

(R-99-396)

RESOLUTION NUMBER R-290287

ADOPTED ON JUNE 16, 1998

WHEREAS, The City of San Diego, Engineering and Capital Projects Department, Owner/Permittee, filed an application with The City of San Diego for a permit to construct the middle segment portion of State Route 56 within the City of San Diego's coastal permit jurisdiction, as described in and by reference to the approved Exhibits "A," dated June 16, 1998, on file in the Office of Development Services, and corresponding conditions of approval for the associated Permit No. 96-7285; and

WHEREAS, the project site is located south of Del Mar Heights Road, north of Sorrento Valley Road between Carmel Creek Road and Carmel Valley/Black Mountain Road in the Carmel Valley Community Plan area; and

WHEREAS, the project site is legally described as a Portion of the Northeast Quarter of Section 20, a Portion of the Northwest Quarter of Section 21, Township 14 South, Range 3 West, and a Portion of Lot B of Map 13173 in the City of San Diego; and

WHEREAS, on June 4, 1998, the Planning Commission of The City of San Diego considered Coastal Development Permit No. 96-7285, and recommended that the City Council approve the permit; and

WHEREAS, the matter was set for public hearing on June 16, 1998, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Coastal Development Permit No. 96-7285:

A. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The proposed project will not encroach upon any existing or proposed physical accessway legally utilized by the general public identified in the North City LCP land use plan. The North City LCP (1988 Amendment) identified SR-56 as an "essential future public facility necessary to the economic health of the City of San Diego, region, and state, including but not limited to residential, commercial, public recreational, and industrial uses." The proposed project will improve existing and future access in the project area by improving mobility for local and regional traffic and completing an east-west freeway linkage between Carmel Valley and the Pacific Ocean.

Additionally, existing views to/from the Carmel Valley area are constrained by existing topography and a lack of public vantage points to/from the ocean. Therefore, the proposed SR-56 project would not obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

B. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

There are no environmentally sensitive areas including marine resources or sensitive plant/animal habitats in the Carmel Valley community within the City's coastal permit jurisdiction. This area is primarily characterized by disturbed habitat, and impacts to biological resources would be minimal. Additionally, there are no known archaeological resources within the City's coastal permit jurisdiction. The potential for paleontological resources within the Carmel Valley Community is considered zero to low, and thus no paleontological resources would be adversely affected through implementation of this project.

C. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

The project design complies with the requirements set forth in the Resource Protection Ordinance [RPO]. This is accomplished through no encroachment into biologically sensitive areas as well as no encroachment onto significant prehistoric or historic resources. Preliminary engineering design of SR-56 has attempted to consider the sensitive resources addressed by RPO, as is evident by no encroachment into sensitive biological, prehistoric, and historic resources in the Carmel Valley community.

D. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.

The project will not adversely affect any identified recreational or visitor-serving facilities within the City's coastal permit jurisdiction in Carmel Valley. The project would be constructed in existing, reserved right-of-way adjacent to residential developments (either existing or currently under construction), and would not impact existing public parks or publicly owned open space preserves, including public access to such areas, or other public lands proposed for parks or wildlife refuges.

There are no known coastal scenic resources within the City's Coastal permit jurisdiction that would be adversely affected by the proposed SR-56 project. As stated previously, the project would be constructed in existing, reserved right-of-way adjacent to residential developments. The North City LCP identifies SR-56 as an essential public facility, and the alignment shown in the LCP is generally the same as that proposed within the City's coastal permit jurisdiction in Carmel Valley. Additionally, the proposed project will improve existing and future access for recreational users in the project area by improving mobility for local and regional traffic and completing an east-west freeway linkage between Carmel Valley and the Pacific Ocean.

E. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

As stated above, the proposed project within the City's coastal permit jurisdiction in Carmel Valley would be constructed in existing, reserved right-of-way adjacent to residential developments (either existing or currently under construction). There are no environmentally sensitive plant or animal habitat in this area that would be adversely affected. Additionally, there are no existing public parks or publicly owned open space preserves, including public access to such areas, or other public lands proposed for parks or wildlife refuges in this area of the project.

F. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

The proposed project lies primarily within an area in Carmel Valley that is characterized by low to no geologic hazards. In the area of the City's coastal permit jurisdiction, the reserved right-of-way has been previously graded and only minor landform modifications would occur. The project does lie within areas characterized as slight to severe in terms of soil erodibility. A number of measures will be implemented, if deemed necessary during a Phase 2 geotechnical study, that would prevent any undue risks from geologic and erosional forces.

The project area within the City's coastal permit jurisdiction lies outside of the 100-year flood zone, and construction would not disrupt any natural drainage patterns within the floodplain. Additionally, the project area within the City's coastal permit jurisdiction lies in an

already disturbed area within existing, reserved right-of-way adjacent to residential developments (either existing or currently under construction), and would not result in undue risks from fire hazards.

G. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas.

The North City LCP identifies SR-56 as an essential public facility, and the alignment shown in the LCP is generally the same as that proposed within the City's coastal permit jurisdiction in Carmel Valley. As stated previously, the reserved right-of-way has been previously graded and only minor landform modifications would occur. The land use in this area primarily consists of suburban residential neighborhoods. The already graded right-of-way would be modified slightly, and the project would appear as a continuation of the existing pattern of noise barriers, interchanges, and freeway landscaping which is typical of the visual character of the existing SR-56 West. Landscaping will be incorporated into the project to break up the static design of proposed noise walls/berms and minimize visual impacts to both viewers from the freeway and from adjacent residential development.

H. The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site.

The portion of the project within the City's coastal permit jurisdiction would be consistent with the broad goals of the City's Progress Guide and General Plan, the Carmel Valley Community Plan, and the North City LCP, as indicated below. Thus, the proposed project will conform to applicable adopted plans and programs in effect for the project area.

In accordance with the City's General Plan, completion of SR-56 between Carmel Country Road and Black Mountain Road would represent the "additional public investment necessary to complete development and allow the growth" of Planned Urbanizing Areas of Carmel Valley.

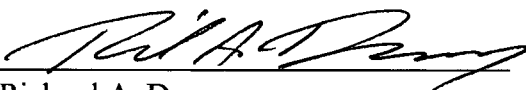
The portion of the project within the City's coastal permit jurisdiction in the Carmel Valley Community Plan area would utilize the existing right-of-way between Neighborhoods 4 and 8 and extend the existing SR-56 from 1-5 to 1-15. The project would not change or affect the Carmel Valley Community Plan.

The North City LCP identifies SR-56 as an essential public facility, and the alignment shown in the LCP is generally the same as that proposed within the City's coastal permit jurisdiction in Carmel Valley.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit No. 96-7285 is hereby granted to The City of San Diego, Engineering and Capital Projects Department, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
09/30/98
Or.Dept:Clerk
R-99-396
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**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 96-7285
STATE ROUTE 56 (SR 56) MIDDLE SEGMENT
(WITHIN THE CITY OF SAN DIEGO COASTAL PERMIT JURISDICTION)**

CITY COUNCIL

This Permit is granted by the Council of The City of San Diego to The City of San Diego, Engineering and Capital Projects Department, Owner and Permittee, pursuant to Section 105.200 of the Municipal Code of the City of San Diego to construct the middle segment portion of State Route 56 within the City of San Diego's coastal permit jurisdiction. The project is located south of Del Mar Heights Road, north of Sorrento Valley Road between Carmel Creek Road and Carmel Valley/Black Mountain Road in the Carmel Valley Community Plan area. The project site is legally described as a Portion of the Northeast Quarter of Section 20, a Portion of the Northwest Quarter of Section 21, Township 14 South, Range 3 West, and a Portion of Lot B of Map 13173 in the City of San Diego.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner /Permittee to construct a portion of SR 56 described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated June 16, 1998 on file in the Office of Development Services. The portion of the project covered by this permit includes the following:

The construction of the middle segment portion of SR 56 within the City's coastal permit jurisdiction. The proposed middle segment would connect the existing segments of SR 56 west (Carmel Valley) and SR 56 east (Rancho Peñasquitos). Within the Carmel Valley Community Plan area, approximately nine acres of the middle segment are located within the City's coastal permit jurisdiction.

The project would be configured as an expressway under interim conditions and ultimately as a freeway under build-out conditions. The expressway would consist of four travel lanes, ten-foot-wide outside shoulders (to serve as bicycle lanes), a 22-foot-wide median with concrete barrier, and completion of the existing half-diamond interchange at Black Mountain Road. No other interchanges/intersections are proposed for the expressway configuration. The freeway configuration would consist of: six travel lanes; a 42-foot-wide median to accommodate transit uses; HOV lanes, or additional mixed-flow lanes; a 14-foot-wide bicycle path; 30-foot-wide recovery areas on each side; completion of the existing half-diamond interchange at Black Mountain Road, and up to three full interchanges at future Camino Ruiz, Camino Santa Fe, with a possible "Third Interchange" between these two facilities. No intersections or interchanges are proposed within the City's coastal permit jurisdiction. Grading within the City's coastal permit

jurisdiction would be relatively minor as the reserved CalTrans right-of-way in this area has been previously graded.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect 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 initiated until:

- a. The Permittee signs and returns the Permit to Development Services; and
- b. The Permit is recorded by Development Services 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 City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the 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 utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this Permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. Before issuance of any grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 16, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made to the project or plans unless a finding of substantial conformity or amendment of this Permit shall have been granted.

8. 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 discretionary 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 special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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 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.

9. Prior to commencement of construction, a fee shall be deposited with Development Services for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Permittee and verified by Development Services at the time of approval of final grading permits.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The project shall be subject to all applicable mitigation measures contained in the adopted Mitigation, Monitoring, and Reporting Program for SR-56 as detailed in the Final EIR (LDR No. 95-0099) to the satisfaction of the Environmental Review Manager

ENGINEERING REQUIREMENTS:

11. The project shall comply with CalTrans standards for the roadway construction.

LANDSCAPE REQUIREMENTS:

12. Landscaping shall be installed consistent with CalTrans standards.

APPROVED by the Council of The City of San Diego on June 16, 1998, by Resolution No. R-290287.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

**THE CITY OF SAN DIEGO
ENGINEERING AND CAPITAL
IMPROVEMENTS DEPARTMENT**
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

9/30/98
LADUVERNAYPERMITS\96-7285.WPD

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