

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



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original staff report

# W6a

## Addendum

March 4, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W6a**, Coastal Commission Permit Application No. **6-15-1983 (Pardee Homes)**, for the Commission Meeting of Wednesday, March 9, 2016.

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Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined.

1. In Special Condition No. 1, Section No. 3 shall be corrected as follows:
  3. The following development on parcels A and D, if approved by the Coastal Commission as an amendment to this coastal development permit: activities compatible with open space and conservation as allowed by Conservation Easements 2011-0623568 and 2011-0629571.
2. On Page 7 of the staff report, the third paragraph shall be revised as follows:

The proposed development will not have an adverse impact on any natural steep slopes or sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
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# W6a

Filed: 11/4/2015  
180th Day: 5/2/16  
Staff: A. Llerandi-SD  
Staff Report: 2/12/2016  
Hearing Date: 3/9/16

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-15-1983

**Applicant:** Pardee Homes

**Agent:** Jimmy Ayala

**Location:** West of Caminito Propico and north of Calle Cristobal, North City, San Diego (San Diego County) APN: 308-040-15.

**Project Description:** Subdivide vacant 8.56 acre dedicated open space parcel (Parcel 142) into four smaller parcels (A, B, C, & D) so as to permit brush management in Parcels B & C and retain Parcels A & D as open space.

**Staff Recommendation:** Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions to avoid adverse impacts open space habitat.

The primary issues raised by the proposed development relate to habitat impacts that could occur from the subdivision and introduction of brush management activity into the currently vacant parcel. The subject site was required to be set aside as open space by the permit originally approving the overall residential development, and was subsequently discovered to overlap Zone 2 brush management for a neighboring unrelated residential

6-15-1983 (Pardee Homes)

development. As Zone 2 brush management includes development activity including vegetation pruning and clearing of dead vegetation, the City of San Diego, who wishes to accept the irrevocable offer to dedicate the open space over the subject site, wishes for the two portions of brush management to be carved out so that they may be kept undeveloped as well, but with the required brush management conducted by the Home Owners Association (HOA) for the adjacent residential development.

To address these potential adverse impacts the Commission staff is recommending **Special Condition No. 1**, which clearly states that the only development activity permitted in newly created Parcels B and C is Zone 2 brush management, and that Parcels A and D are to remain as undeveloped open space. This will address the conflicting overlapping uses of open space preservation and legally required Zone 2 brush management for the neighboring residential development.

Commission staff recommends **approval** of coastal development permit application 6-15-1983 as conditioned.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III.SPECIAL CONDITIONS .....</b>	<b>4</b>
<b>IV.FINDINGS AND DECLARATIONS.....</b>	<b>6</b>
A. PROJECT DESCRIPTION .....	6
B. BIOLOGICAL RESOURCES .....	7
C. GROWTH INDUCEMENT .....	7
D. LOCAL COASTAL PLANNING.....	7
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	7

### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial of Project Site](#)

[Exhibit 3 – Subdivision Breakdown](#)

[Exhibit 4 – Tentative Map](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Open Space and Conservation Easement.**
  - A. No development, as defined in Section 30106 of the Coastal Act, shall occur in the parcels A, B, C, and D as shown in Exhibit No. 4 except for:
    1. On parcels B and C, brush management for the purposes of fire protection; and

2. On parcel C, easement to allow the City of San Diego access to open space parcels A and D; and
3. The following development on parcels A and D, if approved by the Coastal Commission as an amendment to this coastal development permit: activities compatible with open space and conservation as allowed by Conservation Easements 2011-0623568 and 201-0629571.

**B. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT**

**PERMIT**, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, an open space and conservation deed restriction for the purpose of habitat conservation. The open space and conservation area shall be located on parcels A and D as shown in Exhibit No. 4. The recorded document shall include legal descriptions of both the applicant's entire parcel and the open space and conservation area. The recorded document shall also reflect that development in the open space and conservation area is restricted as set forth in this permit condition.

- C. The deed restriction shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assignees, in perpetuity.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The proposed project is to subdivide an existing, vacant 8.53 acre parcel into four smaller parcels: Parcel A – 7.364 acres, Parcel B – 0.143 acre, Parcel C – 0.485 acre, and Parcel D – 0.565 acre, so as to permit the neighboring residential development Home Owner's Association (HOA) to conduct Zone 2 brush management on parcels B and C. The subject parcel is part of the greater Crescent Heights subdivision and residential development approved at the nearby intersection of Calle Cristobal and Camino Santa Fe in the Mira Mesa community of San Diego.

Pursuant to past Commission action (CDP No. 6-03-098/A-6-NOC-05-050), the Crescent Heights residential development was approved, but subject to Special Condition No. 10, the subject parcel (labeled as Parcel 142) was to be set aside as open space, along with several other parcels located throughout the greater Crescent Heights development. When the applicant subsequently came forward to conduct condition compliance and submit a map for Parcel 142 so as to place it in open space, the land area adjacent to the building sites turned out to be larger than what the Commission required to be set aside as open space, which was approximately 6.5 acres, and thus the extra land area (8.53 acres total) was also placed in open space through a deed restriction. However, unbeknownst at the time, a portion of that extra land area in the larger Parcel 142 overlapped with some of the Zone 2 brush management required of the adjacent, unrelated residential development (approved under a previous Commission action: CDP No. 6-86-621).

Because brush management requires periodic maintenance activities and intrusion into the area, it is not consistent with the open space requirements placed on Parcel 142. The City of San Diego has agreed to accept the open space easement over Parcel 142, with the exception of the area that is subject to brush management activity, as the City is not willing to assume responsibility for conducting the required brush management. Thus, the applicant, the City, and the Coastal Commission worked on a modified map to identify and encompass the small segments of overlapping brush management, and in a related action at the February, 2016, Commission hearing (CDP Amendment No. A-6-NOC-05-050-A1), the Coastal Commission approved an immaterial amendment to modify the required Offer To Dedicate (Irrevocable Offer to Dedicate) placed over Parcel 142 so as to incorporate and address the pockets of brush management to be overseen by the neighboring HOA.

The current proposal is the related application to formally subdivide Parcel 142 so that the OTD/IOD and the legal boundaries of the property are in conformance with each other and the requirements of Special Condition No. 10 of CDP No. A-6-NOC-05-050.

The site is within the City of San Diego, which has a certified LCP, but is split between the City's jurisdiction and the Los Penasquitos Preserve area of deferred certification. Thus, the Coastal Commission is processing a consolidated permit, and the standard of review is Chapter 3 of the Coastal Act, with the certified LCP acting as guidance.

## **B. BIOLOGICAL RESOURCES**

The 8.53 acre parcel is a fenced-off vacant undeveloped parcel located in the Mira Mesa community segment of the City's certified LCP, adjacent to the Los Penasquitos Preserve. The certified LCP maps the subject parcel and the surrounding area as containing chaparral (including mixed, maritime, and chamise), and past Commission actions for development in the immediate area have identified the presence of vernal pools, as well as steep slopes which flow into Lopez Canyon or Los Penasquitos.

The remaining open space area (7.929 acres) is still larger than the size of the open space required to be set aside by the original permit approving the overall residential development, and is equal in biological quality and diversity. **Special Condition No. 1** clarifies and requires that the only development activity that would be allowed in the two new smaller parcels B and C would be brush management, which predominantly consists of pruning and thinning existing vegetation and removing dead vegetation, as well as an access easement in parcel C for the City to reach the open space areas as needed. Any activity in parcels A and D would have to be compatible with existing conservation easements.

The proposed development will not have an adverse impact any natural steep slopes or sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

## **C. GROWTH INDUCEMENT**

As proposed, this development will not be growth-inducing. The subject parcel was set aside for open space subject to a previous Commission action approving a nearby residential development. The application to subdivide the parcel is to permit only Zone 2 brush management within two small sections – 0.143 acre and 0.485 acre – of the parcel; additional development activity beyond brush management will not be allowed, and the bulk of the subject parcel – 7.93 acre – will remain as undisturbed open space.

## **D. LOCAL COASTAL PLANNING**

The City of San Diego has a certified LCP, but the subject property is a split jurisdiction: partly within the City's jurisdiction and partly within the Los Penasquitos Canyon Reserve area of deferred certification. Thus, a consolidated permit will be processed by the Coastal Commission, and Chapter 3 of the Coastal Act remains the legal standard of review, with the certified LCP used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the



6-15-1983 (Pardee Homes)

proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

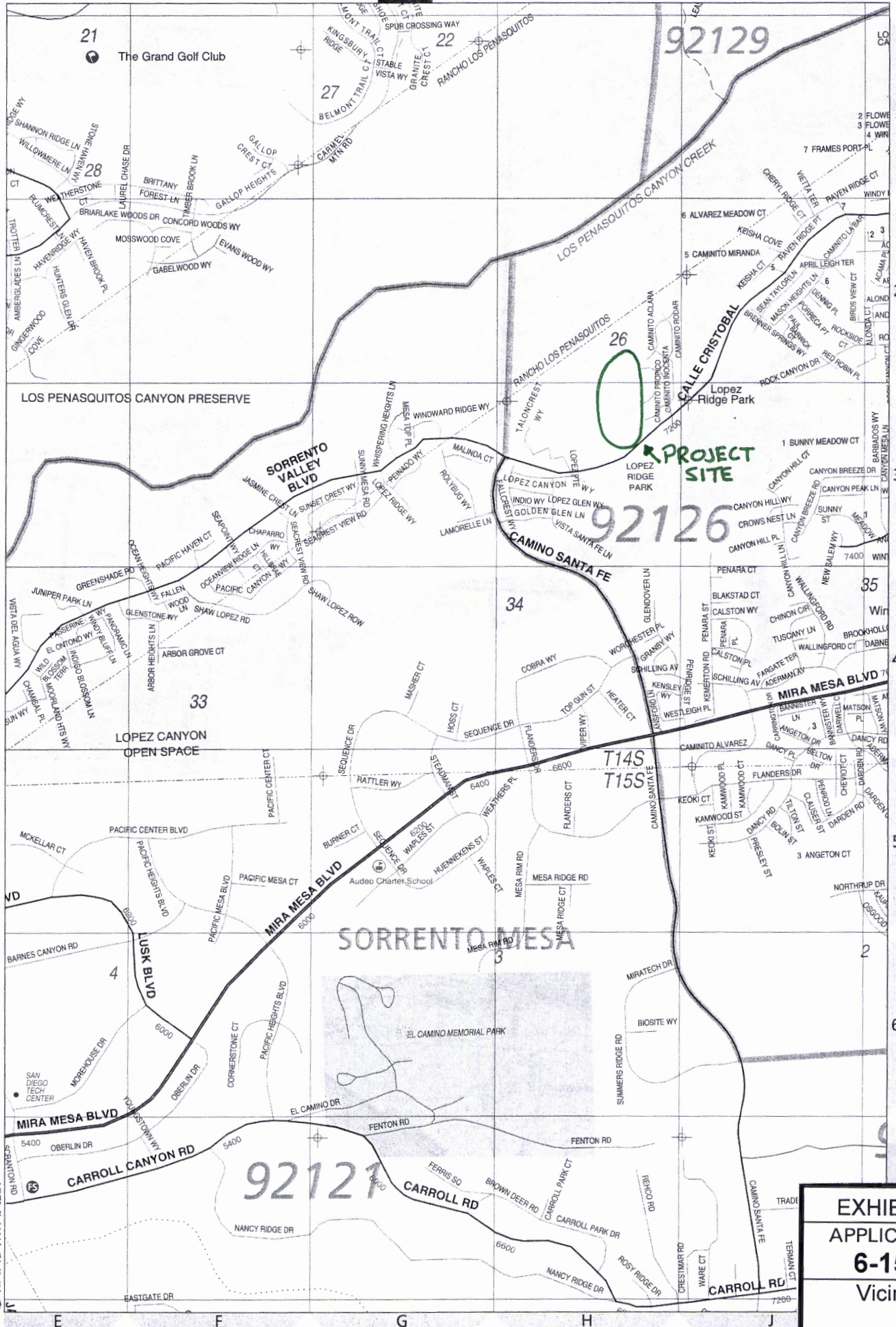
(G:\San Diego\Reports\2015\6-15-1983 Pardee Homes stf rpt.doc)

0 0.25 0.5 miles 1:22,800 1 in = 1900 ft.

SEE 1188 MAP

MAP 1208

SAN DIEGO CO.

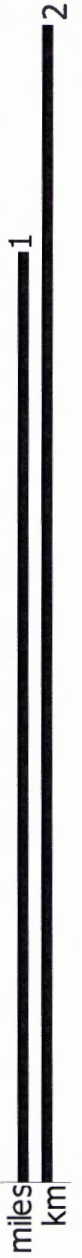
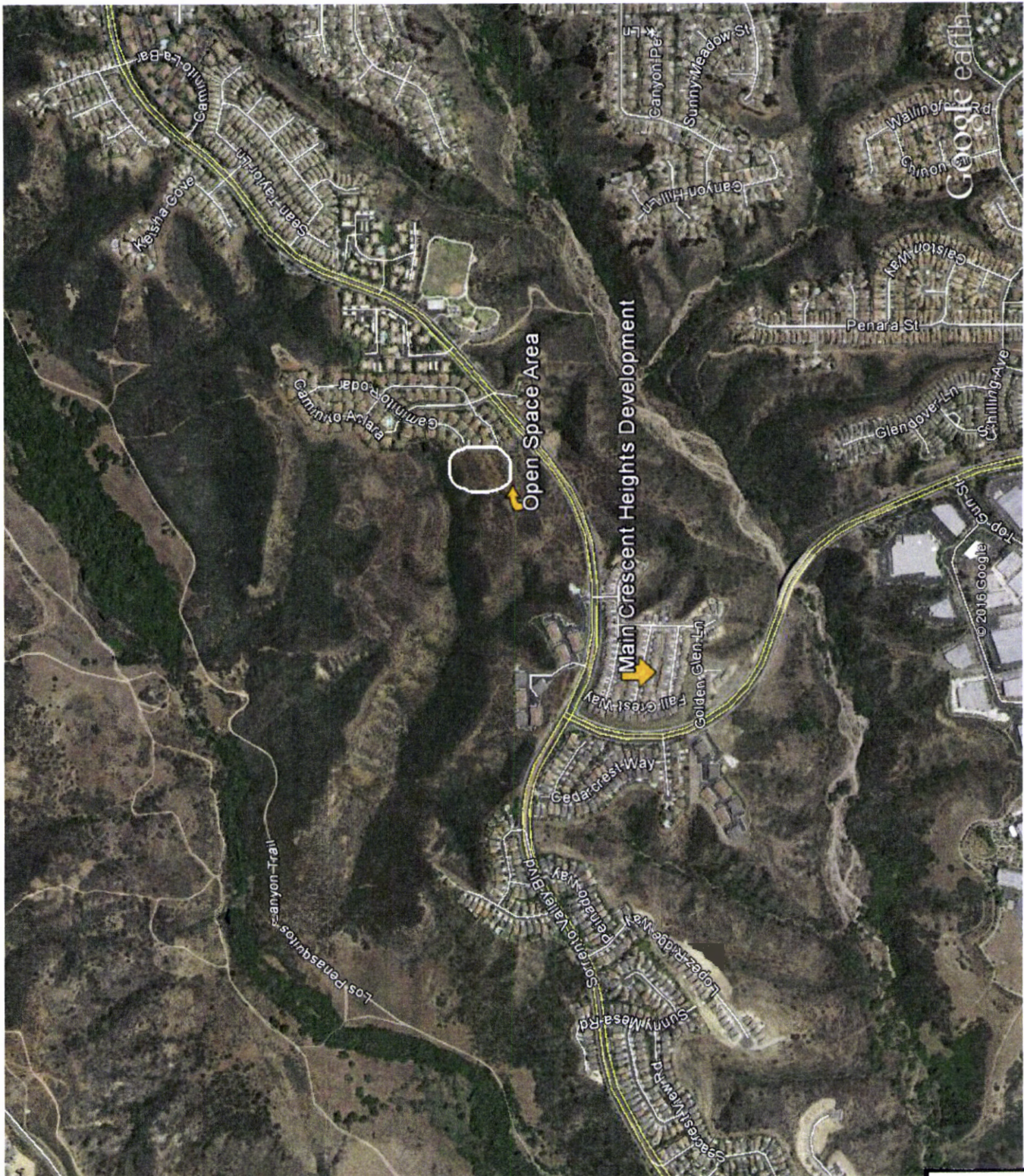


SEE 1209 MAP

EXHIBIT NO. 1  
APPLICATION NO.  
6-15-1983  
Vicinity Map

SEE 1228 MAP





earth

EXHIBIT NO. 2  
APPLICATION NO.  
**6-15-1983**  
Aerial Map



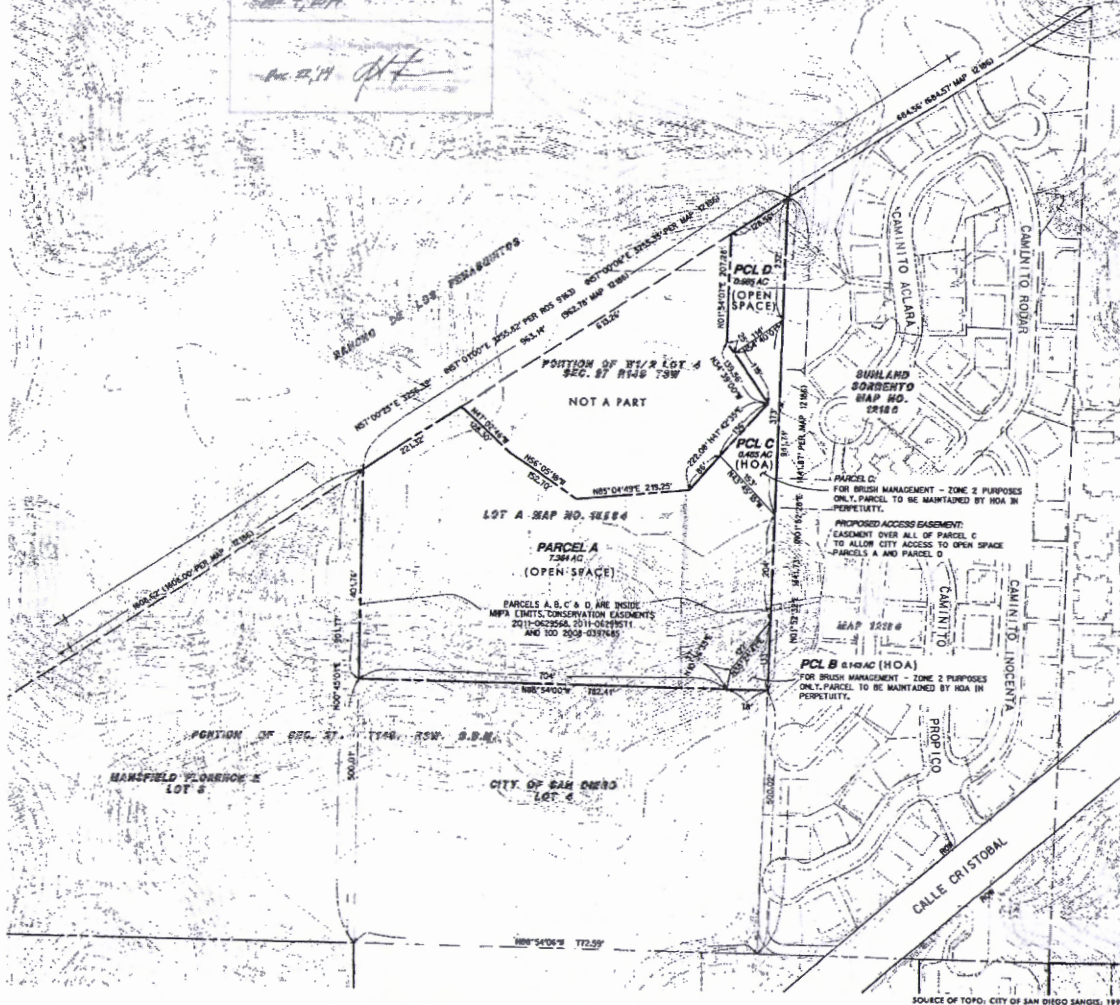
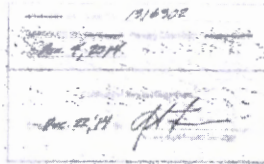


EXHIBIT NO. 3  
APPLICATION NO.  
**6-15-1983**  
Subdivision  
Breakdown



# TENTATIVE MAP WAIVER LOT A, CRESCENT HEIGHTS - UNIT 4

TENTATIVE MAP WAIVER NO. 1316302



## Legal Description

LOT A PER CRESCENT HEIGHTS UNIT 4  
FINAL MAP NUMBER 13884  
RECORDED NOVEMBER 27, 2012

## General Notes

- Existing Zoning: OC 1-1 and AS 1-1
- Proposed Zoning: OC 1-1 and AS 1-1
- Existing Community Plan: Mira Mesa Community Plan
- There is No Proposed Development
- A Tentative Map is Being Waived
- This Project Consists of a Tentative Map Waiver, Coastal Development Permit, Site Development Permit Amendment to Planned Residential Development Permit No. 8492, Coastal Development Permit No. 8492, Multiple Habitat Preservation Area Boundary Line Adjustment.
- Existing Number of Lots: 1
- Proposed Number of Lots: 4
- Parcel A and D are to Remain as Open Space
- Parcel B and C are to Become Open Management Zone 2 Lots

## OVERLAY ZONES

COASTAL NON-APPEARABLE OVERLAY ZONE,  
STATE COASTAL PERMIT, MMPA, AFFECT  
INFLUENCE AREA-HIGH MODERATE

## EASEMENT NOTES

THE FOLLOWING EASEMENTS APPLY TO ALL  
PROPOSED PARCELS (A, B, C & D)

- CONSERVATION EASEMENTS RECORDED  
NOVEMBER 23, 2011 AS DOCUMENT  
NO. 2011-0629268 AND NO. 2011-0629267
- OPEN SPACE DEED RESTRICTION  
RECORDED MAY 1, 1988, AS DOCUMENT  
NO. 2008-032614
- IRREVOCABLE OFFER TO DEDICATE,  
RECORDED JULY 24, 2008 AS DOCUMENT  
NO. 2008-037185

## BENCH MARK

BRASS PLUG FOUND ON TOP OF CURB  
SOUTHWEST OF THE INTERSECTION  
OF SERRANO VALLEY ROAD AND  
CAJUNO SANTA FE  
ELEVATION: 588.755 M.S.L.

## MAPPING NOTE

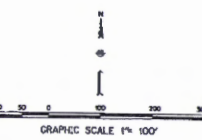
A Parcel Map filed at the County Recorder's  
office prior to the expiration of the Tentative Map Waiver.  
A detailed Proceedure of Survey will be shown on the Parcel  
Map and all property corners will be set on the Parcel Map.

## BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA  
COORDINATE SYSTEM ZONE 10, EPOCH 1982.121 AS DETERMINED BY  
THE C.P.S. MEASUREMENTS TAKEN AUGUST 22, 2006 AT PT #114  
AND #624 AS SHOWN HEREON. PER RECORD OF SURVEY NO. 14492.

BEARING #134 TO #624: S 21° 37' 50" E  
QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR  
MAY NOT BE IN TEXAS DEEDS OF SAID SYSTEM.

THE COMBINED SCALE FACTOR AT STATION 'A' IS 0.999981.  
GRID DISTANCE = GROUND DISTANCE X COMBINED SCALE FACTOR.



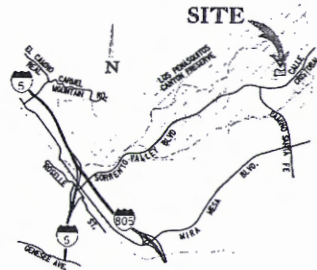
## Site Data

Parcel A: (APN: 308-040-15)  
Area: 7.364 AC  
Parcel B: (APN: 308-040-18)  
Area: 0.143 AC  
Parcel C: (APN: 308-040-13)  
Area: 0.483 AC  
Parcel D: (APN: 308-040-19)  
Area: 0.565 AC

Grove Site Area: 8.537 ac.

## Legend

- Existing Major Contour
- Existing Minor Contour
- Existing Trail
- Existing Trees / Brush
- Existing Spot Elevation
- Brush Management Zone
- Project Boundary



## VICINITY MAP

NO SCALE

## Owner / Developer

Pedra Homes  
15400 John Springs Parkway  
Suite 200  
San Diego, CA 92128  
(619) 714-1279

## Engineer of Work

Rich Engineering Company  
8420 Friars Road  
San Diego, California 92118  
(619) 291-0707

MICHAEL S. WHILE, RCE 49863



## Prepared By:

Rich Engineering Company  
8420 Friars Road  
San Diego, California 92118  
(619) 291-0707

## Legal Description:

SEE ABOVE

## Project Name:

Lot A, Crescent Heights - Unit 4  
Tentative Map Waiver

## Sheet Title:

Tentative Map Waiver

PTS 369121

NO.	DESCRIPTION	PREPARED BY	DATE
1	FIRST SUBMITTAL	R.E.C.	1/20/14
2	SUPPLEMENTAL SECOND SUBMITTAL	R.E.C.	5/28/14

EXHIBIT NO. 4  
APPLICATION NO.  
6-15-1983  
Tentative Map  
Waiver