



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 4, 2009 **REPORT NO.** PC-09-047

**ATTENTION:** Planning Commission, Agenda of June 11, 2009

**SUBJECT:** **EAST TECOLOTE CANYON PIPE PROTECTION - PROJECT NO. 152174  
PROCESS FOUR**

**OWNER/  
APPLICANT:** City of San Diego Metropolitan Wastewater Department

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Site Development Permit for the placement of gabion walls, mattresses and rip rap to protect an exposed concrete-encased sewer pipe in three locations in East Tecolote Canyon within the Clairemont Mesa and Linda Vista Community Plan areas?

### Staff Recommendations:

1. **Certify** Mitigated Negative Declaration No. 152174; **Adopt** Mitigation, Monitoring and Reporting Program; and
2. **Approve** Site Development Permit No. 608414.

### Community Planning Group Recommendations:

1. On June 17, 2008, the Clairemont Mesa Planning Committee voted 11-0-1 to approve the project with no conditions (Attachment 7); and
2. On June 23, 2008, the Linda Vista Community Planning Committee voted 11-0-0 to approve the project with no conditions (Attachment 7).

**Environmental Review:** Mitigated Negative Declaration LDR No. 152174 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared

and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

**Fiscal Impact Statement:** The project is being funded by the Metropolitan Wastewater Department Sewer Operating Fund No. 41506, Dept. No. 773; East Tecolote Canyon Pipe Encasement Protection Project.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** None.

## **BACKGROUND**

The project site (Attachment 3) is within the East Clairemont Segment of Tecolote Canyon (East Tecolote Canyon) in the Tecolote Canyon Natural Park (Attachment 1). The proposed project is located on two parcels in the OP-1-1 and OP-2-1 zones, within Environmentally Sensitive Lands (ESL), FAA Part 77 Notification Area, Mobile Home Park Overlay Zone (MHPOZ), Residential Tandem Parking Overlay Zone (RTPOZ), FEMA Floodway/Floodplains (100-yr FP) of the Clairemont Mesa and Linda Vista Community Plans (Attachment 2).

East Tecolote Canyon is a side canyon of Tecolote Canyon. It is a long, linear canyon that sprawls approximately one mile, beginning at Genesee Avenue and traveling west until intersecting Tecolote Canyon at the Tecolote Canyon Golf Course. A dirt access road ranging from approximately four to twelve feet wide occurs throughout the canyon bottom. At present the project site (Attachment 8) contain sewer pipe encasements that have been undermined due to flooding and erosion over time.

## **DISCUSSION**

### **Project Description:**

The project (Attachment 4) proposes to protect three segments (Areas A, B and C) of exposed concrete encased sewer pipeline from being further damaged by the stream water flow with the placement of gabion walls, mattresses and rip rap. Approximately 100 feet of the access path would be realigned to avoid wetland impacts where the existing path has narrowed due to erosion of the bank, just west of Area C. Current access to Area A (300-foot segment) is from the east via Genesee Avenue. Access to Areas B (1200 feet) and C (1600 feet) is from the west end of East Tecolote Canyon through the San Diego Gas and Electric access road off Via Bello Street.

The gabion walls and mattresses are small rocks (usually cobbles) that are placed in wire mesh baskets and are placed next to pipelines or other man-made structures to prevent erosion by the flow from rivers or streams. Rip rap are larger rocks that do the same thing as the gabion wire mesh baskets except they are placed at the site with no wire mesh around them. In effect, the rip rap and gabion baskets slow or divert stream water around or over the structure, thereby keeping

it intact so it can function properly for its intended use.

### **Discretionary Action**

The project site is within premises containing ESL and the work proposed cannot avoid impacts to wetlands. Therefore, a Site Development Permit is required in accordance to the San Diego Municipal Code Section 126.0502(a)(1), Section 143.0110, Table 143-01A.

### **Community Plan Analysis:**

*General /Community Plan Conformance* - The proposed project is located at three separate locations in Tecolote Canyon within the Clairemont Mesa Community and Linda Vista Community Planning areas. The Community Facilities Element of these plans recommends that water and sewer facilities be maintained to adequately serve the community. The proposed project is in conformance with this Community Plan objective.

*General Plan Conformance* - The Public Facilities, Services and Safety Element of the General Plan includes policy language which supports maintenance of the City's wastewater system. Specific policies include: minimizing sewer spills by best practice infrastructure asset management practices; and managing infrastructure assets optimally through efficient repair and replacement. The proposed project is in conformance with these policies.

### **Environmental Analysis:**

The following issues were considered during the environmental review of this project and determined to be potentially significant: Land Use (MHPA Land Use Adjacency Guidelines) and Biological Resources.

#### *Land Use (Multiple Species Conservation Program)*

The proposed project is located in the Multi-Habitat Planning Area (MHPA) of the City of San Diego Multiple Species Conservation Program (MSCP) Subarea. The project is required to conform to the applicable Land Use Adjacency Guidelines (Sections 1.4.3.) of the MSCP Subarea Plan. Issues pertaining to lighting, drainage and brush management would not adversely affect the MHPA. Specifically, all proposed lighting would be directed away from the MHPA, and shielded if necessary. Drainage would be directed away from the MHPA. No invasive non-native plants would be planted in or adjacent to the MHPA.

#### *Biological Resources*

A biological survey report was prepared by Merkel and Associates, Inc. (May 2008) to assess the impacts of the project on sensitive biological resources. Biological field surveys conducted included vegetation mapping, a sensitive plant species assessment, and a general wildlife survey.

The project as proposed would directly impact .03 acres of Tier I coast live oak, .02 acres of Tier I scrub oak, .01 acres of Tier I native grassland, 0.02 acres of Tier IIIB non-native grassland and 0.03 acres of Tier IV disturbed lands. According to the City of San Diego's CEQA Significance Determination Thresholds, impacts to sensitive uplands (Tiers I-IIIB) totaling less than 0.1 acres are not considered significant and do not require mitigation. The total impact to sensitive upland habitat equals 0.08 acres and therefore is not significant.

Impacts to wetlands would occur through the placement of riprap and the gabion features. The impacts to the City of San Diego wetlands would include; 0.03 acres of southern riparian forest, 0.03 acres of southern willow scrub, and 0.01 acres of open water. The following are the required mitigation ratios for each habitat: southern riparian 3:1, southern willow scrub 2:1, and open water 2:1. The total acreage for wetland impacts would be .17 acres. To satisfy the no net loss of wetlands, the project would be required to create .07 acres of wetlands with the remaining 0.10 acres of mitigation occurring as enhancement/restoration. It should be noted that in addition to the City's mitigation requirements the project may be required to obtain both Federal (404) and/or State (1601/1603) wetland permits.

Several species of birds, mammals and reptiles were noted to occur or potentially occur on site. The only potential impact to wildlife species would occur if tree trimming activities were to occur during tree-nesting raptor breeding season (February 1 - August 31). However, bird species observed on site would be protected under the Migratory Bird Treaty Act (MBTA) which prohibits, unless permitted by regulations, the pursuit, hunting, taking, capture, killing, possession, sale, purchase, transport, or export of any migratory bird or any part, nest or egg of that bird. Project compliance with MBTA would preclude any direct impacts. Noise impacts to nesting sensitive avian species would be avoided during the breeding season through preconstruction surveys and adherence to appropriate noise buffer zone restrictions as delineated in the mitigation requirements stated under Land Use (MSCP/MHPA).

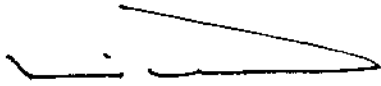
### **Conclusion:**

To keep the pipe encasements in their existing state without additional protection would result in a higher risk of future sewer spills. Unless repaired, the exposed concrete-encased sewer pipes are subject to further erosion which could lead to sagging pipes that would eventually break. A break of this type would become a public health and safety issue because the untreated sewage spill would ultimately end up in San Diego's Mission Bay. The project as proposed would help maintain the integrity of the entire sewer pipeline which would be a benefit to the City of San Diego. Therefore, staff believes findings (Attachment 6) can be made for a Site Development Permit (Attachment 5) and recommends the Planning Commission certify the MND and approve the project.

**ALTERNATIVES**

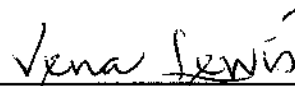
1. Approve Site Development Permit No. 608414, with modifications.
2. Deny Site Development Permit No. 608414, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Vena Lewis  
Project Manager  
Development Services Department

**BROUGHTON/VSL**

**Attachments:**

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Site Plans
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendations
8. Photo Survey
9. Project Chronology





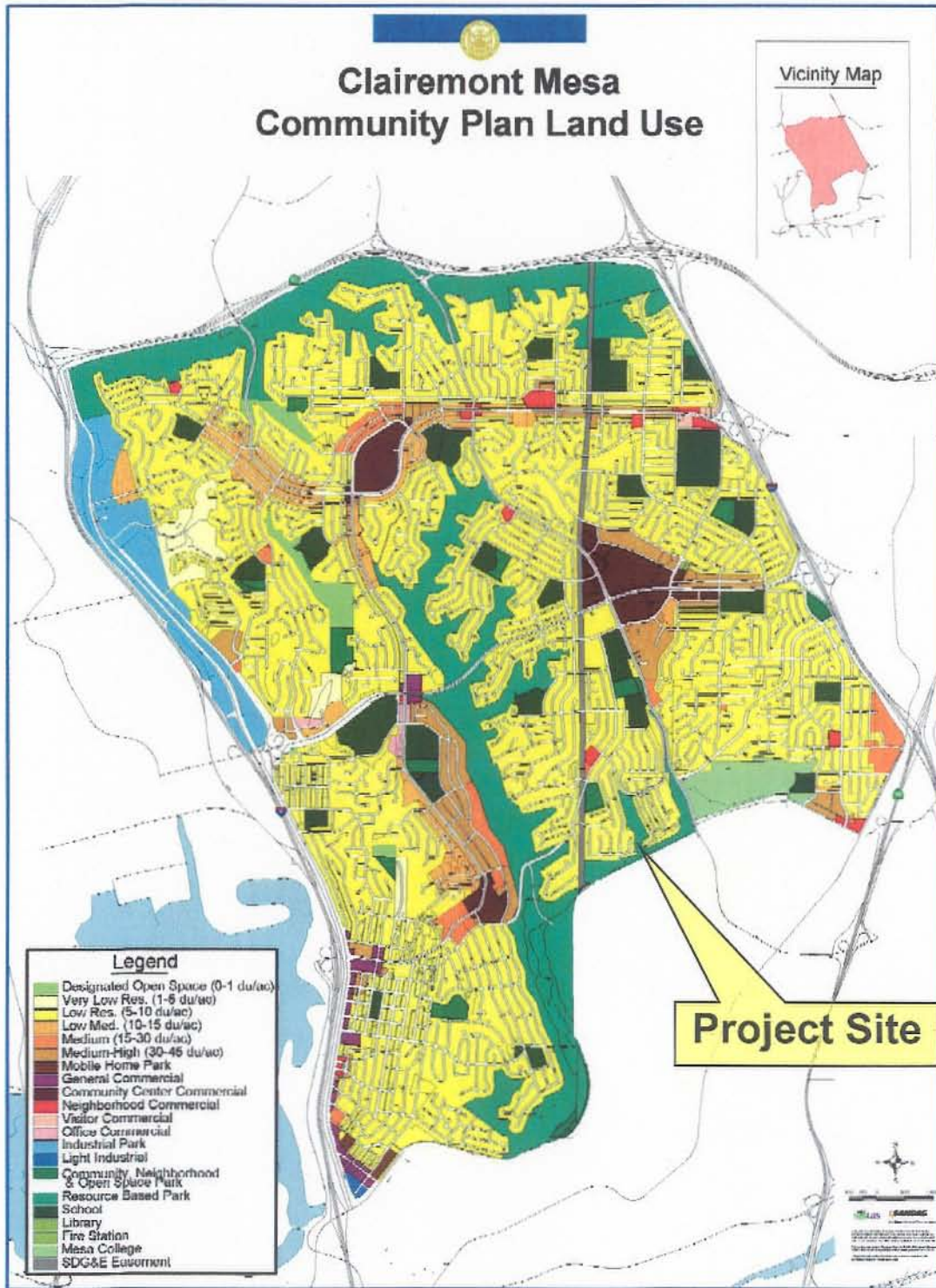
### East Tecolote Canyon Sewer Pipe Encasement Protection Project



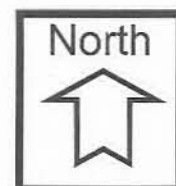
- Manhole
- Access Path
- Sewer Main
- Impact Area

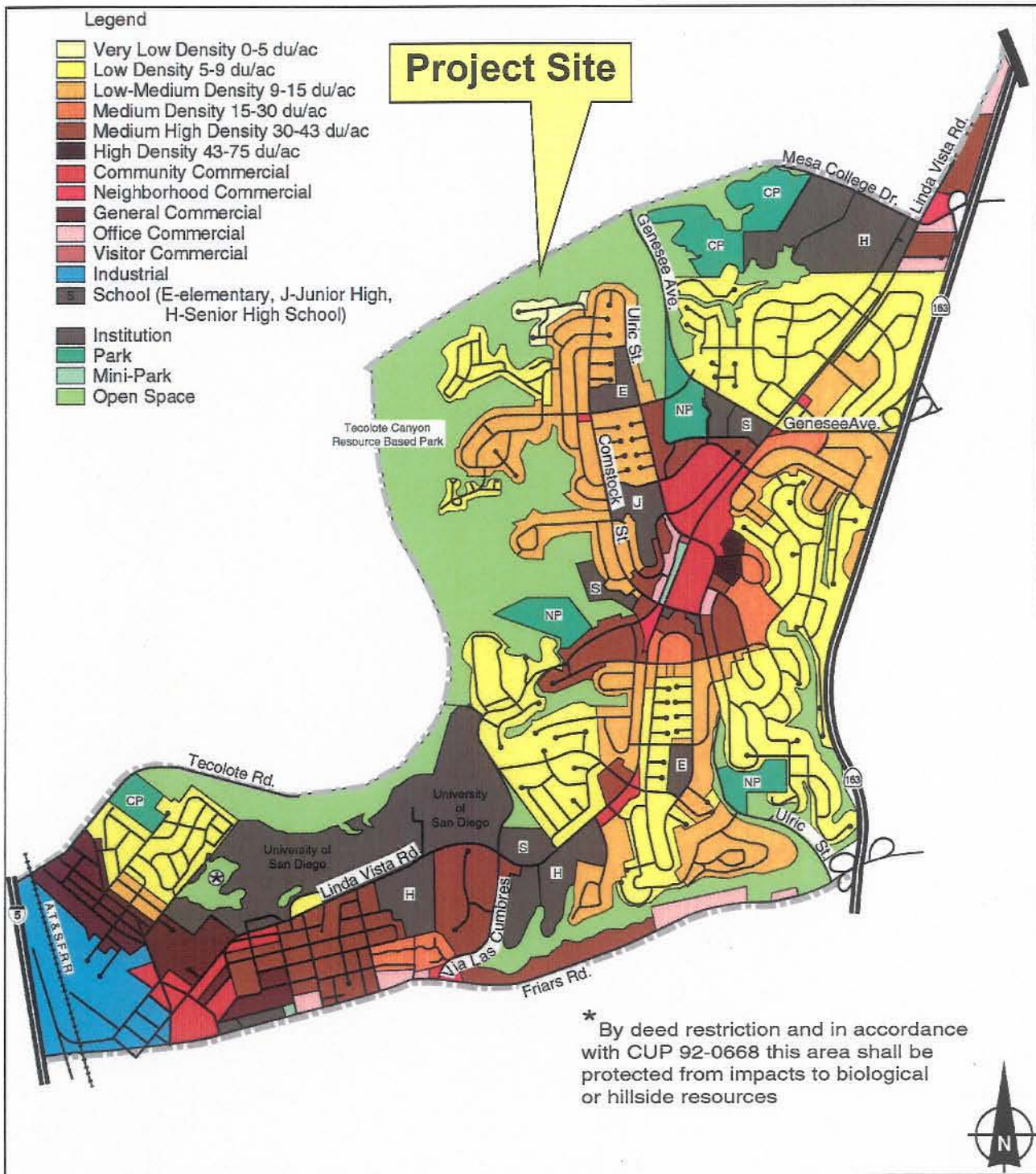






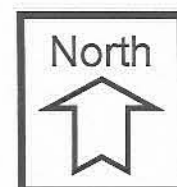
East Tecolote Pipe Protection – PTS 152174



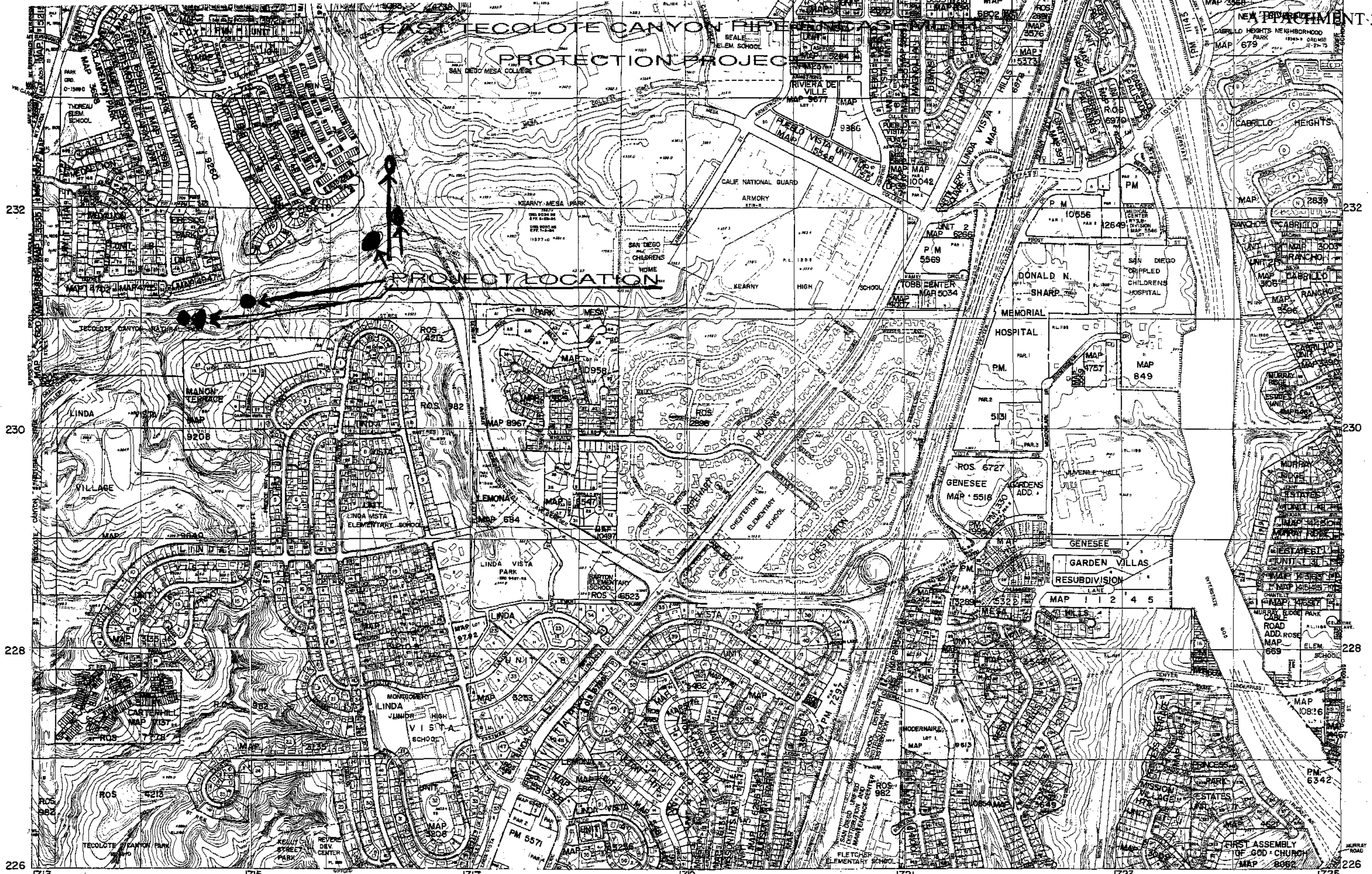


# Linda Vista Land Use Map

East Tecolote Pipe Protection – PTS 152174







EAST TECOLOTE CANYON PIPE LINE AND PROTECTION PROJECT

PROJECT LOCATION

TECOLOTE

CITY OF SAN DIEGO, CALIFORNIA

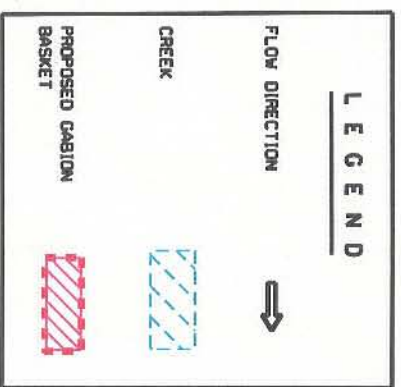
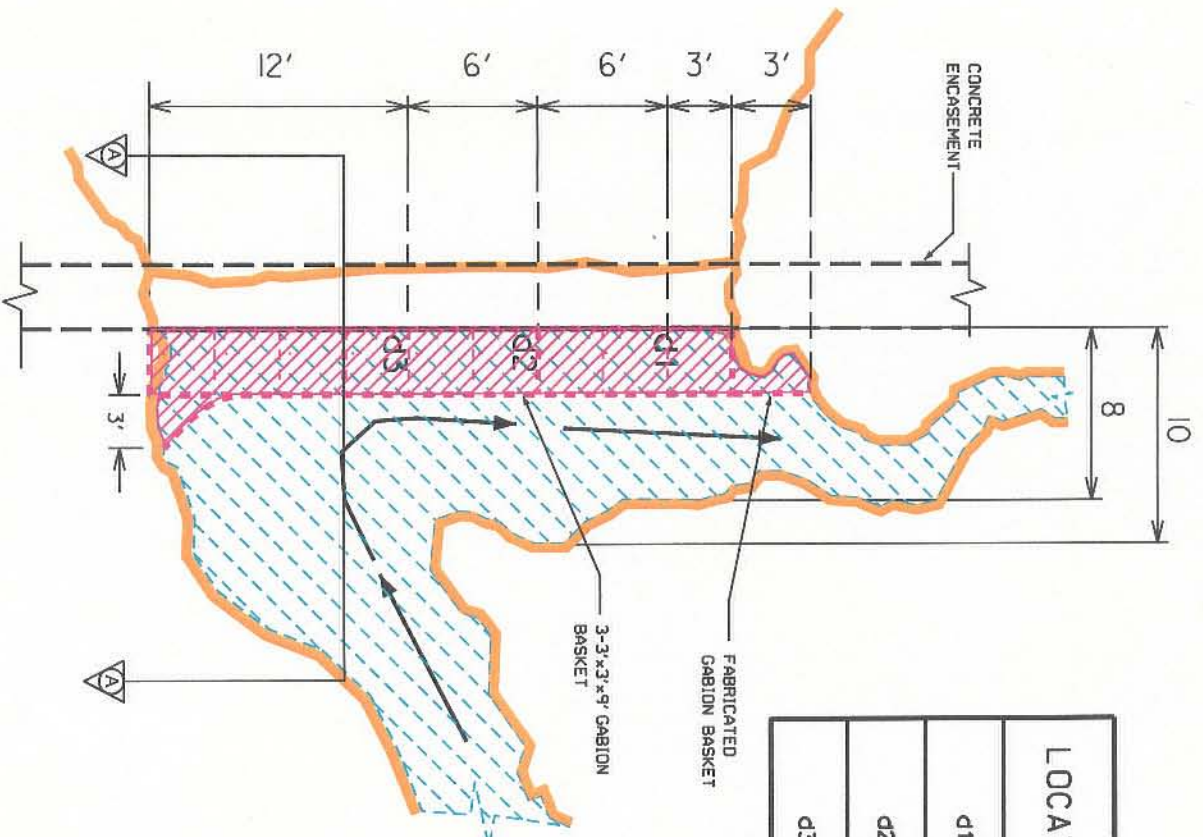
SCALE 1 INCH = 800 FEET  
DATUM IS MEAN SEA LEVEL

BASE MAP	
DRAWN 4-3-73 RHC	
REVISED 7-31-85 TC	
8-13-85 TC	

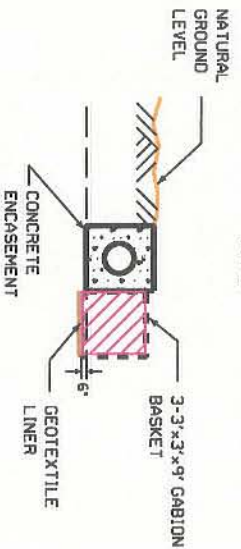
234-1713	
226-1725	

226-1713

LOCATION	DEPTH
D1	2.0'
D2	2.0'
D3	2.5'



**PLAN VIEW - AREA "A"**  
NTS



**SECTION A-A**  
NTS

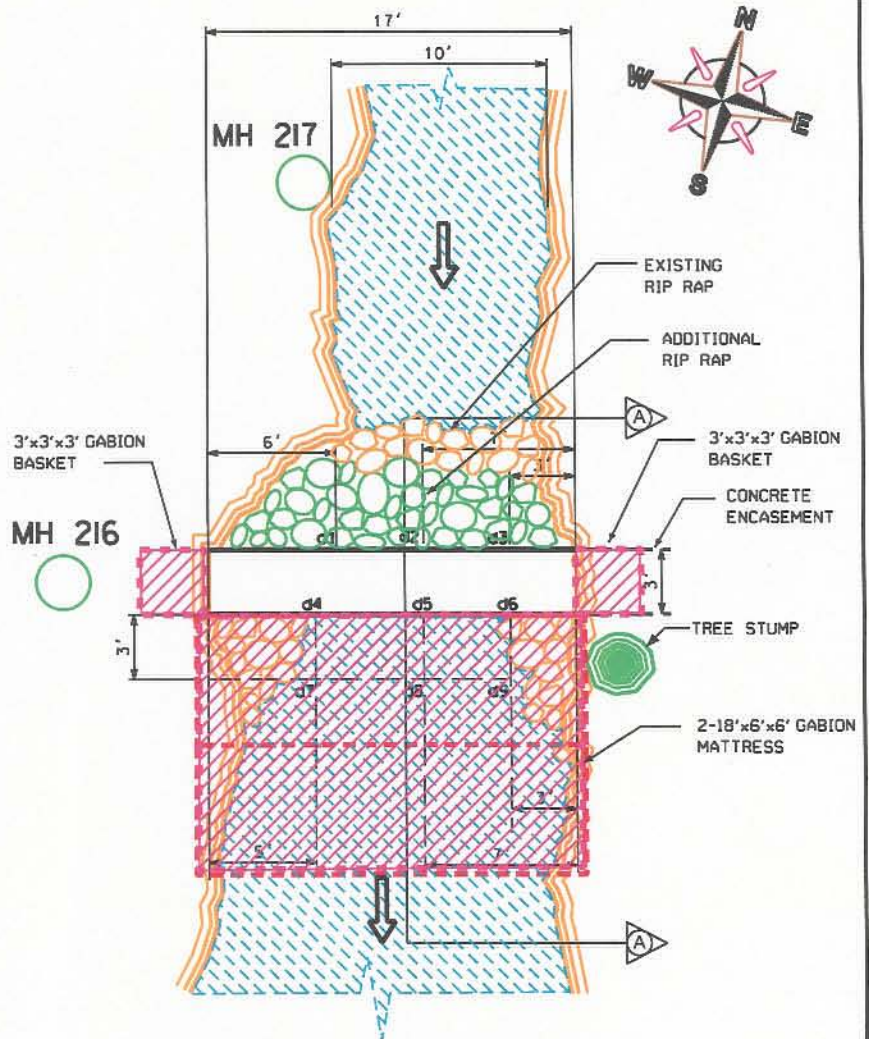
**EAST TECOLOTE CANYON PIPE  
ENCASUREMENT PROTECTION PROJECT  
SITE PLAN**

PTS# - 152174  
DATE: 02-27-08

SHEET 1 OF 3

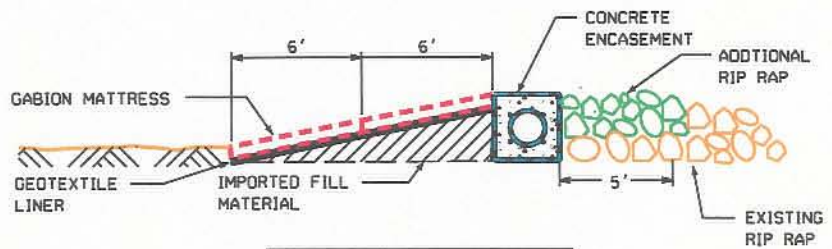


LOCATION	DEPTH
d1	1.3'
d2	2.0'
d3	1.3'
d4	2.0'
d5	2.5'
d6	3.0'
d7	3.0'
d8	3.5'
d9	3.0'



PLAN VIEW - AREA "B"







NTS



SECTION A-A

NTS

**LEGEND**

- PROPOSED ADDITIONAL 1/4 TON RIPRAP 
- CREEK 
- EX. RIP RAP 
- FLOW DIRECTION 
- GABION BASKET 
- GABION MATTRESS 

CREWS SHALL FILL VOIDS BETWEEN BIG ROCKS WITH SMALL ROCKS

**EAST TECOLOTE CANYON PIPE  
ENCASEMENT PROTECTION PROJECT  
SITE PLAN**

PTS# - 152174





DATE: 02-27-08

SHEET 2 OF 3

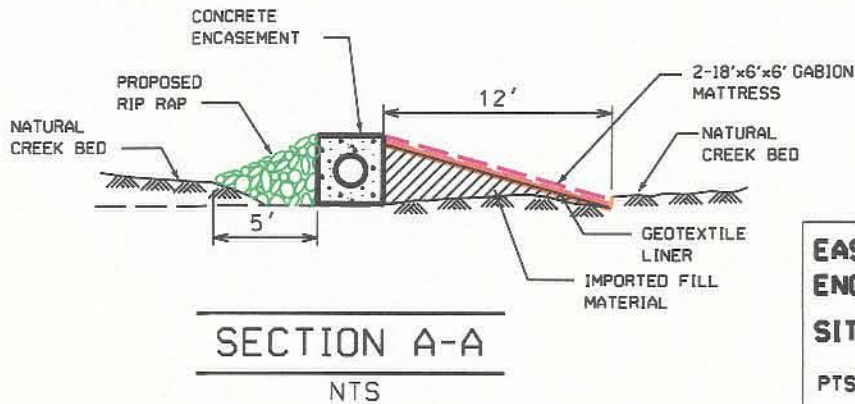
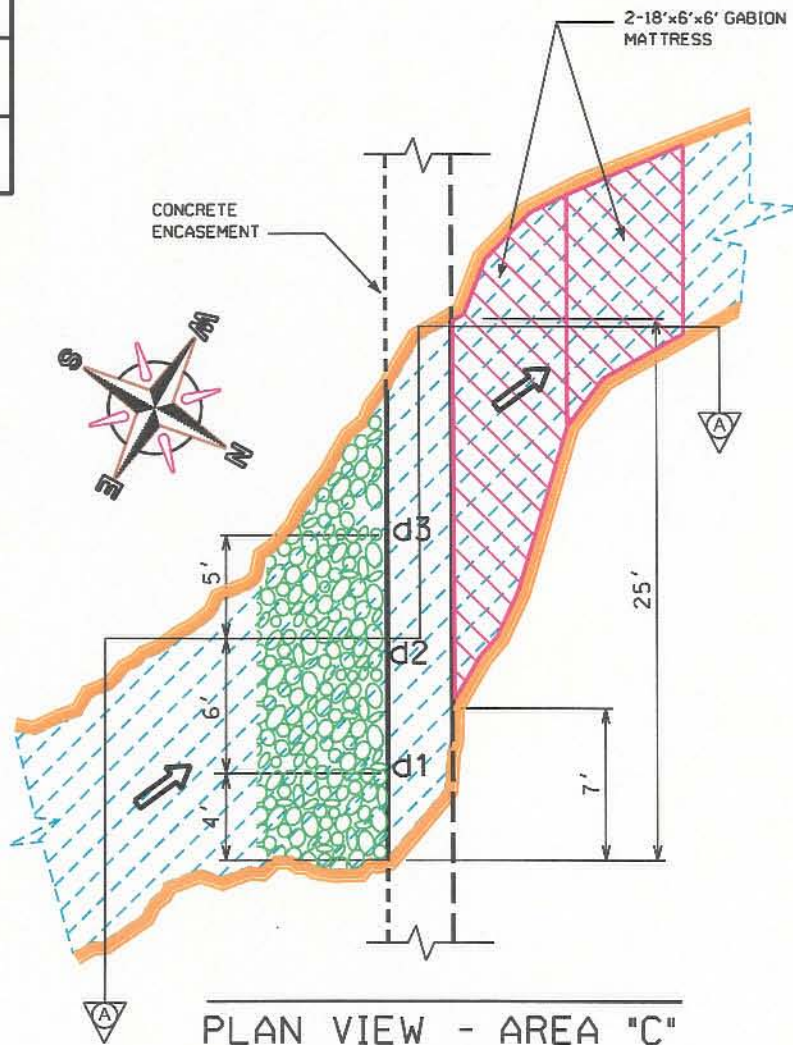


LOCATION	DEPTH
d1	2.67'
d2	2.33'
d3	2.75'

**LEGEND**

- PROPOSED RIP RAP 
- CREEK 
- FLOW DIRECTION 
- PROPOSED GABION MATTRESS 

CREWS SHALL FILL VOIDS BETWEEN BIG ROCKS WITH SMALL ROCKS



**EAST TECOLOTE CANYON PIPE ENCASEMENT PROTECTION PROJECT  
SITE PLAN**

PTS# - 152174

DATE: 02-27-08

SHEET 3 OF 3

**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES  
 PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 030100

**SITE DEVELOPMENT PERMIT NO. 608414**  
**EAST TECOLOTE CANYON PIPE ENCASUREMENT PROTECTION**  
**PROJECT NO. 152174**  
**PLANNING COMMISSION**

This Site Development Permit No. 608414 is granted by the Planning Commission of the City of San Diego to the CITY OF SAN DIEGO METROPOLITAN WASTEWATER DEPARTMENT, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The site is located in the East Tecolote Canyon at Genesee Avenue west to Tecolote Canyon at Tecolote Canyon Golf Course in the OP-1-1 and OP-2-1 zones of the Clairemont Mesa and the Linda Vista Community Plans. The project site is legally described as Township 15 South, Range 3 West of the San Bernardino Base and Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the placement of gabion walls, mattresses and rip rap at various exposed sewer pipeline encasements, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 11, 2009, on file in the Development Services Department.

The project shall include:

- a. Placement of gabion walls, mattresses and rip rap to exposed concrete-encased sewer pipe in three different locations (Areas A=300 feet, B=1200 feet and C=1600 feet) to protect them from further erosion;
- b. Realignment of approximately 100 feet of the access path;
- c. Landscaping (planting and landscape related improvements); and
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and

private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the development and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.



9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

10. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

11. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 152174, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 152174, satisfactory to the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Land Use (MHPA Land Use Adjacency Guidelines) and Biological Resources.

13. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**LANDSCAPE REQUIREMENTS:**

14. The construction and revegetation plans that have been submitted shall serve as the construction documents for the site. All plans shall be in substantial conformance to this permit

(including Environmental conditions) and Exhibit "A" on file in the Office of Development Services Department.

15. Prior to Final inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape.

16. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times.

17. If any required landscape indicated on the approved construction document plans is damaged or removed during grading and construction of the proposed pipe protection, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to the performance of a Final Landscape Inspection.

18. Prior to issuance of construction permits the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within Appendix 1 of the "Final Biological Resources Report" (Dated May 2008), California Invasive Council's (Cal-IPC) Invasive Plant Inventory, and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

19. Prior to issuance of construction permits the Permittee or Subsequent Owner shall ensure that all existing, invasive plant species that were observed from Appendix 1 from the "Final Biological Resources Report", including vegetative parts and root systems; shall be completely removed from the development area of the premises when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises.

20. A mitigation monitoring period of 25-months for erosion control shall be required.

**PARKS AND OPEN SPACE REQUIREMENT:**

21. The Owner/Permittee shall insure that all pruning (hand-clearing of oak branches or trimming of oaks) be monitored by a certified arborist.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 11, 2009,  
Resolution No.'s – and --.



Site Development Permit No. 608414  
Date of Approval: June 11, 2009

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Vena Lewis  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**City of San Diego**  
Owner/Permittee

By \_\_\_\_\_  
Dirk Smith  
City of San Diego Metropolitan Wastewater Department

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

**PLANNING COMMISSION  
RESOLUTION NO.  
SITE DEVELOPMENT PERMIT NO. 608414  
EAST TECOLOTE CANYON PIPE PROTECTION  
PROJECT NO. 152174**

WHEREAS, CITY OF SAN DIEGO METROPOLITAN WASTEWATER DEPARTMENT, Owner/ Permittee, filed an application with the City of San Diego for a permit to protect three segments of exposed concrete encased sewer pipeline by placement of gabion walls, mattresses and rip rap, and the realignment of approximately a 100-foot segment of access path (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 608414);

WHEREAS, the project site is located at in the East Tecolote Canyon at Genesee Avenue west to Tecolote Canyon at Tecolote Canyon Golf Course in the OP-1-1 and OP-2-1 zones of the Clairemont Mesa and the Linda Vista Community Plans;

WHEREAS, the project site is legally described as Township 15 South, Range 3 West of the San Bernardino Base and Meridian;

WHEREAS, on June 11, 2009, the Planning Commission of the City of San Diego considered Site Development Permit No. 608414 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 11, 2009.

FINDINGS:

**Site Development Permit - Section 126.0504**

**A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.**

The subject property is located in an area identified as Park, Open Space in the Clairemont Mesa Community Plan (CMCP) and Linda Vista Community Plans. These plans recognize that existing sewer facilities need to be maintained to prevent sewer spills. One of the objectives of the CMCP under Community Facilities (page 115) is to, "maintain water and sewer facilities to adequately serve the community." The project as proposed is for the maintenance of an existing sewer facility. The project has been designed to minimize impacts to environmentally sensitive plant and animal habitats. In accordance with Council Policy 400-13, upon completion the site would be promptly returned to preexisting conditions. Revegetation would be performed in all the project work areas. Therefore, the project as proposed will not adversely affect the applicable land use plans.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

At present the project site contain sewer pipe encasements that have been undermined due to flooding and erosion over time. To keep the pipe encasements in their existing state without additional protection would result in a higher risk of future sewer spills as well as unfavorable risk to the community. The project proposes to protect the existing sewer pipe encasements and has been designed in accordance with the City Green Book, Landscape Manual and the California Environmental Quality Act Guidelines. By protecting the sewer pipe encasements according to the aforementioned regulations would help to avert future sewer spills; therefore, the development as proposed would not be detrimental to public health, safety, and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The project as proposed will comply with both the Clairemont Mesa and the Linda Vista Community Plans located on two parcels in the OP-1-1 and OP-2-1 zones. The proposed project will also comply with the City Green Book, Landscape Manual, the California Environmental Quality Act Guidelines, and all other applicable regulations of the Land Development Code. The proposed development will proceed in accordance with all other applicable regulations of the Land Development Code, as conditioned with Site Development Permit No. 608414.

**B. Supplemental Findings--Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The proposed project consists of protecting existing sewer pipe encasements. Protecting the sewer pipe encasements would help to avert future sewer spills. To the extent possible, access routes and project activities shall be restricted to the least sensitive areas thereby minimizing impacts to sensitive habitats and jurisdictional areas on the project site. Implementation of the Mitigation Monitoring and Reporting Program (MMRP), as outlined in Section V of the MND, would reduce impacts to biological resources to below a level of significance. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmental sensitive lands.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

At the conclusion of the project, the original contours would be restored, eliminating the alteration of the landforms. The Hydrology and Hydraulics Study reviewed by staff determined the development as proposed would not result in undue risk from geologic and erosional forces, flood, or fire hazards. In addition, the project has been designed and would be constructed according to the City Green Book, Landscape Manual, the California Environmental Quality Act Guidelines, and all other applicable regulations of the Land Development Code.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The project has been designed to minimize impacts to environmentally sensitive lands and is consistent with Council Policies 400-13 and 400-14. The project work areas have been minimized to the maximum extent practicable to carry out the work in order to lessen impacts. To avoid narrow crossings within the creek and additional impacts to wetlands, the project design requires that access to site A occur from the east at Genesee Avenue, and for sites B and C, from the west starting at the San Diego Gas and Electric access road from Via Bello, following the existing access road east toward Genesee Avenue (except for the 100 feet that are being realigned to avoid impacts to jurisdictional areas within the streambed).

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The majority of East Tecolote Canyon (of which the proposed project is located) is within the Multi-Habitat Planning Area (MHPA) of the City of San Diego Multiple Species Conservation Plan (MSCP) Subarea. To the extent possible, access routes and project activities shall be restricted to the least sensitive areas thereby minimizing impact to sensitive habitat and jurisdictional areas on the project site. In compliance with the Subarea Plan, habitat disturbance, that has been deemed unavoidable, would be restored or mitigated after the project had been completed. Although the project would result in impacts to biological resources within the MHPA, the MSCP Subarea Plan anticipates improvements to existing and future infrastructure within urban canyons.

In addition, in order to reduce potential direct and/or indirect impacts to the MHPA from the proposed construction, the applicant shall be required to comply with and implement according to the MSCP MHPA Land Use Adjacency Guidelines as described in Section V of the Mitigated Negative Declaration No. 152174. Thereby, rendering the project as proposed to be consistent with the City of San Diego's MSCP Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project is not located on or near any public beaches or local shoreline. In addition, Best Management Practices would be implemented to minimize erosion and runoff. Accordingly, the project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

Biological Resources and Historical Resources (Archaeological) were considered during the environmental Initial Study and determined the project as proposed could have a significant environmental effect. Subsequent revisions to the project proposal create the specific mitigation identified in Section V of the Mitigated Negative Declaration No. 152174. The project was



revised and now avoids or mitigates the potentially significant environmental effects noted above. A Mitigation Monitoring and Reporting Program have been prepared and will be implemented as determined within Mitigated Negative Declaration 152174.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 608414 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 608414, a copy of which is attached hereto and made a part hereof.

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Vena Lewis  
Development Project Manager  
Development Services

Adopted on: June 11, 2009

Job Order No. 030100

cc: Legislative Recorder, Planning Department

**Clairemont Mesa Planning Committee**

Minutes of the Meeting of  
June 17, 2008  
North Clairemont Friendship Center

P Jeff Barfield- Secretary P Jack Carpenter P Eric Lardy P Richard Jensen	P Sheri Mongeau - Vice Chair P Kathy Monsour	P Susan Mournian P Billy Paul P Brooke Peterson - Chair P Thomas Schmidt	P Donald Steele P Scott Wentworth
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P – Present A – Absent

**1. Call to Order / Roll Call**

Brooke Peterson called the meeting to order at 6:35 p.m. Attendance called by Jeff Barfield and full Committee present.

**2. Non-Agenda Public Comment**

Public:

Martin Wilson passed out proposed plans for improvements to his shopping center on Mt. Alifan. Jack Carpenter asked about Fire Marshal approval and about fire access. Mr. Wilson indicated he has approval from Bob Medan, Fire Safety Officer for the City. Jeff Barfield suggested the project review sub-committee should review the project first before bringing it to the CMPC as an action item. Brooke Peterson agreed. Mr. Wilson indicated he would make arrangements to meet with the sub-committee. No further action was taken.

Committee Members:

Scott Wentworth announced that Clairemont Family Day is Saturday, August 2 at the South Clairemont Recreation Center..

Jack Carpenter stated that the Grand Jury has criticized the Mills Act (Historical Preservation). He requested citizens get involved to show support for the Mills Act.

**3. Modifications to the Agenda**

There were no modifications to the Agenda.

**4. Approval of Minutes**

Motion by Donald Steele to approve the minutes for April 15, 2008, Second by Sheri Mongeau.  
**Vote: 10-0-2.** Susan Mournian and Brooke abstained from voting because of their absence from the April meeting.

**5. Information Items**

**101. North City Prevention Coalition (Cathy Lippitt)**

Ms. Lippitt gave a presentation on "Smoke Shops" in the community. Her organization's goal is to help adults and kids make more healthy decisions and part of that is to discourage use of tobacco and drugs, including smoking marijuana. She displayed a map of existing shops in the Clairemont area and areas close-by, as well as various smoke pipes and other paraphernalia. Her concern is these shops locate near schools where kids are present. She described laws on the books concerning illegal drug paraphernalia and tobacco sales to juveniles. She asked for support to send letters to the City Attorney to enforce City Ordinances aggressively. Numerous questions by CMPC members followed. Jack Carpenter asked about the difference between tobacco pipes and marijuana bongs. Ms. Lippitt described the difference and also discussed other pipes used

for crack, rock cocaine, and methamphetamine. The location of three specific shops was identified. Dot Jensen suggested they go to the Clairemont Town Council. Brooke Peterson advised we will place an action item on the agenda for July to forward a statement of support for the letter.

## 6. Action Items

### 201. Tecolote Pipeline Protection Project (Laura Ball, City of SD MWWD)

Laura and Nadal Q. presented the Water Department's construction project to encase and protect a sewer pipeline in Tecolote Canyon, west of Genesee Ave. Nadal summarized work done in conjunction with the project, including a biology study, 1611, 401, and Army Corps of Engineer permits, and a site development permit with city Development Services. These would lead to the issuance of a Mitigated Negative Declaration. Start of construction will begin following the breeding season and biological monitoring will be done to minimize impacts to the natural habitat.

Billy Paul questioned the need for the sewer pipeline and the project, and questioned whether a cost-benefit analysis had shown the pipeline is necessary in the canyon because areas that the sewer line served did not seem to be very large.

Laura indicated the line served areas that were not shown directly on the map and that it was a larger trunk line that didn't have smaller lateral connections but rather had larger lines connecting to it that were not evident on the map.

Motion by Scott Wentworth to recommend approval of the SD MWWD project, Second by Sheri Mongeau.

**Vote: 11-0-1, motion passes, Don Steele abstained having left the room during discussion.**

### 202. Tecolote Mitigation Project (Laura Ball, City of SD MWWD)

Laura summarized the major aspects of the habitat mitigation project just south of Balboa Ave. in Tecolote Canyon. She indicated it includes exotic plant removal and revegetation of native plants as mitigation for MWWD projects. Wetland and upland habitats are involved including coastal sage scrub and Oak woodland. Existing palm trees are to be removed by cranes. Laura described the mitigation ratios used for the replacement habitats.

Motion by Billy Paul to recommend approval of the project, second by Sheri Mongeau.

**Vote: 12-0-0, motion passes.**

### 203. Summit at Mission Bay (Daniel Rehm, Hunsaker & Associates/ Tom Bergenson, Cubellis)

Mr. Rehm introduced the project. He indicated the project has been in the process for two years, having had a Pre-application filed in 2006. Project then went on hold for a time then went through another Pre-application submittal as a sustainable project under the City's expedite process. He identified the location on the east side of Clairemont Dr. south of Calle Neil, north of Iroquois, and west of Cowley way. He summarized the project's statistics. 323 existing apartment units, comprised of 42, 2-story buildings of one and 2-bedrooms will be replaced with 499 units. A vesting Tentative Map to consolidate the existing 4 lots and vacate the existing alley is proposed. The VTM will propose condominiums, however, Rehm indicated the final map will not be processed. The condo aspect is being proposed as a form of insurance to protect against poor market-economic conditions. Mr. Rehm went through a presentation of Community Plan Policies and indicated why he felt the project was consistent with the Plan. Other points about the project were expressed by Mr. Rehm:

Mature trees to be retained on the west side of Cowley Way. The 5-level parking garage is concealed in the center of the project, prohibiting views from the public R-O-W. Several courtyards are proposed. 1.8 parking spaces per unit are proposed without considering existing on-street spaces available, which is more than the 1.7 spaces per unit with on-street parking with



**Linda Vista Planning Group**  
Approved Minutes from June 23, 2008 Meeting

Meeting opened at 6:05 p.m.; Chair, Donna Erickson, presiding. The Pledge of Allegiance was led by the color guard from the Boy Scout troop #985. Twelve board members were present: Bamford, Beckham, Bussell, Carini, Castro, Cleary, Cole, Duncan, Erickson, Morgen, Riquelme, and Tomcek. Eight board members were absent: Corley, Hughes, Perwin, Rodriguez, Shannon, Spahitz, Stang, and Wilson. There were a total of 37 people present at this meeting.

City & Government Reps Reports : No city representatives were present at this meeting; therefore no city reports were given. Other government/agency reps were in attendance [Fortiner and Klink] but because of time constraints had to leave before they could make a report.

Public Comment: Sheila Hardin notified us that the CCDC Corporate offices and Information Center have relocated. Their website [www.ccdc.com](http://www.ccdc.com) will have additional information and updates.

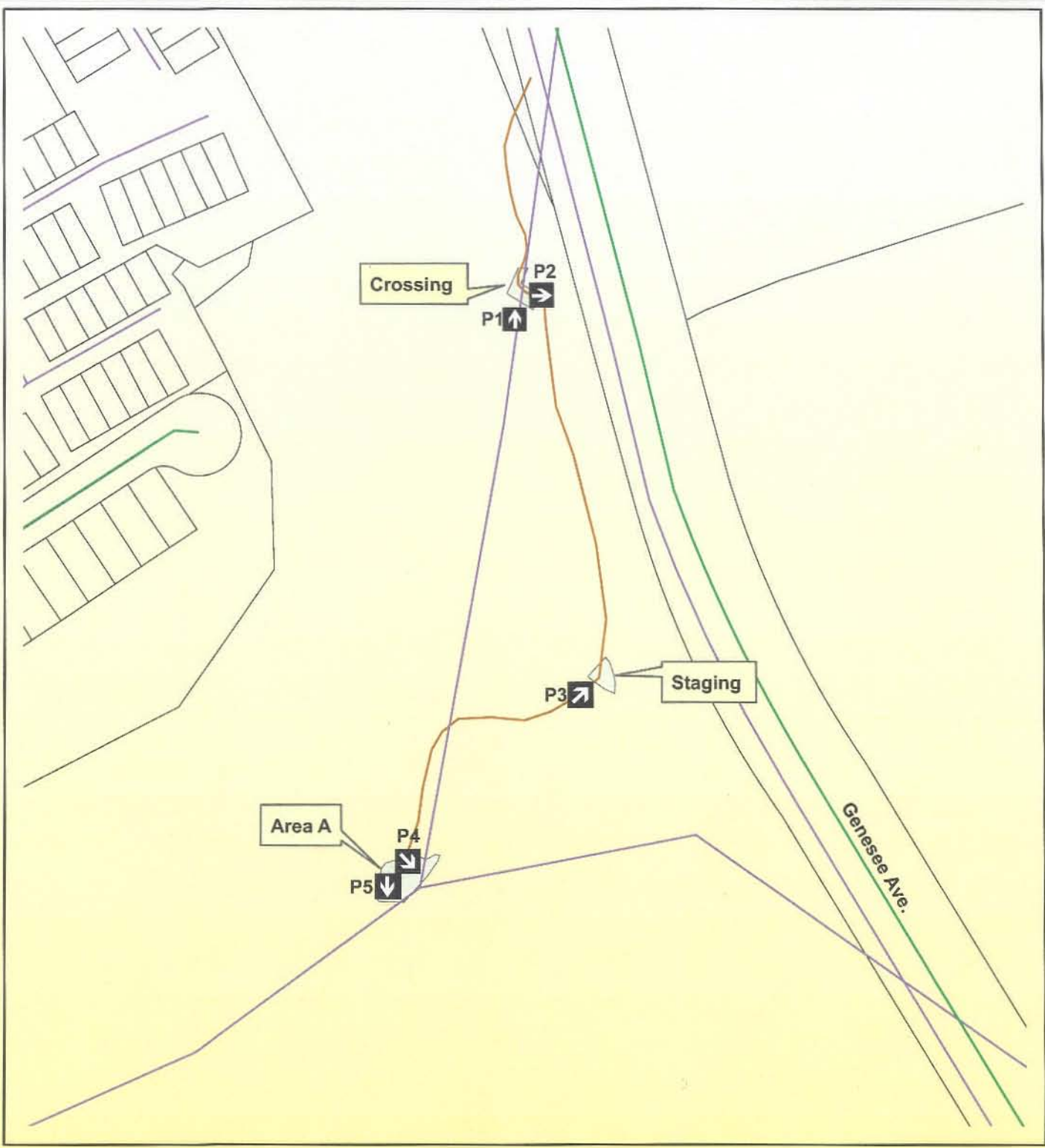
Action Items: NOTE: **The Chair did not vote unless required to break a tie.**

1-Motion for approval of May 19, 2008 minutes with changes noted.






Motion: Beckham, 2<sup>nd</sup>: Castro. Passed: 8-0-3 in favor. Abstentions: Cleary did not read; Duncan and Riquelme were not present at this 5-19-08 meeting.

2-Linda Vista Community Maintenance Assessment District elections were held. There were four openings and four nominees on the slate, which included, Gail Cole, Ester McNulty, Ed Farley, and Doug Beckham. Opening on the floor for additional nominations by Tomcek, with the requirement that the person being nominated needs to live within the boundaries of the LVCMAD. JoAnn Carini was nominated by Rick Bussell, but denied due to her not meeting the stated requirement. No additional nominees were placed on the ballot. Motion to close nominations was made. Motion: Beckman, 2<sup>nd</sup> Castro. Tomcek requested that voting be done by acclamation. Motion 11-0-0 in favor of electing the nominees as slated. The LVCMAD meetings will continue at Friars Village Clubhouse until a new meeting place is established. Meetings will be held every other month commencing on July 15, 2008.


3-Presenter: Dirk Smith and Nabeel Qawasmi from the City of San Diego Metropolitan Wastewater Department spoke on the East Tecelote Canyon Pipe Encasement Protection Project and associated Central Tecolote Enhancement/Mitigation Project. The work to be completed, including placement of gabion walls, gabion mattresses, and rip-rap around exposed sewage pipe encasements, will be located in East Tecelote Canyon between Genesee Avenue and Mt. Acadia. There was a Motion to approve this East Tecolote Canyon Project to help protect the exposed sewage pipe encasements in order to eliminate possible future soil erosion around the sewage pipe in the East Tecelote Canyon. Motion: Beckham, 2<sup>nd</sup>: Bussell. Passed 11-0-0.



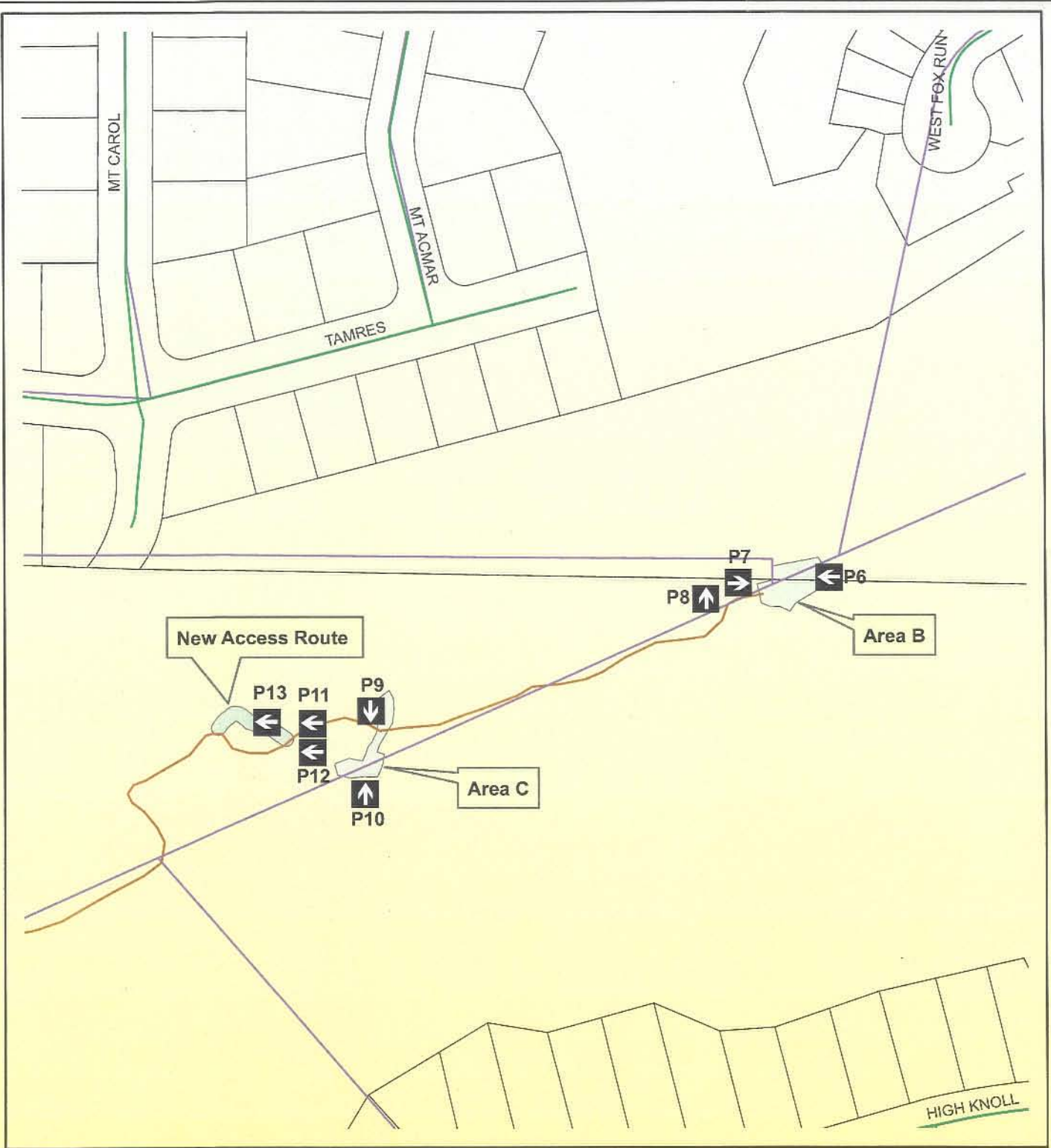
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-  Access Route
-  ConstrArea
-  SANGIS.S\_MAIN
-  SANGIS.ROADS\_ALL
-  SANGIS.PARCELS\_ALL






**East Tecolote Canyon Pipe  
Encasement Protection Project  
Key Map 1 - Photo Survey**

 **Photo Direction**





**Legend**

-  Access Route
-  ConstrArea
-  SANGIS.S\_MAIN
-  SANGIS.ROADS\_ALL
-  SANGIS.PARCELS\_ALL

**East Tecolote Canyon Pipe  
Encasement Protection Project  
Key Map 2 - Photo Survey**

 **Photo Direction**

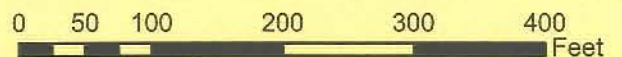




Photo Date: 3/03/08



Photo 1 (P1)



Photo 2 (P2)



Photo Date: 3/03/08



Photo 3 (P3)



Photo 4 (P4)



Photo Date: 3/03/08



Photo 5 (P5)



Photo 6 (P6)



ATTACHMENT 8

Photo Date: 3/03/08



Photo 7 (P7)



Photo 8 (P8)



Photo Date: 3/03/08



Photo 9 (P9)



Photo 10 (P10)



Photo Date: 3/03/08



Photo 11 (P11)



Photo 12 (P12)



Photo Date: 3/03/08



Photo 13 (P13)



**ATTACHMENT 9**

**East Tecolote Canyon Pipe Protection  
Site Development Permit No. 608414  
Project No. 152174  
Project Chronology**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
3/19/08	Applicant submits first full set of plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
5/2/08	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 month 13 days	
7/10/08	Applicant resubmits for second review.	Applicant provides response to first assessment letter.		2 months 8 days
8/27/08	Second Assessment Letter	Second Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 month 17 days	
9/17/08	Applicant resubmits for third review.	Applicant provides response to second assessment letter.		20 days
11/10/08	Third Assessment Letter	Third Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 month 23 days	
4/2/09	All issues resolved			
6/11/09	Planning Commission	Public Hearing	5 months 29 days	
<b>TOTAL STAFF TIME</b>		Averaged at 30 days per month	<b>10 months 23 days</b>	
<b>TOTAL APPLICANT TIME</b>		Averaged at 30 days per month		<b>2 months 28 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From first submittal to Hearing	<b>1 year 1 month 21 days</b>	