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Hearing Date: 9/10/20

## STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

**Local Government:** City of San Diego  
**Decision:** Approved with Conditions  
**Appeal Number:** A-6-NOC-02-087  
**Applicant:** Newland Group, Inc.  
**Location:** Northerly terminus of Caminito Rodar, north of Calle Cristobal, and on the perimeter of the Los Penasquitos Canyon Preserve, Mira Mesa Community, San Diego County.  
**Project Description:** Subdivision of a 4.44-acre site into 10 lots and construction of 11 single family dwelling units.  
**Appellants:** Commissioners Sara Wan and Patricia McCoy  
**Staff Recommendation:** No Substantial Issue

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### IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

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## SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed. The development approved by the City in 2002 includes subdivision and construction of eight single-family homes on a 4.4-acre site containing a number of sensitive resources including native upland habitat, a single vernal pool and watershed and steep slopes. The contentions of the appeal included that the proposed development is inconsistent with the City's LCP because it will significantly impact upland vegetation, proposes development within steep slopes, will not provide adequate buffering from the vernal pool and requires removal of sensitive lands from the City's Multi-Habitat Plan Area (MHPA). However, since the time of the original appeal, the applicant, City and Coastal staffs worked cooperatively to address the concerns raised by the appellants. As a result, the applicant has made several revisions to the project which reduce the building footprint and decreased the number of homes proposed from eleven to eight. These revisions were incorporated into the proposed development by the City of San Diego through substantial conformance review of the subject Coastal Development Permit. The project modifications were also reviewed by the Commission in July of this year, when the Commission certified a mix of Residential and Open Space rezones for the site that memorialized the reduced building footprint (ref. LCP-6-NOC-19-0061-1/Tierra Alta). As revised, impacts to ESHA and steep slopes have been eliminated, the buffer for the vernal pool has increased along with other mitigation measures and additional development restrictions have been adopted bringing the development into conformance with the LCP. Additionally, the Commission's ecologists support the buffer proposed for the vernal pool and the impacts to habitat present on site as currently proposed. Given the contentions have been resolved, staff would have recommended these appeals be withdrawn; however, the appealing Commissioners no longer serve on the Commission and withdrawal is not possible.

In conclusion, as revised the project can be found as consistent with all applicable policies of the City's LCP, staff recommends that the Commission determine that the project raises no substantial issue regarding conformance with the certified LCP and the Chapter 3 policies of the Coastal Act.

Standard of Review: Certified City of San Diego Local Coastal Program

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## EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Aerial](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Vegetation Map](#)

## **APPELLANTS CONTEND**

The project as approved by the City does not conform to the City of San Diego's certified Local Coastal Program (LCP), with regard to grading of steep slopes, adequate protection of sensitive habitats including southern maritime chaparral and wetlands (vernal pool) and adjustments to the Multi-Habitat Area (MHPA) which are inconsistent with the steep slope, scenic and resource protection policies of the certified LCP.

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### **I. LOCAL GOVERNMENT ACTION**

The project was approved with conditions by the City Council on October 30, 2001. Since that time, and to address concerns raised by the subject appeal and companion LCP amendment, the City has accepted a number of revisions to the development including a reduction on the building footprint on the west side of the property and a reduction in the number of proposed residences from eleven to eight single-family homes. Conditions of the City's approval include Mitigation, Monitoring and Reporting requirements established by the Mitigated Negative Declaration No. 98-0792, drainage improvements and water quality measures, preparation of a Storm Water Pollution Prevention Plan (SWPPP) and preparation of a Vernal Pool Management Plan, among others.

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### **II. APPEAL PROCEDURES**

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, those allowed to testify at the hearing will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the

Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable standard of review for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (§ 30625(b)(2).) Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

The City of San Diego has a certified Local Coastal Program (LCP), and the subject site is located in an area where the Commission retains appeal jurisdiction because of wetlands present on site and proximity to Penasquitos Creek (100 feet from stream top of bank). Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. In this case, for the reasons discussed further below, the Commission exercises its discretion to determine that the development approved by the City does not raise a substantial issue with regard to the appellant's contentions regarding coastal resources.

### III. SUBSTANTIAL ISSUE MOTION AND RESOLUTION

#### Motion:

I move that the Commission determine that Appeal No. A-6-NOC-02-087 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

#### Resolution:

The Commission hereby finds that Appeal No. A-6-NOC-02-087 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

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### IV. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION

#### A. Project Description and Background

The project is located within the Mira Mesa Community Plan area and at the northerly terminus of Caminito Rodar, north of Calle Cristobal, and on the perimeter of the Los Penasquitos Canyon Preserve ([ref. Exhibit Nos. 1, 2](#)). Access to the site will be from existing streets off Calle Cristobal, through the Tierra Vista residential community. Mira Mesa is one of the communities within the North City LCP segment which encompasses the City's coastal zone north of La Jolla, extending up to the Cities of Del Mar and Solana Beach and unincorporated County of San Diego properties. The Los Penasquitos Canyon Preserve extends inland from the merge of Interstates 5 and 805.

The site is almost entirely vegetated with native habitat, with only a few portions of disturbed area occurring from existing access trails along the southern portion and through the center of the project site ([ref. Exhibit No. 2](#)). Constraints on the site include steep naturally vegetated slopes on the north, east and western portions of the site; an isolated 0.005-acre vernal pool and watershed area containing both San Diego and Lindahl's fairy shrimp on the southwestern portion of the site; and 0.27-acres of Southern maritime chaparral on western portion of the site. Special-status plants including Summer holly (*Comarostaphylis diversifolia*), San Diego barrel cactus (*Ferocactus viridescens*) and Nuttall's scrub oak (*Quercus dumosa*) are also present.

On October 30, 2001, the City of San Diego, by Resolution No. R-295657, approved a Coastal Development Permit (CDP) for the 4.44-acre project site. The development

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approved at that time included subdivision of the site into ten separate lots and development of 11 homes. Concerns raised by the approved development included grading of the bluff and canyon, impacts to sensitive upland habitat, adequacy of proposed buffers for a vernal pool and watershed area located within the project site and questions about the associated adjustment of the boundaries of the City's Multi-Habitat Plan Area (MHPA) required by the development. This action was appealed by the Commission.

On November 19, 2001, the City of San Diego adopted Ordinance No. O-19011, which re-zoned all 4.44 acres of the project site from the AR-1-1 (Agricultural-Residential) zone to the RS-1-13 (Residential Single Unit) zone to facilitate the residential development. Because portions of the project site are within the Coastal Zone, a Local Coastal Program Amendment (LCP) was also required in order to certify the rezone. The subject LCP amendment was heard by the Commission at its November 7, 2002 hearing. At that time, the Commission raised a number of concerns associated with the proposed changes, including that the proposed zoning would facilitate a development footprint that would result in significant impacts to coastal resources. Additionally, through applying the residential zone over the entire site, there was no assurance that the sensitive areas not proposed for development at that time would be protected in perpetuity. The Commission continued the item with direction to the applicant to consider alternatives to the singular RS-1-13 zone, and the item was subsequently withdrawn.

Since 2002, the City, applicant and Commission staff have been working collaboratively to address the concerns raised at the Commission hearing. As a result of these efforts, the applicant revised its development plans to decrease the overall building footprint, reduce the number of residential units from eleven to eight and incorporate other development restrictions and mitigation measures to address Commission concerns. The changes to the development were accepted by the City as a Process 2 Substantial Conformance Review (SCR) to subject coastal development permit. Historically, it has been more typical for the Commission to work with the local government to process a formal amendment to its local decision; however, in this case, given that the scope of development impacts were being significantly reduced and the additional mitigation measures and development restrictions provided further resource protection, a conformance review process was accepted.

Additionally, the City revised the LCP rezoning amendment from exclusively RS-1-13 to a split zoning, to include 2.53-acres as OC-1-1 (Open Space Conservation) and 1.91-acres as RS1-13 (Residential Single Unit). As revised, the reduction in the development envelope would be memorialized, and the resources present onsite would be protected through application of the Open Space zone. The City submitted this revised LCP amendment to the Commission in 2019 (ref. LCP-6-NOC-19-0061-1/Tierra Alta).

In July of this year, the Commission certified LCP-6-NOC-19-0061-1/Tierra Alta. At that time, the Commission found that the 1.91-acre portion of the site comprised of disturbed habitat and Southern mixed chaparral represented the most appropriate portion of the

site for a residential zoning designation, with the remaining 2.53-acres of the site, including the most sensitive habitat areas, to be protected through the application of the Open Space (OC-1-1) zone, and the LCP amendment was approved as submitted.

Therefore, the project before the Commission at this time substantially differs from the project appealed in 2002. The building footprint has been significantly reduced and the number of units proposed has decreased from eleven to eight. As a result, the project no longer includes development within steep slopes or ESHA and increases the biological buffer for the vernal pool and watershed area. Additionally, all sensitive resources protected onsite will be included within the City's Multi-Habitat Plan Area (MHPA). Finally, the re-zoning certified by the Commission in July memorializes the reduced building footprint and will provide protection of the resources present onsite through application of the Open Space zone.

## **B. Biological Resources**

### Mira Mesa Community Plan – Sensitive Resources and Open Space System, Policies

#### Policy 1 – Open Space and Preservation

- a. Sensitive resource areas of community-wide and regional significance shall be protected as open space.

#### Policy 4 – Resource Management

- c. No encroachment shall be permitted into wetlands, including vernal pools. Encroachment into native grasslands, Coastal sage scrub and Maritime Chaparral shall be consistent with the RPO (Resource Protection Ordinance). Purchase, creation, or enhancement of replacement habitat area shall be required at rations determined by the RPO (Resource Protection Ordinance) or State and Federal agencies as appropriate. In areas of native vegetation that are connected to an open space system, the City shall require that as much native vegetation as possible is preserved as open space. (Note: The Resource Protection Ordinance [RPO] was part of the City's municipal code, that has since been replaced by the Environmentally Sensitive Lands Regulations.)

[...]

1. Vernal Pools: The remaining vernal pool habitat in the community shall be preserved and shall be protected from vehicular or other human-caused damage, encroachment in their watershed areas and urban runoff.

[...]

1. Maritime Chaparral: Maritime Chaparral shall be protected from impacts due to adjacent development, including grading and brush management, that may cause damage or degradation to the habitat qualities of this resource.

### Mira Mesa Community Plan – Sensitive Resources and Open Space System, Proposals



1. Open Space Preservation: Preserve the floodplain and adjacent slopes of the five major canyon systems that traverse the community— Los Peñasquitos Canyon, Lopez Canyon, Carroll Canyon, Rattlesnake Canyon and Soledad Canyon, and the remaining vernal pool sites (as shown generally on Figure 6)—in a natural state as open space. [...]
5. Resource Management: Los Peñasquitos and Lopez Canyons
  - a. Protect the Lopez Ridge Vernal Pool area from human impacts while maintaining ecological functioning. This area should be fenced, with no trespassing permitted except to allow for organized ecological tours. Signs should be installed that describe the resource and explain why the area is being protected.
  - b. 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.

The appellants contend that the approved development is inconsistent with the resource protection policies of the LCP because the development will result in the loss of ESHA and will not provide adequate buffering for the vernal pool.

The subject site is a highly constrained flat mesa top lot that contains sensitive native habitat including Southern maritime chaparral, Southern mixed chaparral and a vernal pool containing both San Diego and Lindahl's fairy shrimp. In addition, special-status plants including Summer holly (*Comarostaphylis diversifolia*), San Diego barrel cactus (*Ferocactus viridescens*) and Nuttall's scrub oak (*Quercus dumosa*) are present.

With regard to the impacts to upland vegetation, the appellants contend that the approved development is inconsistent with the City's LCP in that the homes, driveway, grading and drainage improvements will result in the loss of Southern Mixed Chaparral that may be considered as ESHA. However, since the time of the appeal in 2002, the project has been revised to reduce impacts to native vegetation present on the site.

Additionally, the biological study provided for the development describes the site as containing 0.27-acres of Southern maritime chaparral, 3.58-acres of Southern mixed chaparral, and 0.58-acres of disturbed habitat. Portions of the habitat area also contain a number of special-status plants including Summer holly (*Comarostaphylis diversifolia*), San Diego barrel cactus (*Ferocactus viridescens*) and Nuttall's scrub oak (*Quercus dumosa*). The Commission's Ecologist has reviewed the biological report for the project and has determined that the rare plant species and the Southern maritime chaparral can be determined to constitute Environmentally Sensitive Habitat Area as defined by the Coastal Act. However, the Southern mixed chaparral was determined by the Commission's Ecologist to not constitute ESHA.

As approved the City, the proposed development will preserve all identified rare plant species as well as all of the Southern maritime chaparral that has been determined to constitute ESHA by the Commission's Ecologist. With regard to the Southern mixed chaparral, of the 3.58-acres occurring onsite, 1.56-acres will be lost through

construction of the residential development. The remaining 2.02-acres of Southern mixed Chaparral will be protected by the Open Space designation and added to the City's MHPA. Mitigation for the proposed loss is provided through the protection of the remaining Southern mixed chaparral, Southern maritime chaparral, rare plant species, the vernal pool and its watershed. Specifically, the LCP encourages onsite preservation provided the land has long-term biological value. Based on its connectivity to the Los Penasquitos Canyon Preserve, preservation of the remaining habitat is consistent with the requirements of the LUP. Additionally, the Commission's Ecologist reviewed the impacts and can support the loss given the constraints of the site, that the particular habitat does not meet the definition of ESHA, and the impacts are consistent with all applicable requirements for Sensitive Biological Resources as required by the City's LUP and IP.

In addition to the revisions in the project design, the brush management area previously proposed within the habitat area was revised to better protect the resources present on site. Typically, the City's LCP requires 100-foot fire buffer comprised of a 35-foot wide "Zone 1" and the 65-foot wide "Zone 2." In this case, the Zone 1 brush management requirements are provided within the backyard area of the homes. Because of the constraints of the site, including native habitat and steep slopes, Zone 2 requirements are not proposed as a part of the development. Through substantial conformance, the City has accepted a number of measures in lieu of Zone 2. These measures include sprinkler systems in all homes, enclosed/boxed eaves, the use of fire-retardant materials and the installation of a masonry retaining wall and fire-rated glass fencing in backyards to create a fire barrier. These improvements are permitted by the LCP and have been approved by the City's Fire Chief. Therefore, as revised, the proposed development does not raise a substantial issue on the contentions raised by the appellants regarding sensitive upland vegetation.

Regarding the biological buffer for the vernal pool area, the appellants contend that the City's approval will allow the construction of homes within 30-feet of the vernal pool, inconsistent with the requirements of the LCP. Over many years, Coastal staff, the applicant and the City have been working to increase the buffer at this location, and through this process, the development has been revised to provide both larger buffer widths and additional connectivity between the vernal pool and the canyon preserve area. As currently proposed, the buffer will be 50-feet wide in the north and will vary from 60 to 78 feet wide in the east. The distance from the watershed varies from 12 to 20 feet wide in the east; however, the full extent of the watershed will be protected. Additionally, the project has been conditioned by the City's CDP to include construction of a 5-foot masonry wall to be erected between the subdivision's roadway and the vernal pool area. The Commission's Ecologist has reviewed the revised biological buffer, acknowledges the constraints of the site, the quality of the vernal pool and watershed, and supports the buffering provisions. Additionally, the US Fish and Wildlife Service and the California Department of Fish and Wildlife support the buffer and mitigation measures as currently provided. In conclusion, the City action does not raise a substantial issue regarding protection of sensitive biological resources.

## **C. Steep Slopes**

### Mira Mesa Community Plan – Residential Land Use, Goals

Residential subdivisions that are designed to preserve Mira Mesa’s unique system of canyons, ridge tops and mesas.

### Mira Mesa Community Plan – Residential Land Use, Policies

#### 1. Determination of Permitted Density

a. In determining the permitted density and lot size for specific projects, within the density ranges provided under the Proposals below, the City shall take into account the following factors:

- 1) Compatibility with the policies established in this Plan;
- 2) Compatibility with the density and pattern of adjacent land uses;
- 3) Consideration of the topography of the project site and assurance that the site design minimizes impacts on areas with slopes in excess of 25 percent and sensitive biology.

### Mira Mesa Community Plan – Sensitive Resources and Open Space System, Proposals

1. Open Space Preservation: Preserve the floodplain and adjacent slopes of the five major canyon systems that traverse the community— Los Peñasquitos Canyon, Lopez Canyon, Carroll Canyon, Rattlesnake Canyon and Soledad Canyon, and the remaining vernal pool sites (as shown generally on Figure 6)—in a natural state as open space.

### Mira Mesa Community Plan – Development Criteria

1. Grading over the rim of Los Peñasquitos Canyon shall not be permitted.

The appellants contend that the development is inconsistent with the LCP in that it would allow development within steep slopes and grading over the rim of Los Penasquitos Lagoon. The specific contention is that site grading will include filling the upper portion of a canyon located on the west side of the site to accommodate one home and installation of a drainage pipe.

The City’s Land Development Code (LDC) defines steep hillsides as all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet. Based on this definition, steep hillsides are found on three sides of the flat mesa top, the east, west, and north sides, with existing development to the south. These steep hillsides extend from elevation 413 ft. to elevation 342 ft. on-site, then continue off-site down to the canyon bottom.

As originally proposed, the project included some grading and fill placed within the steep slopes located on site. However, since 2002, the project has been revised to eliminate all grading, fill or development of any steep slopes. Additionally, all portions of the site containing steep slopes are currently zoned as OC-1-1 (Open Space Conservation). The OC-1-1 zone does not permit residential or residentially-associated uses and requires the protection of natural and cultural resources.

In conclusion, the revised development does not include alteration or construction on steep slopes and will be protected through the application of the previously certified open space zone consistent with the requirements of the City's LCP. Therefore, the City's action does not raise a substantial issue with regard to protection of steep slopes.

#### **D. Revisions to the City's Multi-Habitat Plan Area (MHPA)**

The appellants contend that the CDP approved by the City would allow modifications to the City's Multi-Habitat Area (MHPA) that would not provide adequate protection of the sensitive resources located on site, including steep slopes, scenic and resources protection.

The City of San Diego's MSCP Subarea Plan (Subarea Plan) was prepared by the City to meet the requirements of the California Natural Communities Conservation Planning (NCCP) Act of 1992. The MHPA was developed as a part of this plan. The MHPA is the City's preserve system. It delineates core biological resource areas and corridors for conservation. Only very limited development may occur within the MHPA. The City's MSCP allows boundary adjustments within the MHPA in cases where the new MHPA boundary results in an area of equivalent or higher biological value.

The subject appeal was approved concurrent with a Boundary Line Adjustment (BLA) of MHPA land that included 0.08-acres of "take" and 0.17-acres of replacement land. The contention raised by the appellants is that the steep slopes, areas considered to be ESHA as well as the vernal pool and watershed all should have been included in the lands added to the MHPA. In 2013, the City approved a revised BLA that addressed these concerns. As revised, all impacts associated with the development will be located outside the MHPA except for a 0.03-acre area utilized for construction of a storm drain that could not be relocated. A total of 2.56-acres will be added to the MHPA including 0.33-acres of vernal pool preserve and 2.23-acres of upland habitat containing steep slopes, ESHA, and other native habitats. Thus, as revised, the BLA will result in land being added to the MHPA, will help increase the conservation of San Diego fairy shrimp and will improve the linkage between the vernal pool and adjacent preserve land. Thus, the boundary line adjustment provides higher biological value of the preserve and can be found to be consistent with the City's LCP. In conclusion, the City action does not raise a substantial issue with regard to protection of lands within the City's MHPA.

#### **E. Substantial Issue Factors**

Generally speaking, the Commission considers five factors when deciding whether a project raises a "substantial issue." None of the factors support a finding of substantial

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issue regarding the issues raised in this appeal. As discussed above, there is overwhelming factual and legal support for the City's determination that the currently proposed development is consistent with the certified LCP. In this case, the proposed project is consistent with the City of San Diego's LCP policies relating to biological resources, steep slopes and MHPA lands. The objections to the project suggested by the appellants do not raise substantial issues of regional or statewide significance. The Commission therefore finds that the City's action does not raise any substantial issue with regard to conformity with the LCP.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- City of San Diego Local Coastal Program
- LCP Amendment No. LCP-6-NOC-19-0061-1/Tierra Alta
- Appeal form by Commissioner Wan
- Appeal form by Commission McCoy
- City of San Diego Permit No. 98-0792
- City of San Diego Resolution No. R-295657