amendments to the Mira Mesa Community Plan and Local Coastal Plan No. 11758, and the Progress Guide and General Plan are adopted and a copy of the amendments is on file in the office of the City Clerk as Document No. RR- 298155.

2. That this resolution shall not become effective until such time as the California Coastal Commission effectively certifies these actions as Local Coastal Program amendments as to the areas of the City within the Coastal Overlay Zone.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:dm  
6/11/03  
Or.Dept:Dev.Svcs.  
R-2004-6  
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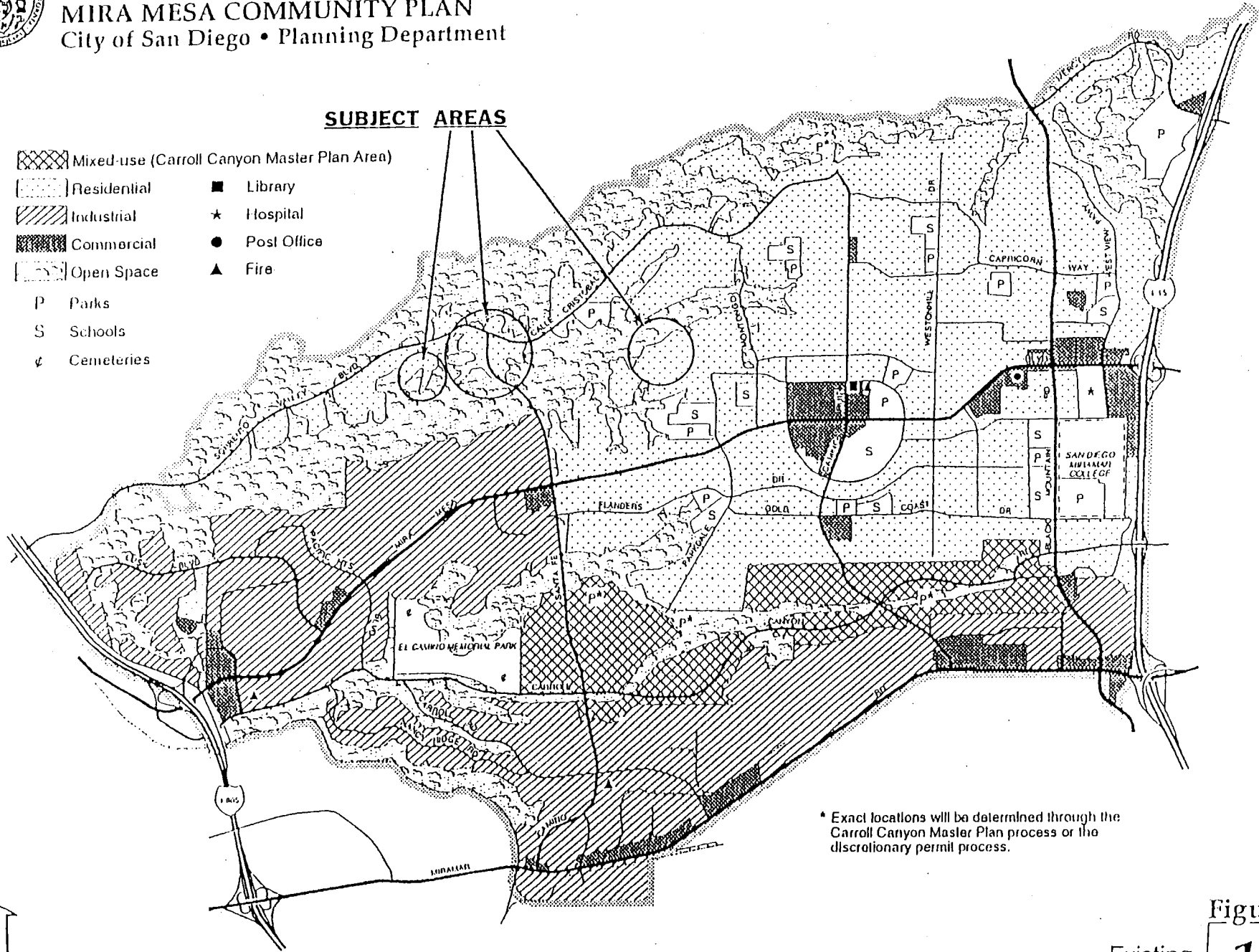


# Land Use Map

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

- Mixed-use (Carroll Canyon Master Plan Area)
- Residential
- Industrial
- Commercial
- Open Space
- Library
- Hospital
- Post Office
- Fire
- Parks
- Schools
- Cemeteries



\* Exact locations will be determined through the Carroll Canyon Master Plan process or the discretionary permit process.



Existing  
Oct. 92

Figure  
**1**



# Designated Open Space System

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

-  Open Space
- ① Los Peñasquitos Canyon
- ② Lopez Canyon
- ③ Rattlesnake Canyon
- ④ Carroll Canyon
- ⑤ Soladad Canyon

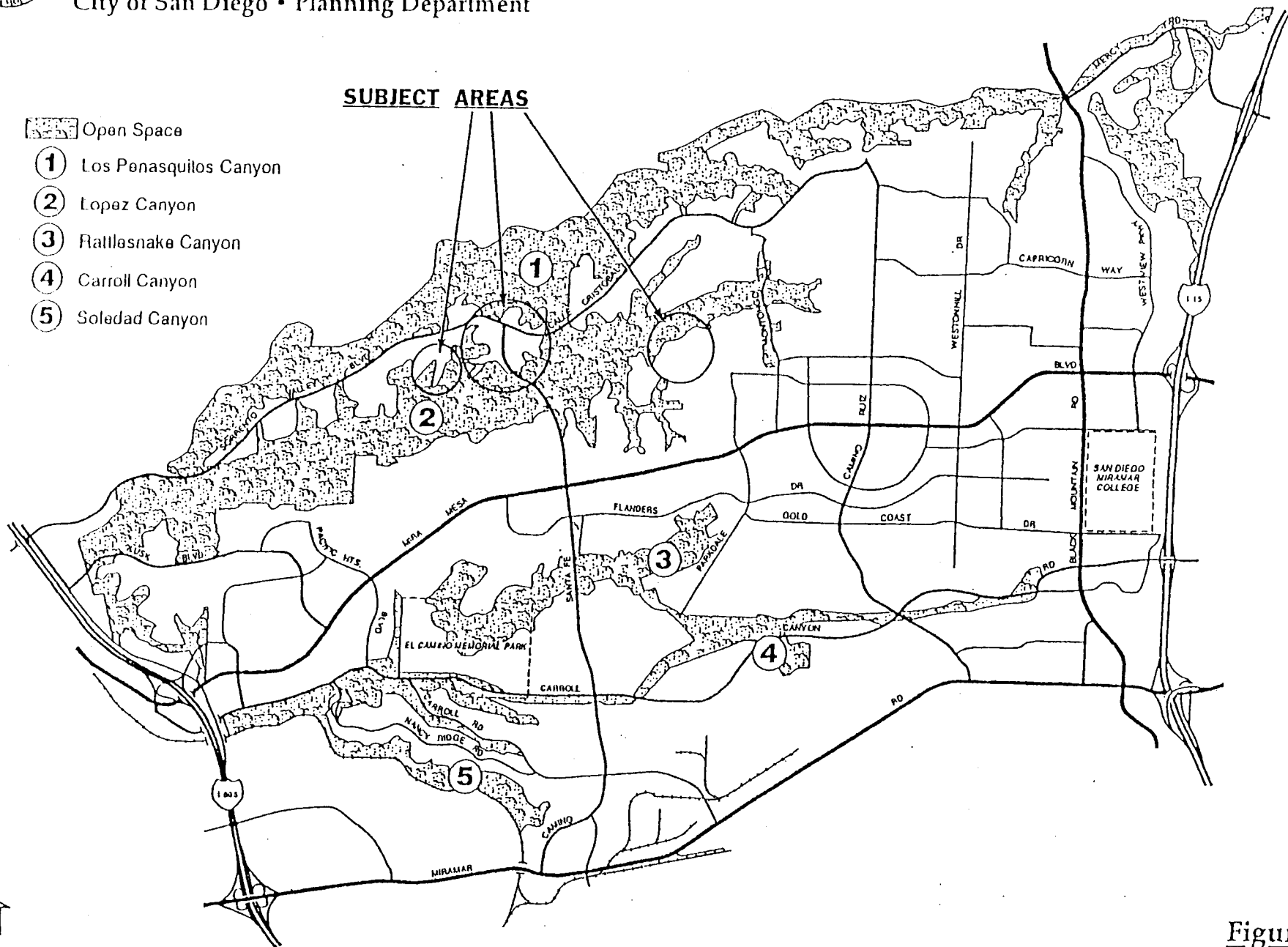


Figure  
Existing **6**  
Oct. 92



# Recommended Trail System

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

Open Space

Trail

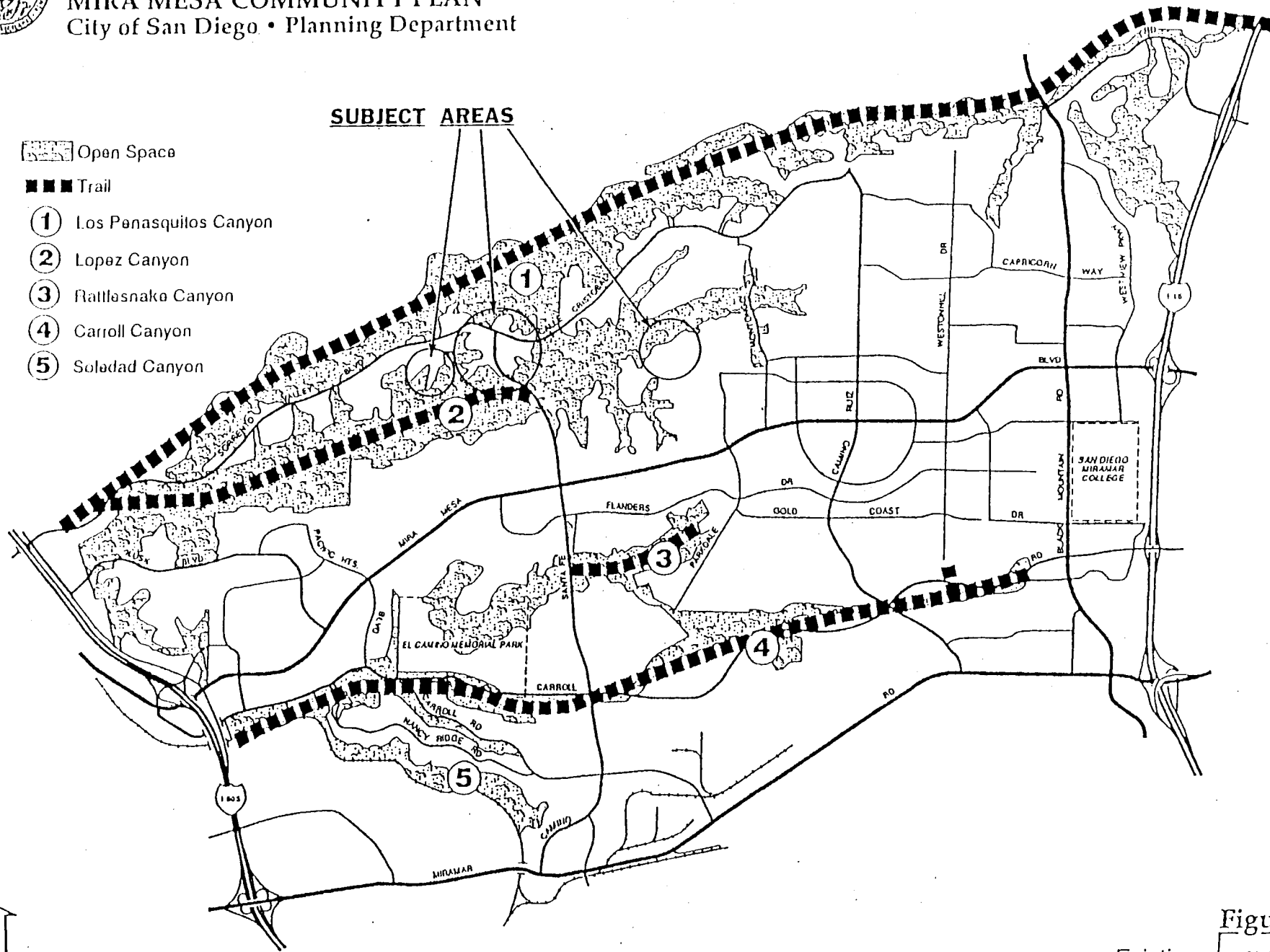
① Los Penasquitos Canyon

② Lopez Canyon

③ Rattlesnake Canyon

④ Carroll Canyon

⑤ Soladad Canyon



NORTH

Figure

Existing  
Oct. 92



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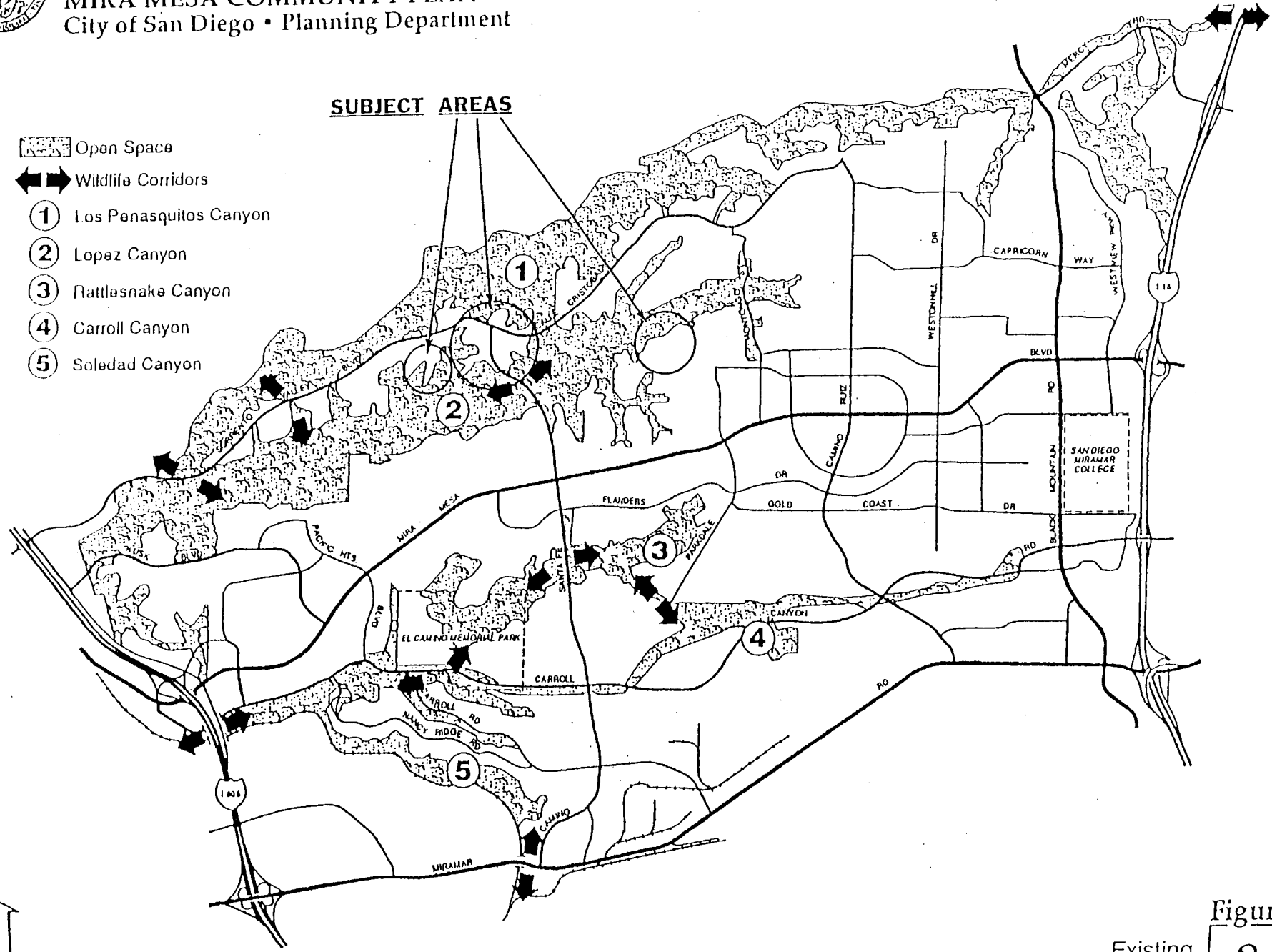


# Recommended Wildlife Corridors

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

-  Open Space
-  Wildlife Corridors
- ① Los Penasquitos Canyon
- ② Lopez Canyon
- ③ Rattlesnake Canyon
- ④ Carroll Canyon
- ⑤ Soledad Canyon



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Figure

Existing  
Oct. 92

8



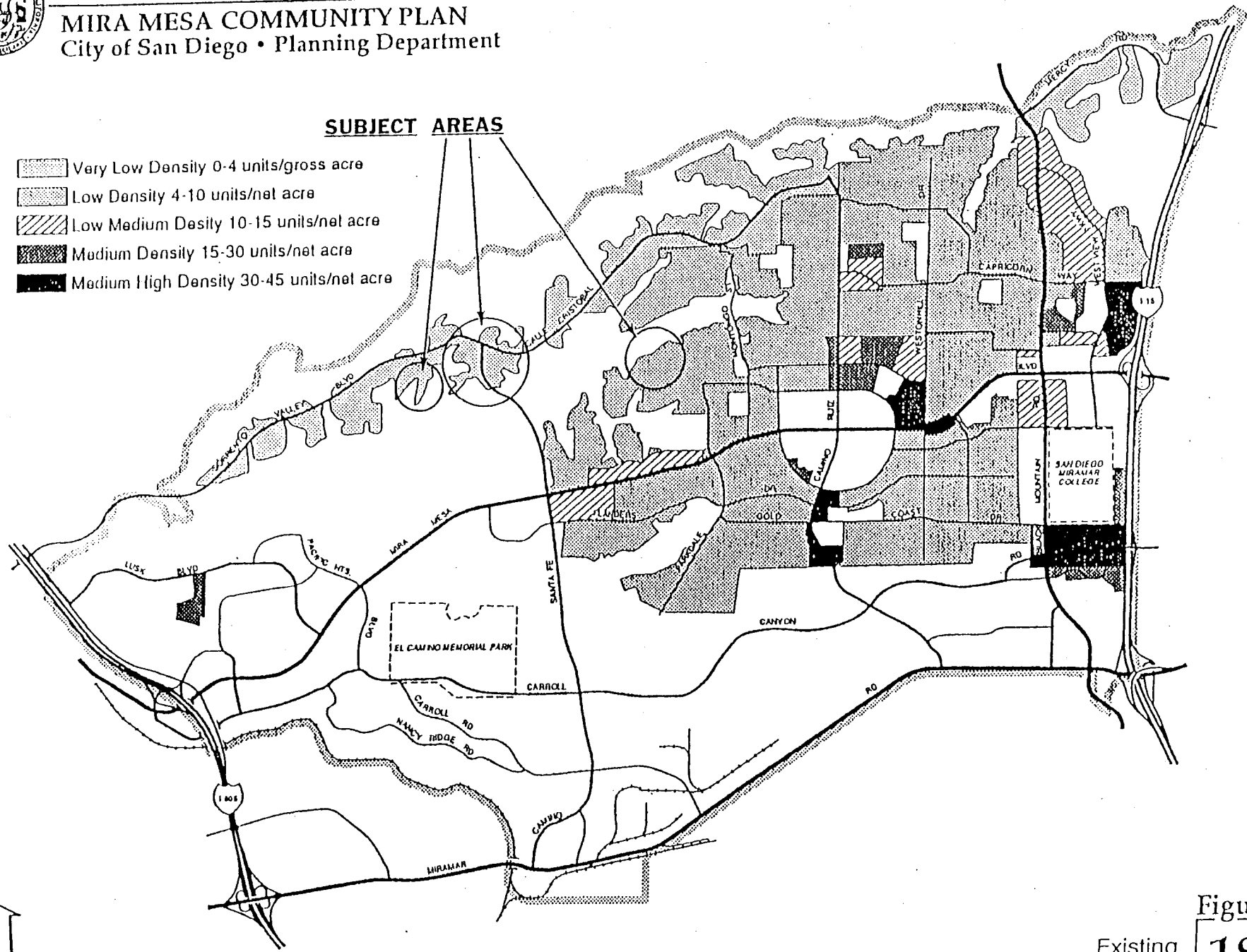


# Recommended Residential Densities

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

- Very Low Density 0-4 units/gross acre
- Low Density 4-10 units/net acre
- Low Medium Density 10-15 units/net acre
- Medium Density 15-30 units/net acre
- Medium High Density 30-45 units/net acre



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Existing  
Oct. 92

Figure  
**18**

PROPOSED CHANGES TO THE MIRA MESA COMMUNITY PLAN

Page 39:

Retain A-1-10 zoning on areas designated Rezone open space areas to a zone appropriate for open space preservation.

Page 77:

.....Design flexibility on these hillside parcels is necessary to integrate development with the natural environment, preserve and enhance views, and protect areas of unique topography and vegetation. Especially when clustering is used on ridgetop and hillside parcels, appropriate zoning should be applied to the developed area which matches the development intensity, with open space zoning applied to the associated open space areas. The R1-10,000 Zone or the R1-5000 Zone if units are clustered to preserve natural open space areas, are proposed to implement this designation. The maximum ....

Page 107:

1. Grading over the rim of Los Peñasquitos Canyon shall not be permitted except as may be allowed in #12 below.

Page 108:

12. Development beyond the rim of Los Peñasquitos Canyon and/or Lopez Canyon may only be permitted when the proposed development results in an environmentally superior project. An environmentally superior project shall meet the following criteria:
  - a) The disturbed area for the proposed development is the minimum necessary to allow appropriate development consistent with this plan while implementing an environmentally sensitive alternative. The proposed disturbed area should be sited to cluster development within/adjacent to existing disturbed areas and/or adjacent to existing development.
  - b) The impervious areas for the proposed development (e.g. building footprint, driveways, roads and sidewalks) are the minimum necessary to allow appropriate development consistent with this plan.
  - c) The proposed development must result in a net increase in the preservation of Tier 1 habitat and avoid all impacts to wetlands, including vernal pools and their watersheds, and provide adequate buffers to resources consistent with the Environmentally Sensitive

SDCCPA# 3-030


ORDINANCE NUMBER O-19200 (NEW SERIES)

ADOPTED ON JULY 14, 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 37.32 ACRES, LOCATED AT THE SOUTHERN TERMINUS OF SUNNY MESA ROAD, IN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 (PREVIOUSLY REFERRED TO AS THE A-1-10) TO THE RS-1-14 AND OC-1-1, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0403 AND 131.0203; AND REPEALING ORDINANCE NO. O-10936 (NEW SERIES), ADOPTED OCTOBER 5, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

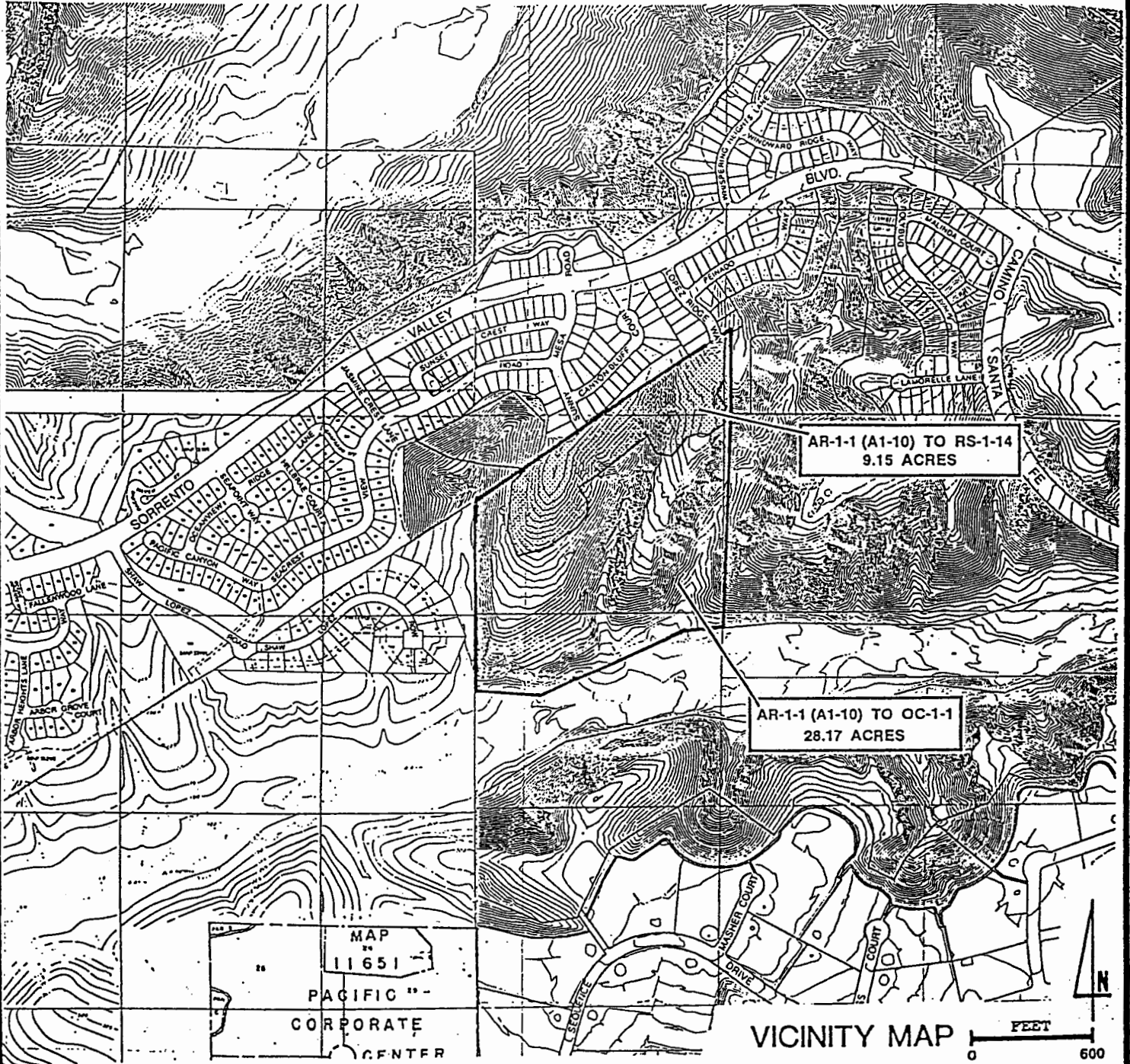
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. In the event that within three years of the effective date of this ordinance rezoning 37.32 acres, located south of Sunny Mesa Road, and legally described as those portions of Lot 2 and of the Northwest Quarter of the Southwest Quarter of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, according to the official plat thereof, located in the Mira Mesa Community Plan area, City of San Diego, County of San Diego, State of California, from the AR-1-1 zone (previously referred to as the A-1-10) to the RS-1-14 and OC-1-1 zones, as shown on Zone Map Drawing No. B-4149, the property is subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision or subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] sections 131.0403 and 131.0203 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the RS-1-14 and OC-1-1 zones, as described and defined by Sections 131.0403 and 131.0203, the the zones to be as indicated on Zone Map Drawing No. B-4149, filed in the office of

<b>EXHIBIT NO. 3</b>
San Diego LCPA #3-03C <b>Sunset Pointe</b>
<b>ORDINANCE #0-19200 (NEW SERIES) ADOPTING REZONES</b>
 <small>City of San Diego Coastal Commission</small>



# PROPOSED REZONING



Portion of SECTION T14S R3W

ORDINANCE NO. \_\_\_\_\_  
 EFF. DATE ORD. \_\_\_\_\_  
 ZONING SUBJ. TO \_\_\_\_\_  
 BEFORE DATE \_\_\_\_\_  
 EFF. DATE ZONING \_\_\_\_\_  
 MAP NAME & NO. \_\_\_\_\_

REQUEST RS-1-14/OC-1-1

PLAN. COMM. RECOMMENDATION

CITY COUNCIL ACTION DOCUMENT NO. 0019200

FILED JUL 14 2003

OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

CASE NO. 40-0329

*[Signature]*  
**B - 4149**

APN: 311-020-25



(272-1712) 5-24-2000 bf. Rev. 5-15-2003 bf.

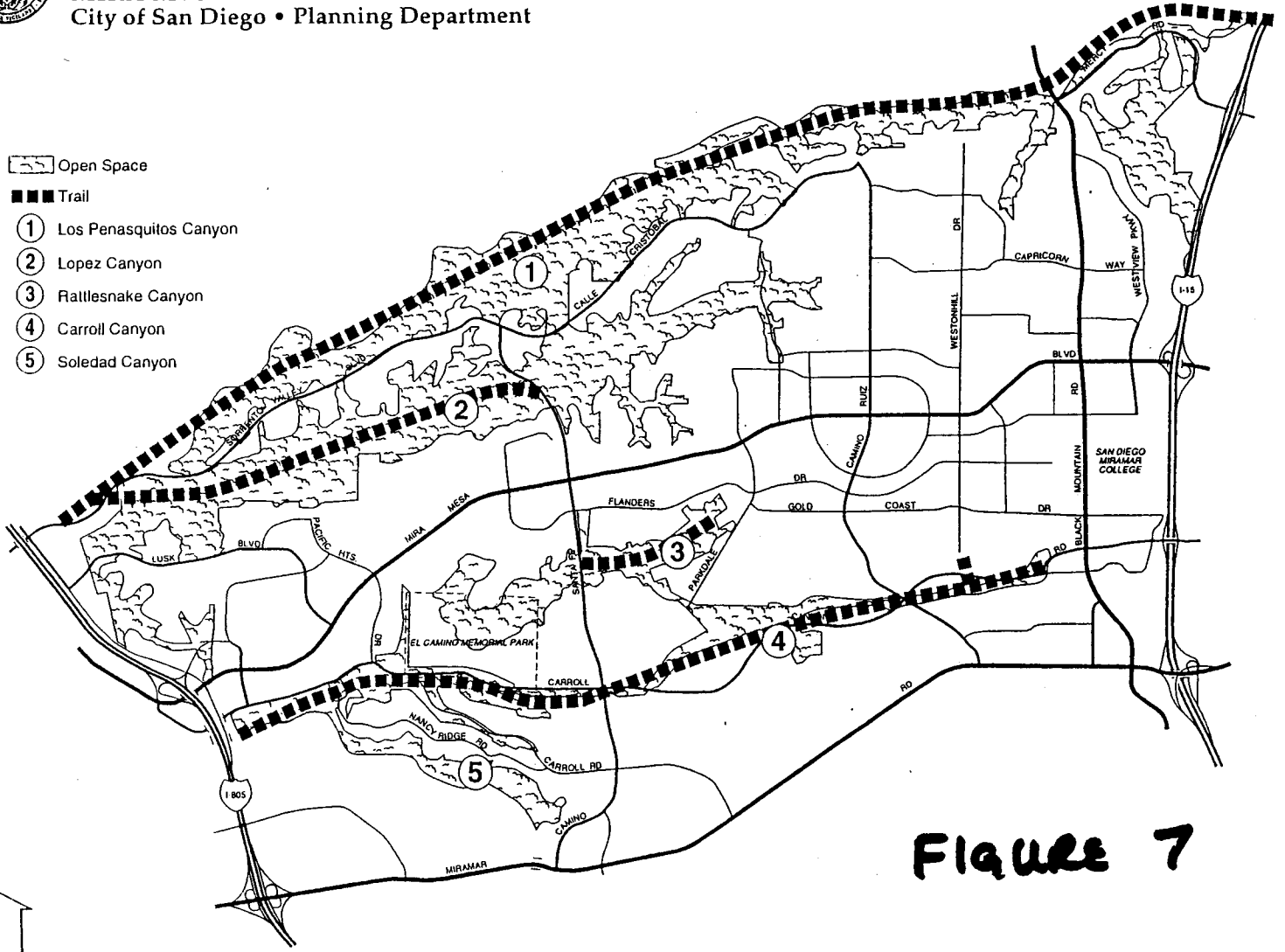
SD / CPA # 2000



# Recommended Trail System

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

-  Open Space
-  Trail
- ① Los Penasquitos Canyon
- ② Lopez Canyon
- ③ Rattlesnake Canyon
- ④ Carroll Canyon
- ⑤ Soledad Canyon



## FIGURE 7



<b>EXHIBIT NO. 5</b>
San Diego LCPA #3-03C
<b>Sunset Pointe</b>
Certified LUP
Recommended Trail
System
 California Coastal Commission

Th 12d

(R-2004-6)

RESOLUTION NUMBER R- 298155

ADOPTED ON JUL 01 2003

RECEIVED

SEP 19 2003


COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

WHEREAS, on May 11, 2000, Pardee Homes submitted an application to the City of San Diego for amendments to the City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan; a Rezone; Planned Residential Development Permit, Site Development Permit, Coastal Development Permit, and Multiple Habitat Planning Area Boundary Adjustment; and Vesting Tentative Map and an Easement Abandonment for the Sunset Pointe project; and

WHEREAS, Pardee Construction Company requested an amendment to the Mira Mesa Community Plan, Local Coastal Program Land Use Plan and Progress Guide and General Plan for the purpose of reconfiguring development and open space areas on a 37.32 acre site to allow the proposed Sunset Pointe development; and

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

WHEREAS, the Planning Commission modified the community plan amendment to address the visibility of structures from Lopez Canyon and the modification has been incorporated into the plan amendment; and

EXHIBIT NO. 1
San Diego LCPA #3-03C <b>Sunset Pointe</b>
<b>RESOLUTION #R- 298155 ADOPTING LUP CHANGES</b>
 California Coastal Commission

RECEIVED

SEP 19 2003

COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

MIRA MESA COMMUNITY PLAN  
PROPOSED AMENDMENT  
MAY 2003

EXHIBIT NO. 2

San Diego LCPA #3-03C

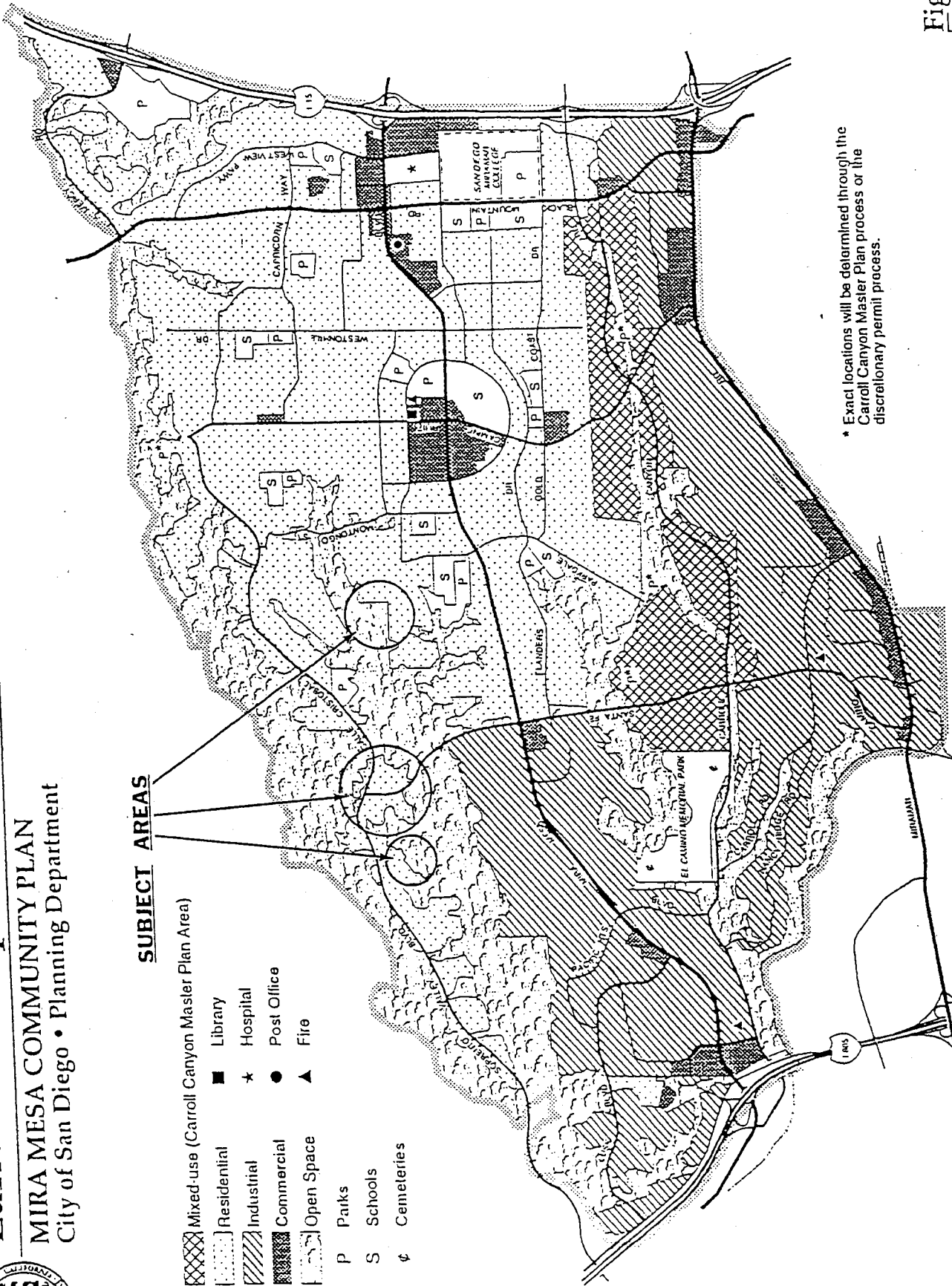
Sunset Pointe

PROPOSED LUP  
CHANGES



# Land Use Map

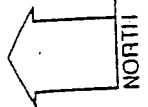
MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department



### SUBJECT AREAS

- Mixed-use (Carroll Canyon Master Plan Area)
- Residential
- Industrial
- Commercial
- Open Space
- P Parks
- S Schools
- ☩ Cemeteries
- Library
- ★ Hospital
- Post Office
- ▲ Fire

\* Exact locations will be determined through the Carroll Canyon Master Plan process or the discretionary permit process.



NORTH

Figure 1

Proposed April 03

SDICPA #3-03P




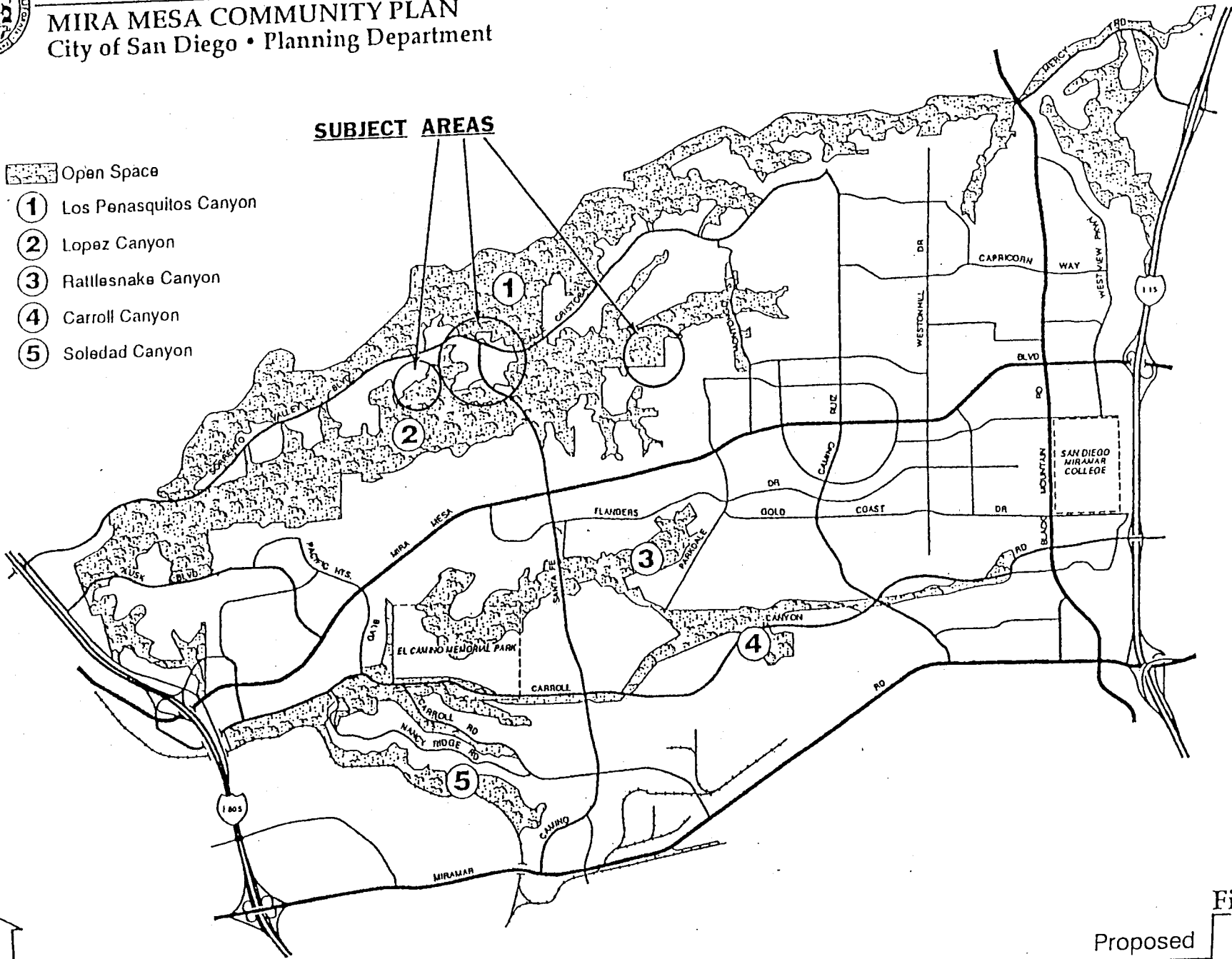


# Designated Open Space System

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

-  Open Space
- ① Los Penasquitos Canyon
- ② Lopez Canyon
- ③ Rattlesnake Canyon
- ④ Carroll Canyon
- ⑤ Soledad Canyon



CD/C PA #2272C



NORTH

Proposed  
April 03



Figure  
**6**

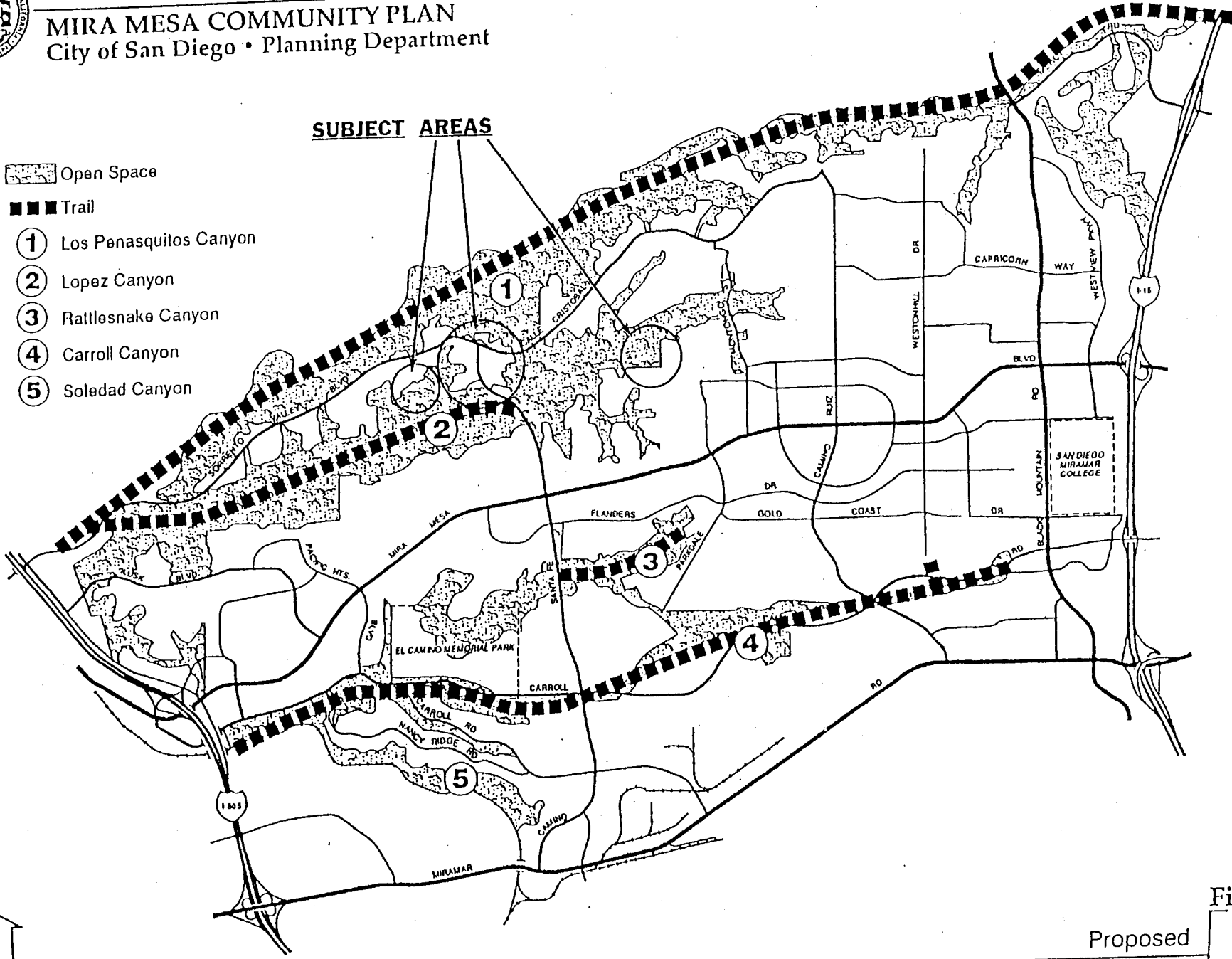


# Recommended Trail System

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

-  Open Space
-  Trail
- ① Los Peñasquitos Canyon
- ② Lopez Canyon
- ③ Rattlesnake Canyon
- ④ Carroll Canyon
- ⑤ Soledad Canyon



SDLC PA #3-03C



Figure

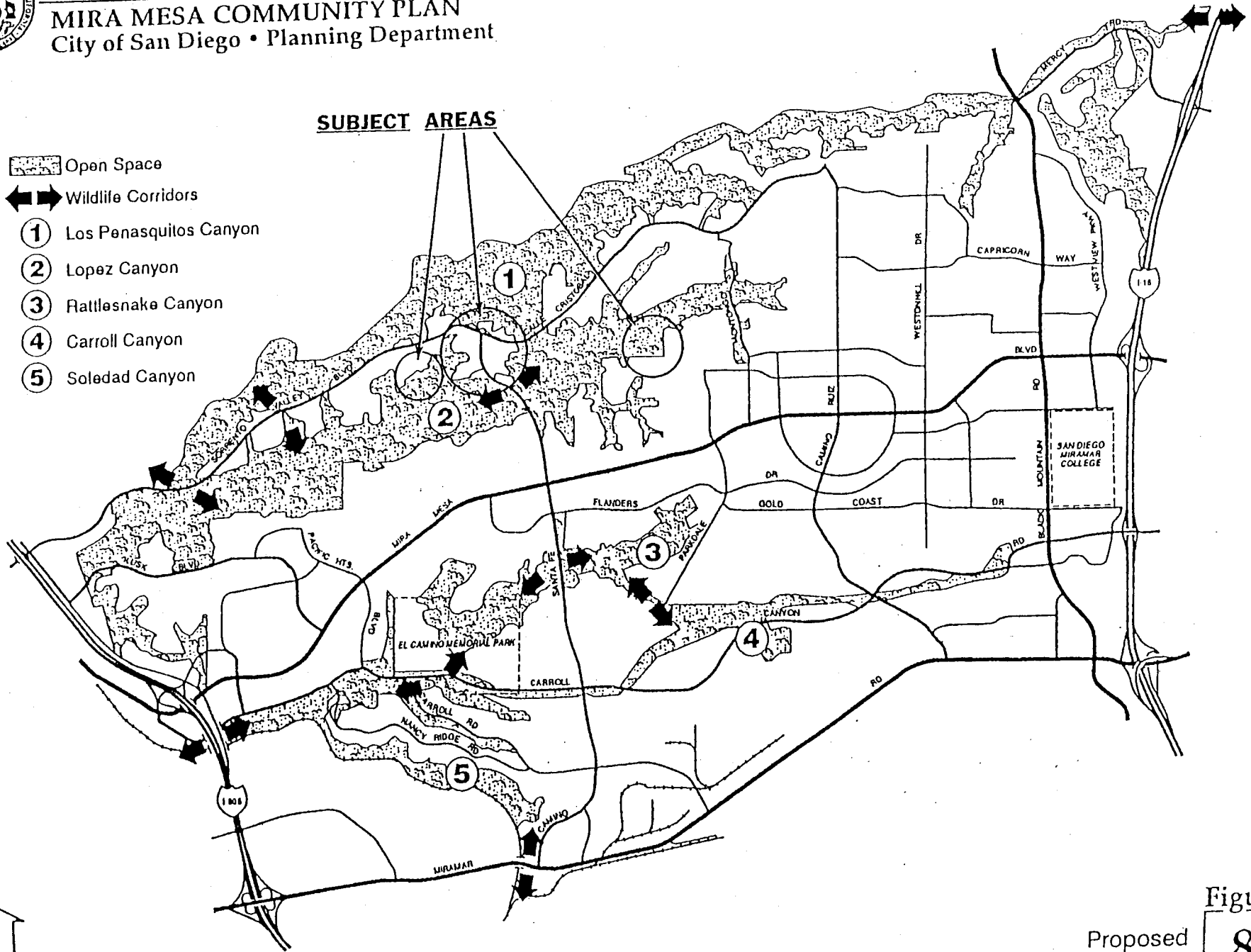
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Proposed  
April 03

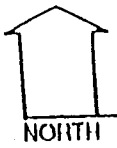


# Recommended Wildlife Corridors

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department



SDLC 194 #303C








Proposed **8**  
April 03

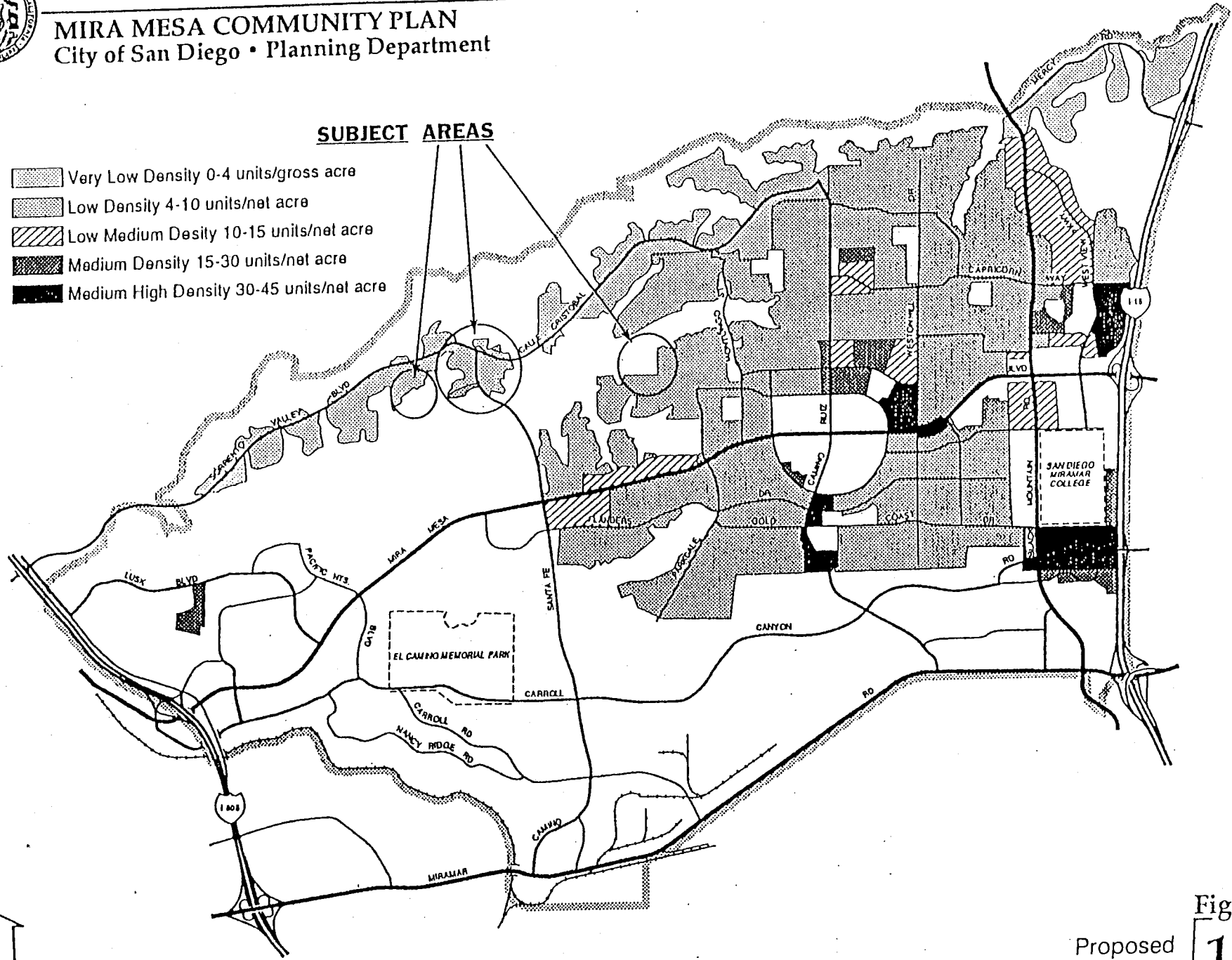


# Recommended Residential Densities

MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

## SUBJECT AREAS

-  Very Low Density 0-4 units/gross acre
-  Low Density 4-10 units/net acre
-  Low Medium Density 10-15 units/net acre
-  Medium Density 15-30 units/net acre
-  Medium High Density 30-45 units/net acre



SDLC PA #3-03C



Proposed **18**  
April 03

Lands regulations contained in the City of San Diego Land Development Code and the Biology Guidelines.

- d) The proposed development must maintain or improve overall habitat value and wildlife movement/corridors.
- e) Slopes encroaching into the canyon must be blended into the natural topography with contour grading and be revegetated with native plants, including the planting of native species from areas proposed for disturbance.
- f) The proposed development must be consistent with the City of San Diego MSCP Subarea Plan.
- g) The site design must not exacerbate erosion/siltation in the watershed and Lopez Canyon by using sensitive grading techniques and best management practices (BMPs). No detention basins shall be located within the MHPA and all facilities must be designed/sited to minimize impacts to open space.
- h) The project must be sited and designed not to significantly impact views from designated open space areas, including trails.

Any development consistent with this section that results in structures being visible from the floor of Lopez Canyon, or encroaches into Plan-designated open space shall require an amendment to the Community Plan.

SDLCPA #3-03C

Clerk as Document No. OO-19200. The zoning shall attach only to those areas included in the map as provided in this section.

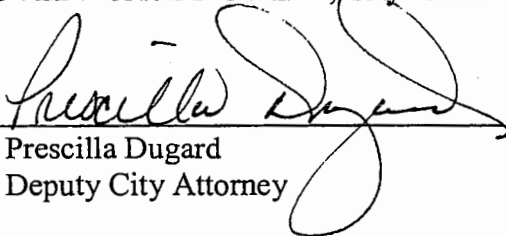
Section 2. That in the event the zoning restrictions shall attach to the land described in Section 1 of this ordinance, Ordinance No. 10936 (New Series), adopted October 5, 1972, is repealed insofar as it conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. No building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Section 5. This ordinance shall not be effective until the date the California Coastal Commission effectively certifies this ordinance as a Local Coastal Program amendment for application in the Coastal Overlay Zone and no earlier than thirty days after its date of adoption. If this ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

APPROVED: CASEY GWINN, City Attorney

By   
Prescilla Dugard  
Deputy City Attorney

PD:dm  
6/10/03  
6/30/04 COR.COPY  
Or.Dept:Dev.Svcs.  
O-2004-2  
Form=insubo.frm

SUNSET POINTE  
VESTING TENTATIVE MAP

NO. 40-0329

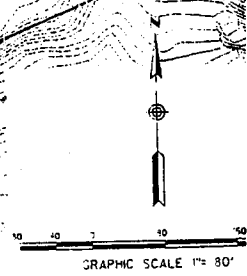
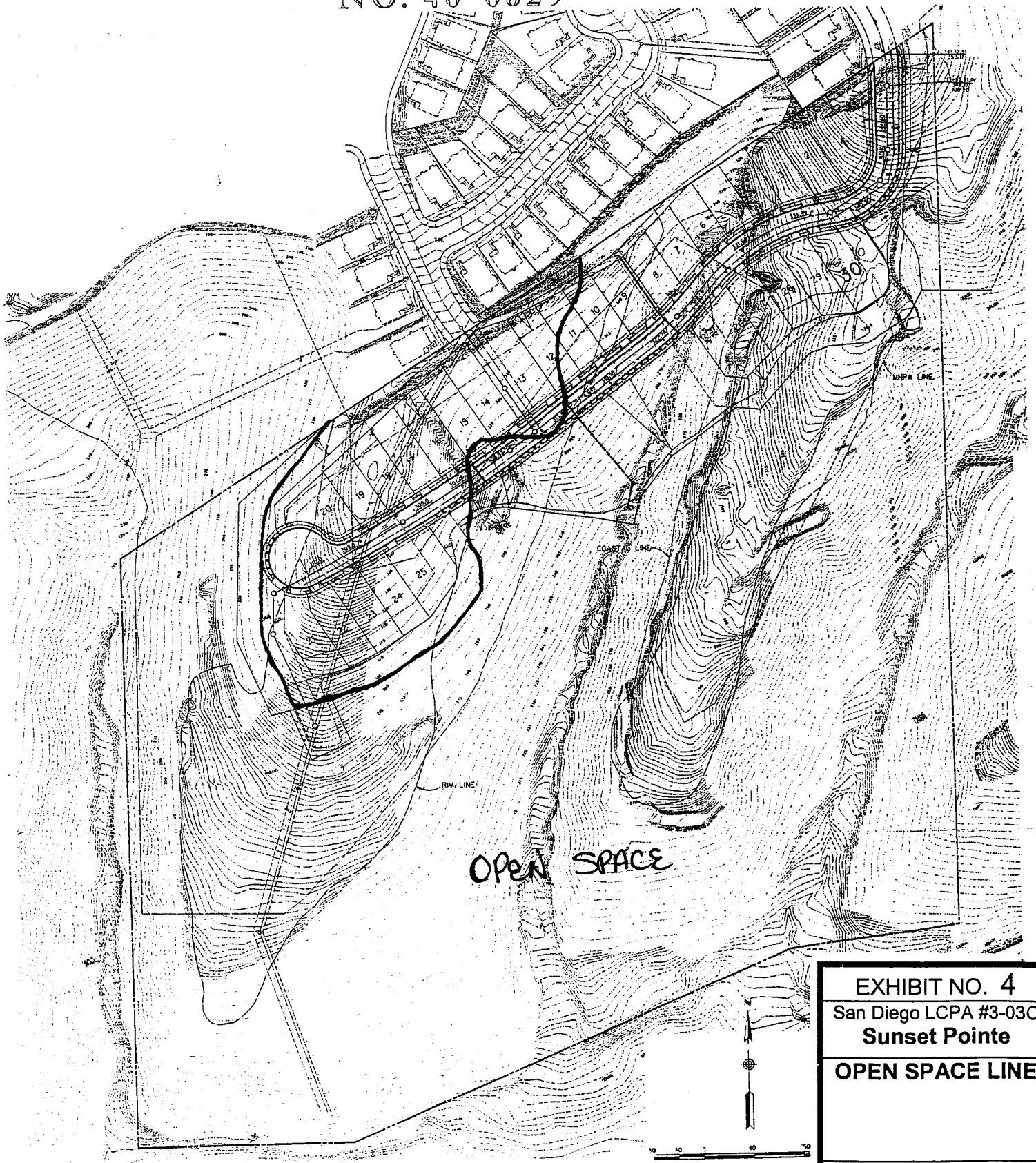


EXHIBIT NO. 4  
San Diego LCPC #3-03C  
Sunset Pointe  
**OPEN SPACE LINE**



**Th 12d**

**Sunset Pointe  
City of San Diego LCPA # 3-03C**

1. EIR Figure 4C-2– Sunset Pointe vegetation and sensitive species w/proposed plan.
2. Detailed Sunset Pointe vegetation w/proposed plan.
3. Detailed Sunset Pointe slope analysis w/proposed plan.





**Legend:**

- Sunset Pointe Boundary
- MHPA
- Grading Limits/Post MHPA
- MSCP Covered Species**
- Coast Barrel Cactus Location
- Coast California Gnatcatcher Location
- Southern California Rufous-Crowned Sparrow Location
- Existing Vegetation**
- Non-Native Grasslands (agl)
- Coyote Brush Scrub (cbs)
- Coastal Sage - California Sage Brush (css-a)
- Coastal Sage - California Adolphia (css-c)
- Coastal Sage - Disturbed (css-d)
- Coastal Sage - Mixed Dominated (css-m)
- Coastal Sage - Lemonadeberry (css-r)
- Coastal Sage - Black Sage Dominated (css-s)
- Mixed Coastal Sage/Annual Grassland (css/agl)
- Graded (gr)
- Native Grassland (ngl)
- Ruderal (rud)
- Scrub Oak Chaparral (soc)



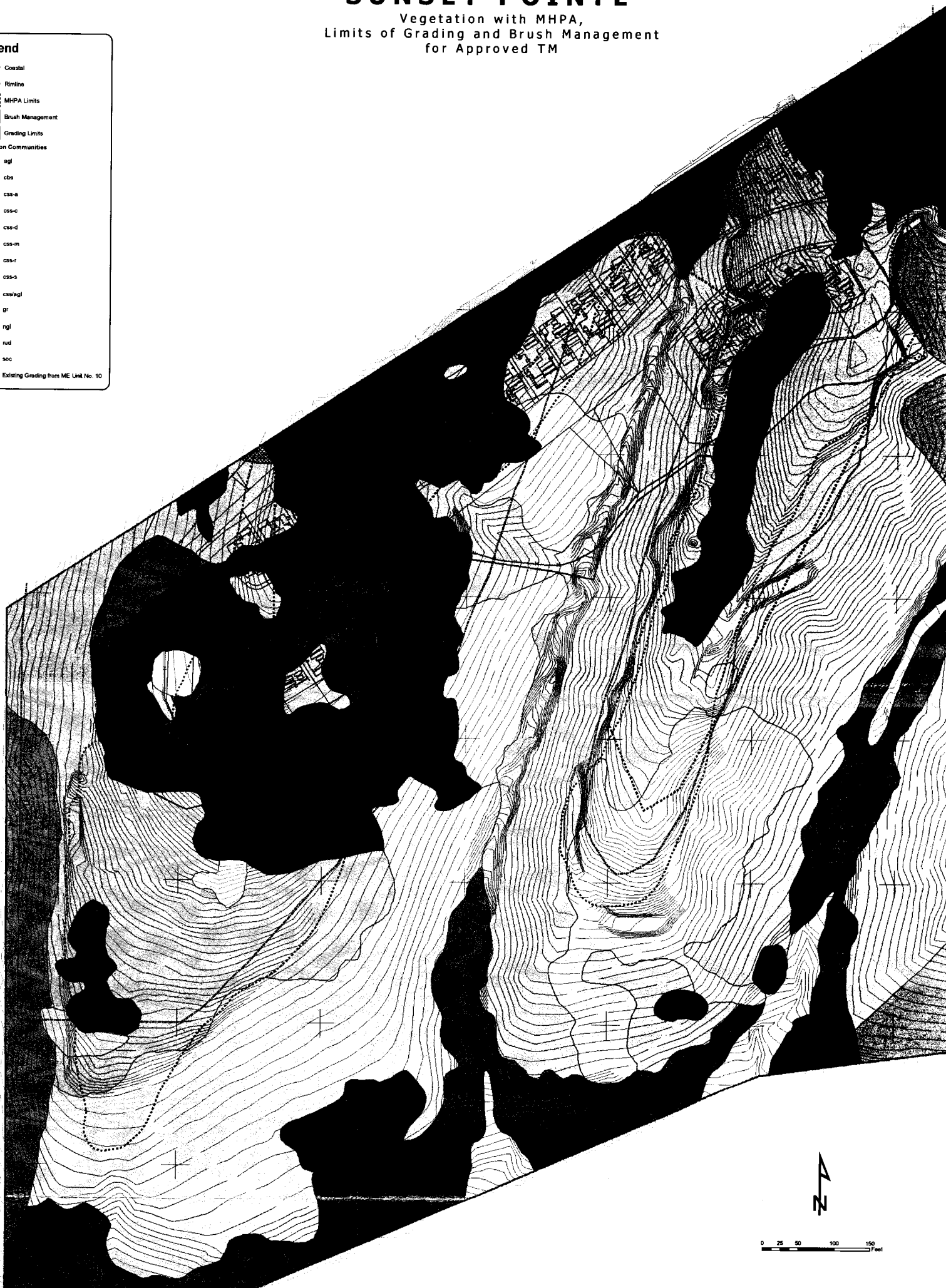
**FIGURE 4C-2**  
**Existing Vegetation**  
**and Sensitive Species on**  
**Sunset Pointe Property**

# SUNSET POINTE

Vegetation with MHPA,  
Limits of Grading and Brush Management  
for Approved TM

**Legend**

- Coastal
- Reline
- MHPA Limits
- Brush Management
- Grading Limits
- Vegetation Communities
- agl
- cba
- csa-a
- csa-c
- csa-d
- csa-m
- csa-r
- csa-s
- csa/agi
- gr
- ngl
- rud
- sec
- Existing Grading from ME LNH No. 10



2

**SUNSET POINTE**  
Existing Slope with MHPA,  
Limits of Grading and Brush Management  
for Approved TM

**Legend**

- Rimline
- MHPA Limits
- Brush Management
- Grading Limits
- SLOPE**
- 0-25%
- 25%-35%
- >35%



**Figure 2**

W