

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



W15a

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MATERIAL AMENDMENT
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-154-A3

Applicant: San Dieguito River Park Joint Powers Authority (JPA)

Original Description: Subdivision of 26.9 acres of vacant, formerly agricultural land into 60 lots to create 47 homesites and open space. The proposal includes the recordation of open space easements over 202.33 acres of the San Dieguito River Valley (four other sites), 21,000 cu.yds. of balanced grading, installation of private streets and utilities and off-site road improvements to El Camino Real

Proposed Amendment: Modify the allowed uses described in Special Condition #1 (Open Space) to allow for the construction of a trailside open air classroom and construction of the open air classroom facility, trail improvements and landscaping.

Location: East of Interstate 5, south of Via de la Valle and west of El Camino Real, North City, San Diego, (San Diego County)

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to construct a trailside open air classroom with access paths and a landscaped "dry arroyo" feature that would function as a drainage swale. The subject site is located within a natural, open space area on the slope of an existing soils disposal site constructed as a part of the larger San Dieguito Lagoon restoration project.

The original coastal development permit for the subject site included the retirement of development rights of several parcels located within the San Dieguito Lagoon system in order to allow for a more concentrated residential development (Stallion's Crossing) to be located east of the lagoon. The permit also imposed special conditions and associated deed restrictions that limited what types of land uses would be appropriate for each of the four included lagoon parcels. As originally written, the coastal development permit allows for wetland restoration, soil deposition, trails, equestrian show facilities and power utilities to be located on the subject parcel (identified as Parcel A in the permit). The proposed open air classroom would be utilized as a component of the educational opportunities provided by the JPA for the public to access the coastal resources available within the adjacent lagoon system, and is designed as a companion element to the existing trail system. The facility has no solid walls and consists solely of at grade seating and a shade structure and as such has been designed to be subordinate to the surrounding natural and open space character within the lagoon system and would therefore not conflict with the requirements placed on the original coastal development permit identifying the need to preserve the open space atmosphere of the entire lagoon valley. The proposed amendment would not allow for other structures including but not limited to a future interpretive center, ranger maintenance facility or restrooms to extend out into the identified open space areas of Parcel A.

The major Coastal Act issues associated with the proposed project include potential adverse changes to the visual character surrounding the subject site. These impacts would be caused by the introduction of a trailside feature with an attached shade structure into an area presently comprised only of natural open space and a public trail system. Commission staff is recommending that the Commission **APPROVE** a coastal development permit amendment for the proposed development with the modification of **one (1) special condition** from the original coastal development permit to allow for the open air classroom as an identified use within the subject parcel. This coastal development permit amendment would also include the addition of **five (5) new special conditions** addressing the potential adverse impacts from the proposed new development. **Special Conditions 10, 11 and 13** address visual concerns by limiting the ultimate height of the shade structure and associated natural landscaping so that they would not extend into existing viewsheds across the lagoon; submittal of a final design and color palette to ensure that the proposed development is visually compatible with the character of the surrounding natural environment; and restrict any lighting or nighttime events at the subject site. Impacts to biological resources are addressed through **Special Conditions 10 and 12** by requiring the submittal of final landscaping plans consisting of only native plant species, and that construction be conducted outside nesting seasons for sensitive bird species. **Special Condition #14** identifies that all terms and conditions from the approval of the original coastal development permit shall remain in full force and effect.

Standard of Review: The subject site is located south of Via de la Valle, west of El Camino Real, within an area of deferred certification (Subarea II of the North City Future Urbanizing Area) in the City of San Diego's LCP, therefore the Chapter 3 policies of the Coastal Act are the standard of review for the proposed project with LCP policies used only as guidance.

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-98-154 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 amended development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. Modify Special Condition 1 (Open Space Deed Restriction) of the original permit as shown:

1. Open Space Deed Restriction – Parcel A. As proposed by the applicants, no development, as defined in Section 30106 of the Coastal Act, shall occur on this entire parcel except for:

a. agriculture on those areas of the site that have been historically farmed;

AND

b. the following development if approved by the Coastal Commission as an amendment to this permit or through a separate coastal development permit:

(1) an interpretive center, including parking, public access trails and signage on the northwestern six acres of the site,

(2) restoration/enhancement of the wetland and floodplain areas of the site,

- (3) deposition of graded spoils on the upland portions of the site, outside all wetland and floodplain areas,
 - (4) **a trailside, open air classroom facility** ~~non-structural improvements associated with an equestrian cross-country course, such as hurdles, jumps, course markers, etc.,~~
 - (5) construction of public access trails,
 - (6) relocated power poles/lines in new utility easement,
- AND
- (7) installation/maintenance of any drainage facilities required in future permits.

PRIOR TO COMMENCEMENT OF SITE CLEARING OR OTHER DEVELOPMENT APPROVED BY THE COMMISSION FOR THE PROPOSED OPEN AIR CLASSROOM

~~THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT~~, the applicant shall **submit** ~~execute and record~~ a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of this entire parcel. The deed restriction shall include a legal description of the applicant's entire parcel. **The applicants shall make any modifications to the proposed deed restriction(s) the Executive Director determines are necessary to comply with this Permit, including, but not limited to a clear statement in the document indicating that the deed restriction, as modified, supersedes and replaces the original deed restriction so that the deed restriction with the additional language approved under this permit is the only valid open space deed restriction recorded against the subject property to comply with the conditions of the original permit and this and prior amendments to the original permit. Evidence that the deed restriction has been recorded shall be provided to the Executive Director within 30 days of final approval by the Executive Director.** The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Add Special Condition 10 (Final Plans) as shown:

10. Revised Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicants shall submit to the Executive Director for review and written approval, final site, building, landscaping and elevation plans for the development proposed within 6-98-154-A3. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the plans submitted by the JPA, dated August 15, 2012, but shall be revised to include the following:

- a) No portions of the open air classroom and shade structure or any deposited soils shall extend above a final elevation of fifty-six (56) feet in elevation (NGVD);

- b) A plan showing the type, size, extent and location of all plant materials used. No trees that could extend above the finished grade of DS32 shall be included in the plan;
- c) Only species native to southern California and typical of Coastal Sage Scrub habitats shall be used, such that the proposed planted areas will be compatible with surrounding natural and manmade areas. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property; and
- d) All required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new drought-tolerant native or non-invasive plant materials to ensure continued compliance with landscape requirements.

The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Add Special Condition 11 (Structural Appearance) as shown:

11. Structural Appearance. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, a color palette, design, and material specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit (including but not limited to shade structure, classroom benches, etc.). Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including deep shades of green, brown and gray with no white or light shades and no bright tones, and no reflective materials.

The approved structures shall be finished with only the colors and design features authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing may only be applied to the structures authorized by this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

4. Add Special Condition 12 (Timing of Construction) as shown:

12. Timing of Construction. To avoid potential impacts to coastal California gnatcatcher and light footed clapper rail nesting season, removal of existing vegetation and grading activities are not permitted between the dates of February 15th and September 15th of any year; unless written permission from the California Department of

Fish and Wildlife and/or the US Fish and Wildlife Service is provided to the Executive Director for review and approval.

5. Add Special Condition 13 (Nighttime Events and Lighting) as shown:

13. Nighttime Events, Lighting, and Support Facilities. Any events scheduled at the open air classroom shall be restricted to occur only during daylight hours between sunrise and sunset. No exterior lighting is permitted within the footprint of the open air classroom or along adjacent access paths, and no restroom or other support facilities and/or utilities shall be constructed adjacent to the open air classroom.

6. Add Special Condition 14 (Prior Conditions of Approval) as shown:

14. Prior Conditions of Approval. All terms and conditions of the original approval of Coastal Development Permit #6-98-154 as amended, not specifically modified herein, shall remain in full force and effect.

III. FINDINGS AND DECLARATIONS

A. DETAILED PROJECT DESCRIPTION/HISTORY

Project Location and Description

The proposed amendment includes one modification to the special conditions placed on the original permit (CDP #6-98-154), and adds 5 additional special conditions to the original permit. The modification to **Special Condition #1** is necessary to allow for the proposed open air classroom construction and to identify the open air classroom as an allowable use within the special condition language and associated deed restriction.

The proposed project is for the construction of a trailside open air classroom with access paths and a landscaped “dry arroyo” feature that would function as a drainage swale (Exhibits 3, 4, and 5). The entire project footprint would be approximately 6,500 square feet. The open air classroom seating area and stage would comprise 4,000 square feet of the total project footprint and would provide for seating of up to 80 people. The seating area would be designed in a series of four concrete, cast-in-place, semi-circular rows facing a stage area. All pathways and the stage area would be covered with a decomposed granite surface. The open air classroom would also include a shade canopy structure to provide relief from summer sun and winter rain (Exhibit 5). A dry arroyo landscaping feature consisting of boulders and smaller rocks salvaged from the subject site would be located to the east of the seating area and function both as a drainage swale to accommodate runoff from approximately one acre of adjacent surface area, and as a buffer from prevailing winds.

The subject site is located on the slope of an existing soils disposal site (DS32) constructed as a part of the larger San Dieguito Lagoon restoration project which completed construction activities in the fall of 2011 (Exhibits 1, 2, and 3). Much of the site has been hydroseeded with a native scrub plant palette that has had successful growth primarily of salt bush. The proposed location of the open air classroom would be outside of the 100 foot buffer that

surrounds the lagoon wetlands. The Coast to Crest Trail travels along the mesa on the top of DS32, and there is a pedestrian pathway existing mid-slope along the disposal site that forms a loop with the Coast to Crest Trail above. The proposed open air classroom would be situated on the upper slope between these two trail systems, and access to the classroom from both trails is included as part of the proposed project.

Access to the open air classroom would be from two separate access paths from the existing Coast to Crest Trail and lower pedestrian pathway, and all paths would be designed to be ADA compliant (Exhibit 3). No vehicular access would be provided directly to the open air classroom, all users would park at the existing trail staging area and walk to the facility. Future restroom facilities and a park maintenance building/ranger station would also be located at the existing parking area (to be submitted as a future application), and no water or utility extensions to the open air classroom facility are proposed as a part of this application. Signage would be placed along the trails and access paths to provide direction and educational information. No lighting is proposed as a part of the project.

Approximately 4,160 cubic yards of soils would be excavated to construct the proposed project which would be deposited on the top of DS32. Soil material distributed on the mesa would be contoured in a more natural grade consisting of slight undulating changes in elevation, rather than in a single flat plane, and no soils are proposed to be placed higher than 56 feet (Exhibit 6) which was the maximum height allowed under the coastal development permit for the larger lagoon restoration project (CDP 6-04-088). All areas disturbed by project grading would be hydroseeded and/or planted with a native coastal sage scrub plant palette.

The original coastal development permit for the subject site included the retirement of development rights of several parcels located within the San Dieguito Lagoon system in order to allow for a more concentrated residential development to be located east of the lagoon. The permit also imposed special conditions and associated deed restrictions that limited what types of land uses would be appropriate for each of the four included lagoon parcels. As originally written the coastal development permit allows for wetland restoration, soil deposition, trails, equestrian show facilities and power utilities to be located on the subject parcel (identified as Parcel A in the permit). In order to allow for the construction of the proposed development, the applicant proposes to modify the original coastal development permit to describe an open air classroom as an allowable use within Parcel A.

The subject site is located south of Via de la Valle, west of El Camino Real, within an area of deferred certification (Subarea II of the North City Future Urbanizing Area) in the City of San Diego's LCP, such that Chapter 3 of the Coastal Act is the legal standard of review, with LCP policies used only as guidance.

Description of Project Originally Approved and Subsequent Amendments

ORIGINAL PROJECT DESCRIPTION: The original project proposed to develop a vacant, 26.9-acre property located on the southern slopes of the San Dieguito River Valley, between old and new El Camino Real (Parcel E). Development of the site included subdivision of the property into sixty lots, forty-seven of them for future single-family residences and the remainder for streets, driveways, and various open space purposes (passive park, detention

basin, brush management, etc.). Portions of the property had previously been used for agriculture.

Proposed site improvements included mass grading (21,000 cu.yds. balanced on-site), creation of forty-seven building pads, construction of a detention basin, installation of utilities and drainage facilities and construction of an interior street system. The project also included construction of a passive private park within the subdivision, construction of a sound attenuation wall along the El Camino Real frontage, and landscaping improvements throughout the common areas of the project interior and along the site's perimeter. In addition, the proposal included off-site, half-width road improvements to El Camino Real, including expansion of pavement, creation of center median, and installation of curbs, gutters and sidewalk.

In addition to the proposed development of Parcel E, four other parcels in the general area were involved in the overall proposal. The City of San Diego approved the proposed density at the development site (Parcel E) by transferring development rights from four other properties and conserving portions of the sites as open space. These sites, Parcels A, B, C and D, were referred to as “donor” sites. These four sites were identified as open space areas with restricted land uses, that could potentially be used for future, large-scale restoration plans for the San Dieguito Lagoon system that were under development at the time the original permit was reviewed by the Commission. CDP 6-98-154 was originally approved by the Commission on August 12, 1999. Since that time, there have been two amendments as follows:

- 6-98-154-A1: Immaterial amendment to allow for the implementation of 0.90 acres of wetland creation and enhancement at the western end of Gonzalez Canyon. Approved October 14, 1999.
- 6-98-154-A2: Immaterial amendment to add relocation of power poles/lines as an allowed use within open space. Approved July 10, 2007.

B. PUBLIC ACCESS

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The following Coastal Act policies addressing public access are most applicable to the proposed development, and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

The original coastal development permit for the subject site included the retirement of development rights of several parcels located within the San Dieguito Lagoon system in order to allow for a more concentrated residential development (Stallion's Crossing) to be located east of the lagoon. The findings for the original coastal development permit stated that this concentration of development into one parcel located outside of the lagoon system would allow for significant preservation of the open space characteristics of the lagoon system as a whole and create the opportunity for future, large scale lagoon restoration. The permit also imposed special conditions and associated deed restrictions that limited what types of land uses would be appropriate for each of the four included lagoon parcels. The subject site is located within an area identified as Parcel A, which is subject to an open space deed restriction, and **Special Condition #1** identified allowable land uses for that area.

The proposed project would include a trailside open air classroom to be located on DS32 within Parcel A. The JPA plans to use this facility as an educational platform and meeting area for various JPA led activities related to the larger lagoon system. As originally written, in CDP #6-98-154, **Special Condition #1** required the applicant to record a deed restriction which only allows limited development in the restricted area, including wetland restoration, soil deposition, trails, equestrian show facilities and power utilities to be located throughout the entire parcel area, while also identifying a smaller 6 acre portion located within the northwest corner of Parcel A where a future interpretive center and parking area could be sited (Exhibit 7). The proposed open air classroom would be utilized as a component of the educational opportunities provided by the JPA for the public to access the coastal resources available within the adjacent lagoon system, and is designed as a companion element to the existing trail system. The proposed facility will have no solid walls and consists solely of at grade seating and a shade structure and as such has been designed to be visually compatible with, and be subordinate to the surrounding natural and open space character within the lagoon system and would therefore not conflict with the requirements placed on the original permit identifying the need to preserve the open space atmosphere of the entire lagoon valley. **Special Condition #1** has been modified to allow for the placement of an open air class room on the upland disposal site of DS32 provided that the development is located outside of any wetland buffer areas and is designed to not obstruct views or significantly alter the character of the surrounding area, as described further below.

In addition, the Commission also takes this opportunity to reinforce the restrictions placed on the original coastal development permit as they relate to the potential location for a future interpretive center, maintenance building or restroom facility as described in **Special**

Condition #1 and illustrated in Exhibit 7. The proposed open air classroom has its own unique function and utility and can operate independently without any additional support facilities. Any other future development within Parcel A would only be allowed within the 6 acre envelope delineated in the original coastal development permit as depicted in Exhibit 7 and allowed under the terms of the deed restriction. The original coastal development identified that significant structures such as an interpretive center, maintenance building, or restrooms should only be cited in a the northwest corner of Parcel A in order to concentrate these potential structures directly adjacent to existing roadways and other structures and away from the open space areas of the river valley. The Commission also takes this opportunity to remove language from **Special Condition #1** authorizing possible equestrian related uses be removed from the permit language since large scale restoration has now been concluded on the subject Parcel and these equestrian uses would no longer compatible with the present day character of the site.

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30210, 30211 and 30213 of the Coastal Act which require public access and recreation opportunities be protected.

C. BIOLOGICAL RESOURCES

The following Coastal Act policies related to biological resources are most applicable to the proposed development, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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 subject site consists of the manufactured slope of a soils deposition site created as a part of the large scale San Dieguito Lagoon restoration project recently conducted by Southern California Edison (SCE) for impacts caused by the San Onofre Nuclear Generating Station (SONGS). The slopes were hydroseeded with a coastal sage scrub plant palette, and some stands of vegetation have developed which consist of a primarily monotypic stand of salt bush. The coastal development permit for the SONGS project did not include specific upland vegetation requirements for cover or diversity; however, the City of San Diego does have a vegetated cover requirement as a part of the SCE construction permit. It is envisioned that all of the disposal sites present around the lagoon wetlands will become covered with native plant species and provide a buffer between the wetlands and surrounding urban uses.

The proposed development is sited outside of the 100 foot wetland buffer, and would be required to revegetate impacted areas with native coastal sage scrub species in order to be consistent with surrounding vegetation patterns. The applicant is responsible for revegetation of the constructed DS32 fill slopes and mesa top post construction of the project, and the landscape palette for these slopes must be comprised of representative Coastal Sage Scrub species. **Special Condition #10** requires the applicant submit a final landscaping plan prior to issuance of the permit to ensure that an appropriate plan is developed that would ensure reestablishment of Coastal Sage Scrub vegetation post project construction.

In order to protect existing sensitive species that may be present in the adjacent upland and wetland habitats, **Special Condition #12** has been added to the permit and restricts the timing of construction so that it would only occur outside of the nesting season for California gnatcatcher and light footed clapper rail, unless approved in writing by the resource agencies. Also, in order to protect the nighttime behaviors of lagoon faunal species, **Special Condition #13** prohibits the use of any lighting or activities at the open air classroom after sunset.

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30230, 30231, and 30240 of the Coastal Act which require biological resources and water quality be protected, and where possible, enhanced.

D. VISUAL RESOURCES

The following Coastal Act policy related to visual coastal resources is most applicable to the proposed development, and state, in part:

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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The San Dieguito River Valley provides visual relief from the surrounding commercial and residential areas. Public views to, and throughout, the valley are significant resources requiring protection under the Coastal Act. The original coastal development permit protected the continuity of this visual resource by retiring the four donor parcels from future development potential thereby preserving the natural character of the river valley in perpetuity. The proposed open air classroom can only be considered consistent with the original coastal development permit as approved under the Coastal Act, if it is designed to be visually compatible with, and be subordinate to, the character of the surrounding natural environment and not block or distract views across from and within the lagoon system.

The findings from the original coastal development permit reaffirmed this condition by stating, “[a]lthough the visual impacts of increased density on Parcel E are significant, the Commission finds that these adverse visual impacts are mitigated by retaining the four donor sites in open space...As a result, the valley area will be mostly open, with no structures intruding into the viewshed.” The open air classroom as proposed is a trailside feature without walls, and with at-grade seating that is set into the existing slope in order to not block existing public views, and instead would function to enhance public access and visual experience/recreation within the lagoon system. As stated previously, this amendment in no way allows for a future interpretive center or other support structures/facilities to be sited outside of the original 6 acre parcel identified in the original coastal development permit and attached to this staff report as Exhibit 7.

In order to ensure that the open air classroom does not block views across the lagoon system from Via de la Valle, **Special Condition #10** restricts the final elevation of the shade structure to no more than 56 feet in elevation (NGVD), and also requires that the planting palette not include any trees that would extend above this height as well. **Special Condition #11** limits the color palette of the proposed development to only natural shades of brown, green or gray so as not to distract or conflict with the surrounding natural character present within Parcel A and the larger lagoon system. During the nighttime hours the river valley east of I-5 is dark and devoid of any non-natural lighting, **Special Condition #13** prohibits any exterior lighting or nighttime events that would counter this existing condition.

Only as designed and further restricted by the requirements of this permit amendment, would the open air classroom not block views to surrounding visual resources or contrast significantly with the existing natural and open space character of the larger San Dieguito

River valley and not be in conflict with the intent of the original restrictions placed on the subject site. This amendment also reinforces the land use restrictions placed on the original permit and identifies that the approval of a trailside open air classroom is not intended to allow for further structural development to encroach into the adjacent open space of the larger lagoon system. As such this amendment will therefore continue to preserve the natural setting that currently exists. The Commission finds that the proposed amendment, only as conditioned and described above, is consistent with Section 30251 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, as conditioned, such a finding can be made.

The subject site is designated as North City Future Urbanizing Area (NCFUA), Subarea II, and zoned AR-1-1 by the City of San Diego. It is located within the North City LCP segment. However, although the City has a fully-certified LCP and issues its own coastal development permits in many areas of North City, several areas of deferred certification remain, including Subarea II of the NCFUA. Thus, all permits within the subarea must come before the Coastal Commission, and Chapter 3 of the Coastal Act is the legal standard of review. As demonstrated in the preceding findings, the Commission has found the proposed development, as conditioned, consistent with all applicable policies of the Coastal Act. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to complete the planning process for this area, extend the coverage of its LCP to cover the subject site, and continue implementation of its certified LCP.

F. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

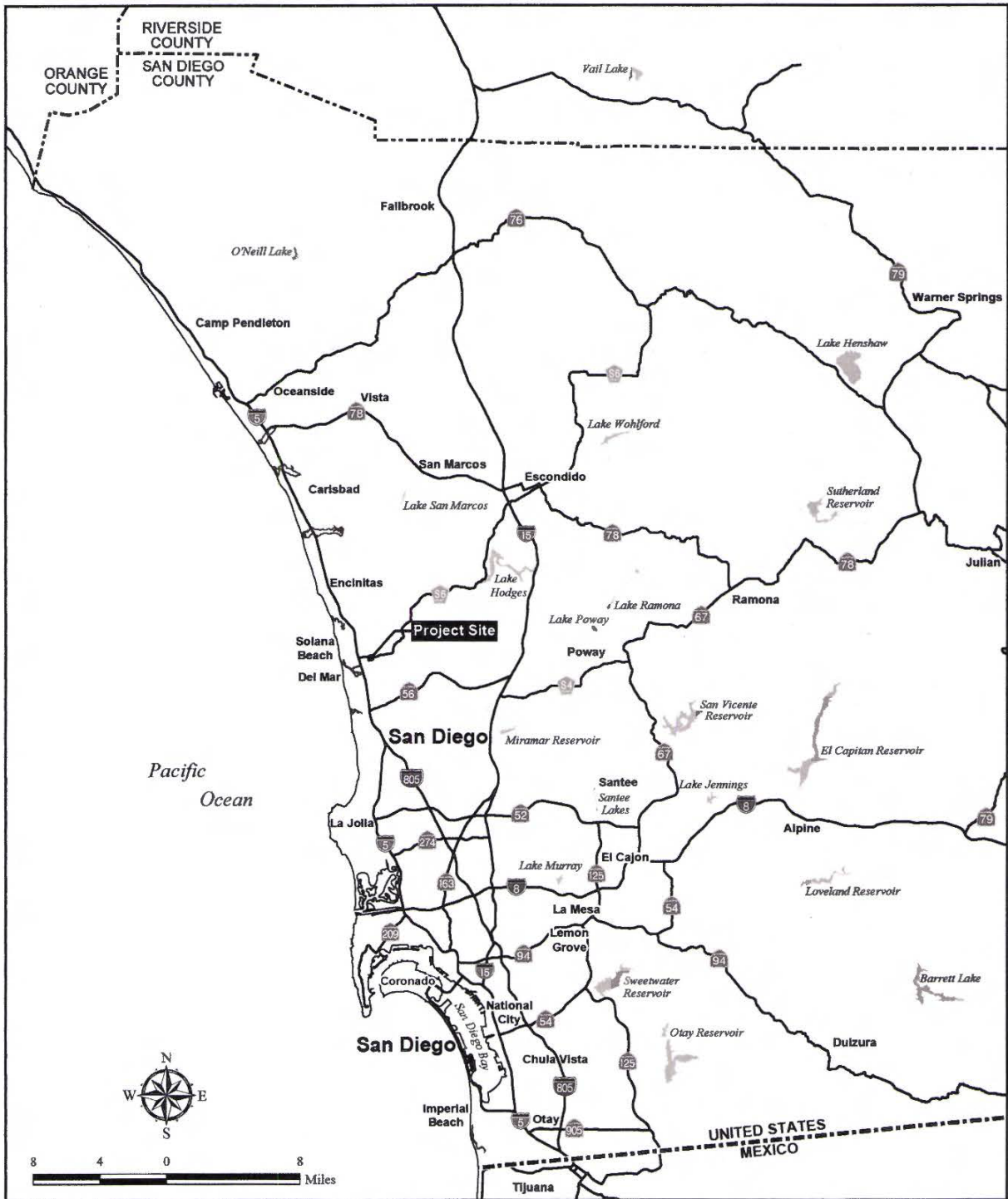
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits, or permit amendments, to be supported by a finding showing the permit or amendment, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1. Coastal Development Permit # 6-98-154 (San Dieguito Partnership, SCE, City of San Diego), approved August 1999.
2. Coastal Development Permit # 6-98-154-A1 (San Dieguito Partnership), Immaterial Amendment, approved October 1999.
3. Coastal Development Permit # 6-98-154-A2 (San Dieguito River Valley JPA), Immaterial Amendment, approved July 2007.
4. Coastal Development Permit #6-04-088 (SCE), San Dieguito Lagoon Restoration, approved October 2005.
5. City of San Diego Certified Local Coastal Program.
6. *Biological Resources Report for the San Dieguito River Park Open Air Classroom Project*, Helix Environmental Planning, dated August 24, 2012.



I:\ArcGIS\SDR-09 SanDieguitoRiverPark\Map\BIO\BLR\Fig1_Regional.mxd -XF

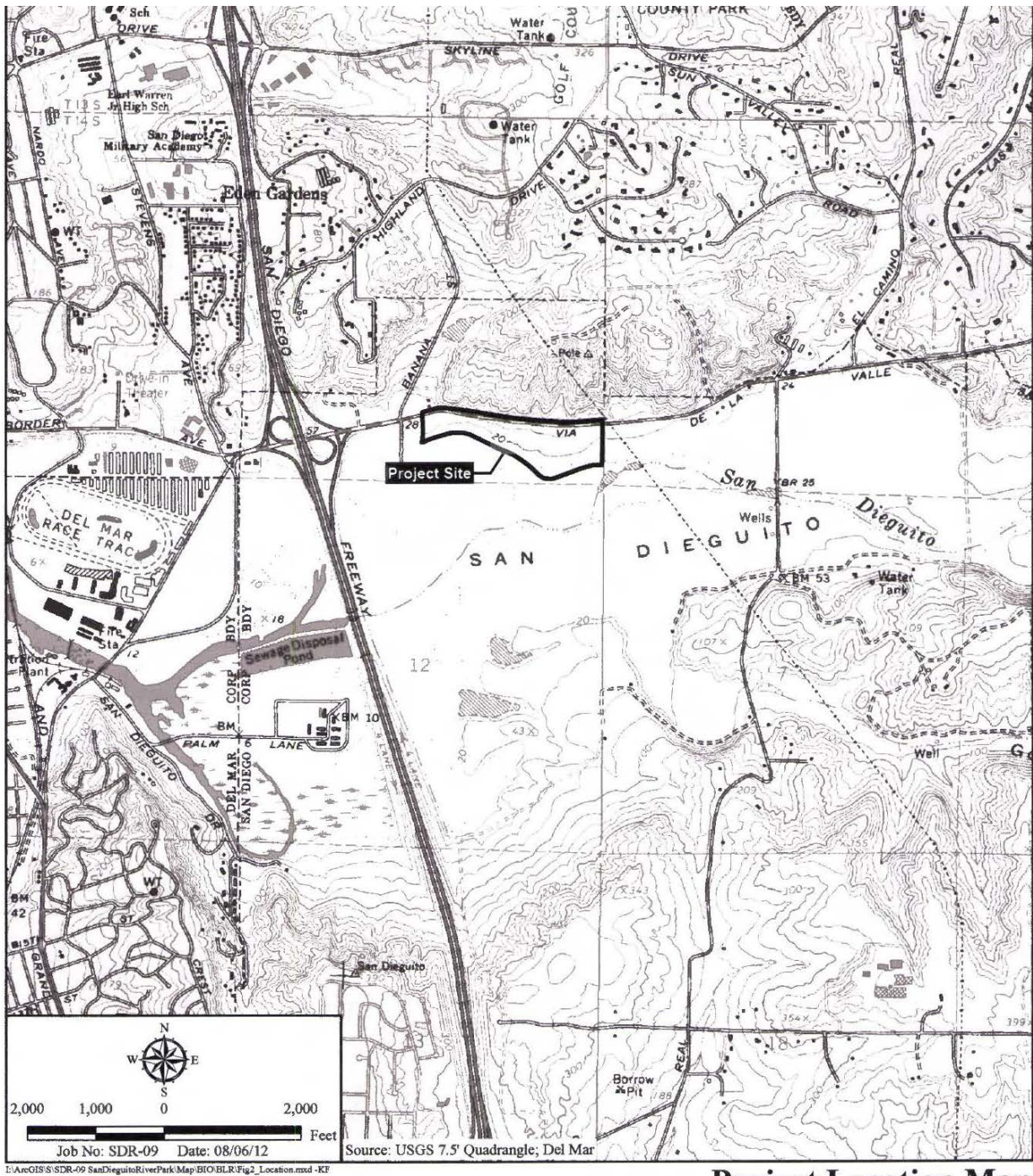
Regional Location Map

SAN DIEGUITO RIVER PARK OPEN AIR CLASSROOM

HELIX
Environmental Planning

Figure 1

EXHIBIT NO. 1
APPLICATION NO.
6-98-154-A3
Regional Map
California Coastal Commission



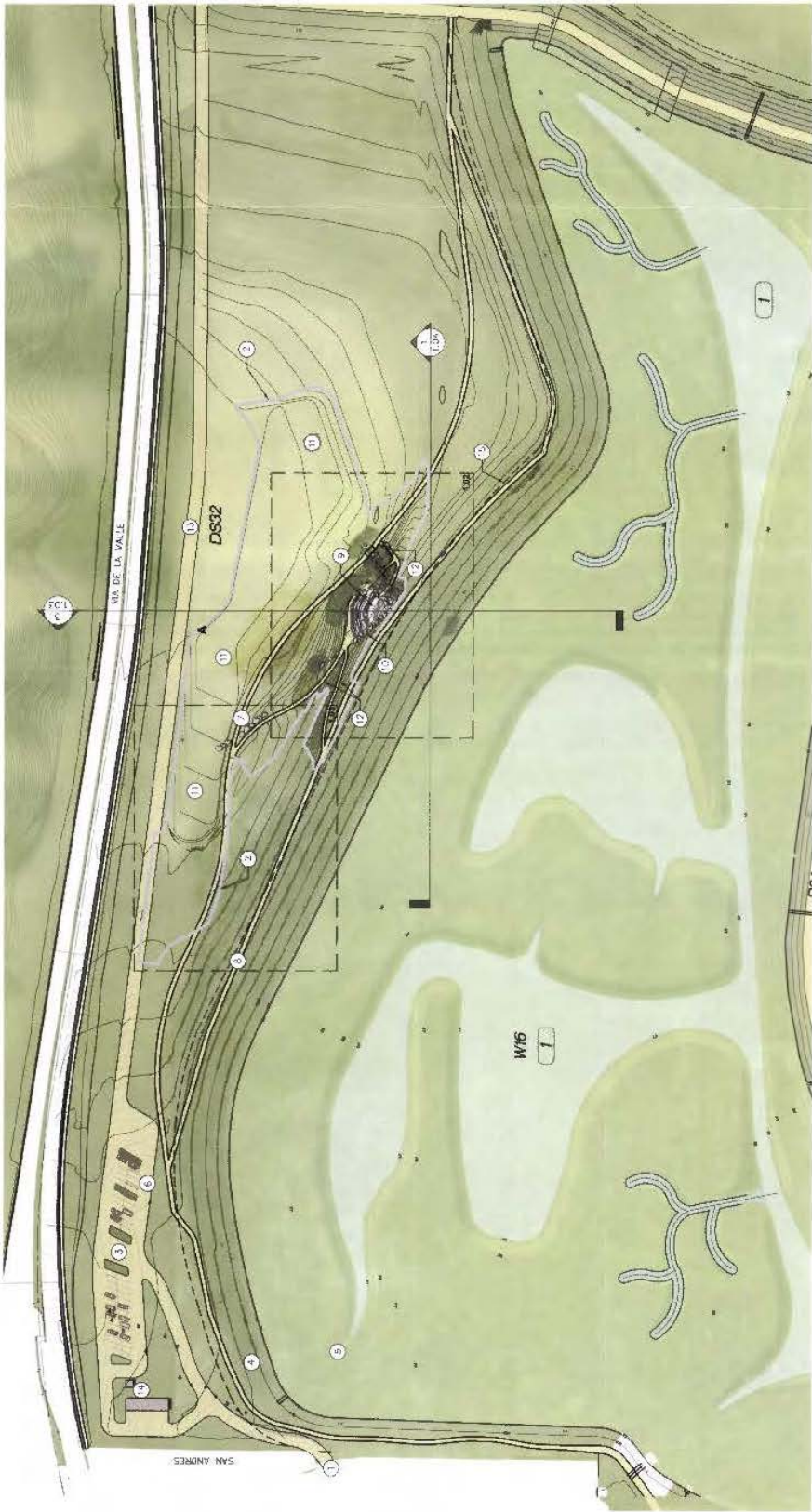
Project Location Map

SAN DIEGUITO RIVER PARK OPEN AIR CLASSROOM

HELIX
Environmental Planning

Figure 2

EXHIBIT NO. 2
APPLICATION NO.
6-98-154-A3
Vicinity Map
California Coastal Commission



LEGEND

SYMBOL	DESCRIPTION
1	EXISTING ENTRY DRIVE
2	1 MI. OF WORK
3	EXISTING TRAIL STAGING AREA/PARKING
4	EXISTING 4:1 SLOPE
5	RESTORED WETLANDS
6	ADA PARKING
7	REALIGNED COAST TO CREST TRAIL
8	EXISTING PEDESTRIAN TRAIL
9	PROPOSED OPEN AIR C. ASSURDOW
10	PROPOSED SMART STRUCTURE
11	PROPOSED LOCATION OF EXCAVATION SPOILS
12	PROPOSED PATH
13	EXISTING SERVICE ROAD
14	FUTURE PARK MAINTENANCE BUILDING AND RESTROOM
15	LOT IN ISLAND SETBACK

NOTE:
SEE SHEET 1.02 & 1.03 FOR DETAILED PLANS

North Arrow: N

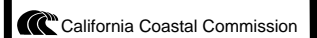
EXHIBIT NO. 3

APPLICATION NO.

6-98-154-A3

Project Map

 California Coastal Commission



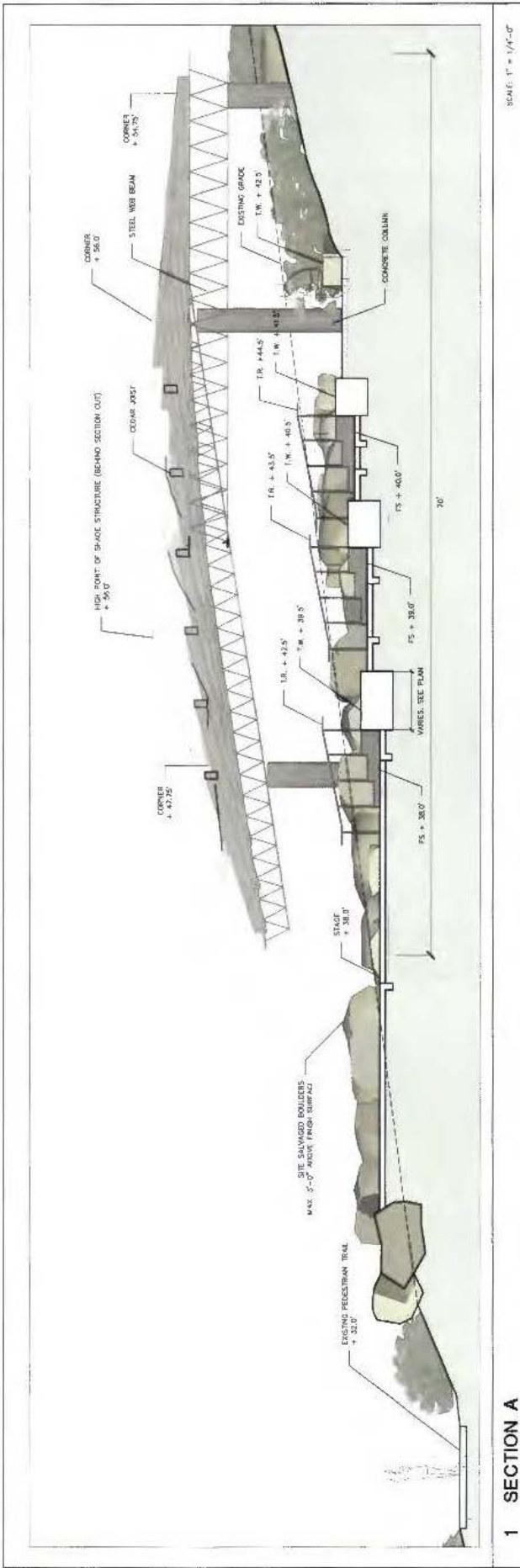


EXHIBIT NO. 5
APPLICATION NO.
6-98-154-A3

Cross Section



6-98-154

6 acres for future uses

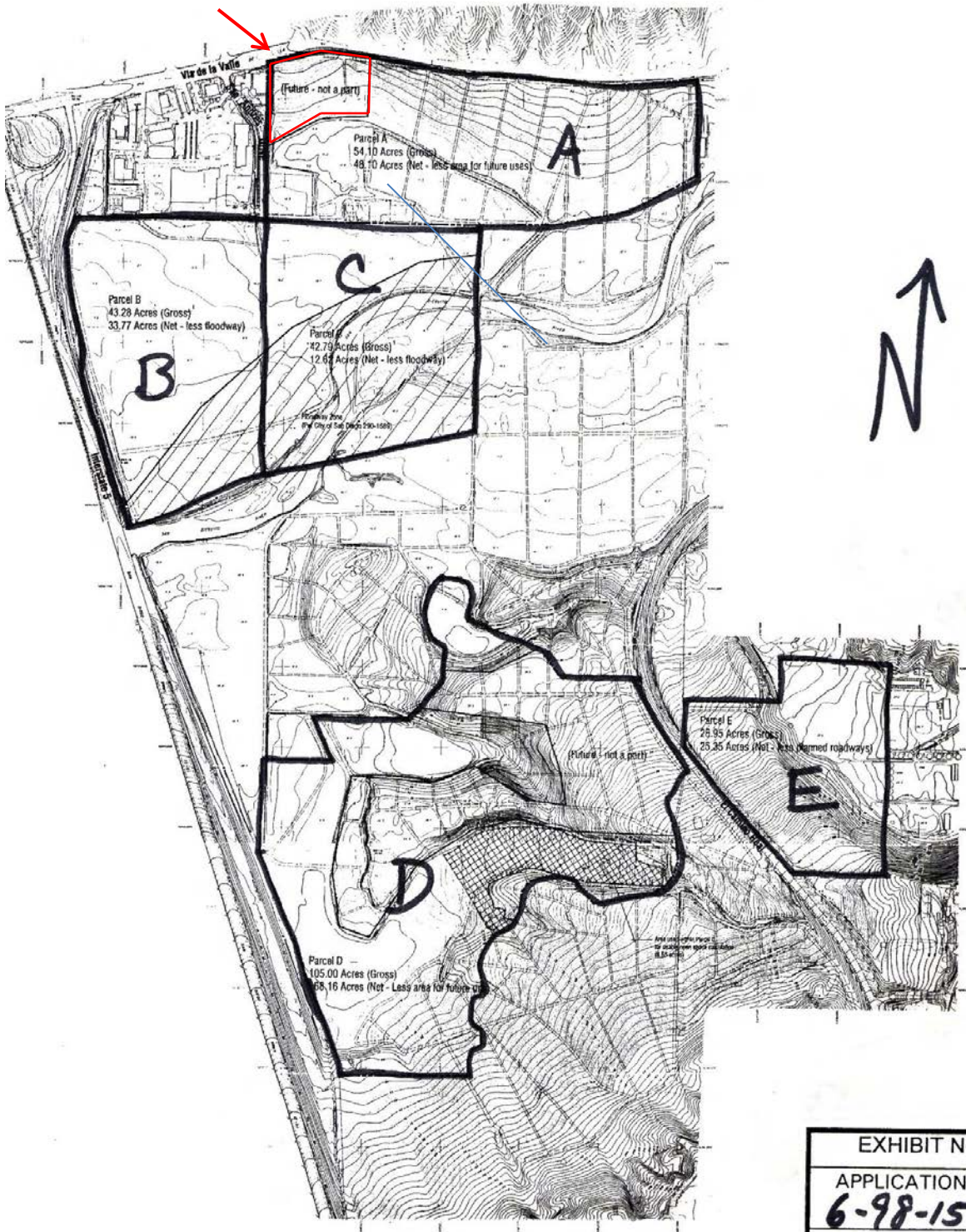


EXHIBIT NO. 5
APPLICATION NO.
6-98-154
All 5 sites
Parcels A-E
California Coastal Commission

EXHIBIT NO. 7
APPLICATION NO.
6-98-154-A3
Parcel Maps
California Coastal Commission



THE CITY OF SAN DIEGO

September 25, 2012

Dick Bobertz, Executive Director
San Dieguito River Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025

Dear Mr. Bobertz:

RE: San Dieguito Open Air Classroom

The proposed open air classroom project has a previous Discretionary Approval (CDP/SDP #6098). The proposed open air classroom project is considered an accessory structure/use as described in the CDP/SDP and located within a disturbed area of the site that contains artificial fill. As such, the proposed open air classroom project is a ministerial project that can be processed under CDP/SDP #6098. The proposed open air classroom is not a stand-alone project that requires additional discretionary review and approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Gallardo".

Cecilia Gallardo
Deputy Director
Development Services

Attachment: Appendix B, Local Agency Review Form



Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

EXHIBIT NO. 8
APPLICATION NO. 6-98-154-A3
City of SD Letter
California Coastal Commission



October 29, 2012

Mr. Gabriel Buhr
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

RECEIVED

NOV - 6 2012

COASTAL
SAN DIEGO
COMMISSION
DISTRICT

RE: JPA Proposed Open Air Classroom

Dear Gabe,

Southern California Edison has been coordinating with the JPA on their proposed open air classroom (amphitheatre) project design to incorporate the design into SCE's existing grading permit with the City of San Diego. SCE is aware that the JPA is required to obtain a CDP for the facility and that they are requesting an amendment to CDP 6-98-154, on which SCE is listed as a co-applicant. SCE is supportive of the JPA's proposed open air classroom project, but does not wish to be a co-applicant on this amendment.

We will continue coordinating with the JPA and I am available to answer any questions you may have about SCE's involvement.

Sincerely,

Tracey Alsobrook
Southern California Edison
San Dieguito Wetlands Restoration Project Manager

1218 South 5th Avenue
Monterey, CA 91916

SPECIAL CONDITIONS OF ORIGINAL PERMIT 6-98-154

The permit is subject to the following conditions:

1. Open Space Deed Restriction – Parcel A. As proposed by the applicants, no development, as defined in Section 30106 of the Coastal Act, shall occur on this entire parcel except for:

a. agriculture on those areas of the site that have been historically farmed;

AND

b. the following development if approved by the Coastal Commission as an amendment to this permit or through a separate coastal development permit

(1) an interpretive center, including parking, public access trails and signage on the northwestern six acres of the site,

(2) restoration/enhancement of the wetland and floodplain areas of the site,

(3) deposition of graded spoils on the upland portions of the site, outside all wetland and floodplain areas,

(4) non-structural improvements associated with an equestrian cross-country course, such as hurdles, jumps, course markers, etc.

(5) construction of public access trails

(6) relocated power poles/lines in new utility easement,

AND

(7) installation/maintenance of any drainage facilities required in future permits.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of this entire parcel. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Open Space Deed Restriction – Parcels B and C. As proposed by the applicants, no development, as defined in Section 30106 of the Coastal Act, shall occur on these entire parcels except for restoration/enhancement of the existing wetland and floodplain the sites, pursuant an overall wetland restoration program for the river valley, subj

EXHIBIT NO. 10
APPLICATION NO.
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 California Coastal Commission

approval through a separate coastal development permit, or an amendment to this permit, by the Coastal Commission.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of these two entire parcels. The deed restriction shall include legal descriptions of both the parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Open Space Deed Restriction – Parcel D. This 105-acre parcel consists of two parts: 68.16 acres proposed as open space and 36.84 acres identified as “not a part” of the proposal, as shown on Exhibit #6. As proposed by the applicant, no development, as defined in Section 30106 of the Coastal Act, shall occur on any part of Parcel D except as set forth below:

A. Agriculture may continue on those portions of the site that have been historically farmed.

B. If Parcel D is owned by the San Dieguito River Park Joint Powers Authority, the following development is allowed if approved by the Coastal Commission as an amendment to this permit or through a separate coastal development permit:

(1) On the 68.16-acre part:

a. restoration/enhancement of the wetland and floodplain areas of the site,

AND

b. installation/maintenance of any drainage facilities required in future permits.

(2) On the 36.84-acre part:

a. public access trails, parking and interpretive overlooks and signage,

b. restoration/enhancement of the existing wetland and floodplain areas of the site;

c. deposition of graded spoils on the upland portions of the site, outside all wetland and floodplain areas,

AND

d. installation/maintenance of any drainage facilities required in future permits.

C. If Parcel D is owned by an entity other than the San Dieguito River Park Joint Powers Authority, the development of up to nine residential units and associated



and utilities is allowed on the 36.84 acre part if approved by the Coastal Commission as an amendment to this permit.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, or restrictions, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of each part of this entire parcel. The deed restriction(s) shall include separate legal descriptions of each part of the applicant's entire parcel. The deed restriction(s) shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction(s). The deed restriction(s) shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Open Space Deed Restriction – Parcel E (subdivision site). As proposed by the applicant, no development, as defined in Section 30106 of the Coastal Act shall occur on the natural, undisturbed steep slopes, valley and floodplain areas of the site (generally described as Lots 48 and “K”), which occur outside the development area of the site, as shown in Exhibit #3 except for:

- a. construction of a detention basin and drainage facilities on portions of the existing slopes and valley, as approved by this permit,
- b. restoration/replanting of the existing slopes after installation of the drainage facilities, as approved by this permit,
- c. maintenance of an existing dirt access road leading to the detention basin, as approved by this permit,
- d. ongoing maintenance of the detention basin and drainage facilities.

AND

- e. riparian wetland restoration activities in Gonzales Canyon, if approved by the Coastal Commission as an amendment to this permit.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Future Development. Construction of homes is not included in this approval. Construction of homes in the future shall require a separate coastal development permit(s). Construction of homes in the future shall comply with the following:

EXHIBIT NO. 10
APPLICATION NO.
6-98-154-A3

Original Permit Conditions

- a. homes shall be constructed within the building envelopes shown on the plan titled "Building Envelopes for Lots Adjacent to Open Space," by Rick Engineering, date-stamped as received by the Coastal Commission on July 13, 1999,
- b. accessory structures within the required rearyard setbacks on lots adjacent to natural steep slopes and/or native vegetation (i.e., Lots 12, 13, 25, 26, 27, 29, 30, 31, and 32 – see Exhibit #4) shall be constructed only of non-combustible materials acceptable to the Fire Marshall,
- c. all residences, and those accessory structures visible from public streets or open space areas, shall be finished in mid to dark earth tones (i.e., deeper beiges, browns, greens and grays) consistent with surrounding natural areas; white or light walls and red or bright roofs shall not be permitted,

AND

- d. no structure shall exceed thirty feet in height.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that the future construction of homes shall be implemented in accordance with Special Condition #5 and consistent with those plans approved with CDP #6-98-154. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Final Landscaping/Brush Management Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a detailed final landscape/brush management plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. The plan shall include the following specific features:

- a. drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible,
- b. only native plant materials acceptable to the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (Service) and U.S. Army Corps of Engineers (Corps) shall be used adjacent to undisturbed steep slopes,
- c. restoration/revegetation of the natural slopes disturbed to install drainage facilities shall include only native plant materials compatible with the plant communities on adjacent natural areas,
- d. for visual purposes, special emphasis shall be placed on the treatment of a of the site which would be visible from public roads such as El Camino Real,



Via de la Valle (Lots 5, 6-11 and 33-47) and existing and future recreation areas in the San Dieguito River Valley. Said treatment shall include coverage of the sound wall along El Camino Real with native vines and provision of a row of perimeter trees which, at maturity, will serve to break up large expanses of wall or roof within the identified viewsheds; there shall be a minimum of one 30' or taller canopy tree for every fifty (50) feet of frontage of the identified lots, which may be grouped or clustered to present a natural appearance,

AND

e. all planting of perimeter and common areas shall occur concurrent with the subdivision site improvements approved herein, but no later than sixty (60) days after completion of the project.

The permittee shall undertake development in accordance with the approved final landscaping plan and submit a written commitment that all planted materials shall be maintained in good growing condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping and brush management zones shall be implemented in accordance with Special Condition #6 and consistent with those plans approved with CDP #6-98-154. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been approved by the City of San Diego. The approved plans shall incorporate the following requirements:

a. all permanent runoff and erosion control devices (i.e., the detention basin and drainage facilities identified on the Replacement Vesting Tentative Map by Rick Engineering, dated November 6, 1998) shall be developed and installed prior to or concurrent with any on-site grading activities. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction,

AND

b. landscaping shall be installed on all cut and fill slopes prior to October 1st temporary or permanent (in the case of finished slopes) erosion control methods

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 California Coastal Commission

planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

8. Water Quality/ Best Management Practices (BMPs). PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a BMP program for the proposed development. At a minimum, the program shall incorporate the following requirements:

- a. all storm drain inlets shall have stenciling that prohibits the disposal of trash in the drains,
- b. solid waste shall be removed regularly and trash receptacles shall be placed adjacent to the pedestrian entrance pathways to Lot "A", the private park,

AND

- c. sweeping of all paved surfaces shall occur at least once a week for the life of the project.

The submitted program shall include, at a minimum, a site plan that shows the location of all storm drains, trash receptacles, and recycling containers; and schedules for street sweeping and trash removal. The program shall also include a copy of the stenciling that will be placed on the curb of each storm drain inlet.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

9. Pedestrian Access. The sidewalk/pedestrian access from El Camino Real into the permitted subdivision shall not be removed, gated or in any way abridged without review and approval of the Coastal Commission through an amendment to this permit.

