



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARAGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: September 25, 2024 and October 23, 2024

09

TO: Board of Supervisors

SUBJECT

TURNBULL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT VACATION AND AN ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, PDS2024-VAC-24-002; PALA/PAUMA SUBREGIONAL PLAN AREA (9/25/2024 – SET HEARING; 10/23/2024 – HOLD HEARING) (DISTRICT: 5)

OVERVIEW

Planning & Development Services (PDS) is processing a request from Robert Sukup, the Applicant Contact on behalf of Susan Turnbull, the Owner, (Attachment G, Ownership Disclosure) to vacate a Biological Open Space Easement and Limited Building Zone Easement (Attachment C, Existing Open Space Easement and Limited Building Zone Easement to be Vacated) that is located on a privately owned parcel in the Pala/Pauma Subregional Plan Area, within unincorporated San Diego County (Attachment A, Vicinity Map). The Turnbull Open Space Easement and Limited Building Zone Vacation (Vacation) is proposed within a 22.63-acre parcel developed with one single-family home that is located near Cole Grade Road and Pauma Valley Drive, which ultimately connects to Temet Drive. The 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement were recorded May 19, 2016 (Attachment C, Existing Open Space Easement and Limited Building Zone Easement to be Vacated), in accordance with the conditions of approval of Tentative Map Resolution 5545 (TM-5545) for a development known as Pauma Estates.

In 2007 the property owner at that time applied for a Tentative Map (TM-5545) for a development known as Pauma Estates that would divide the property into sixteen lots. On April 30, 2010, the County of San Diego Planning Commission approved the Pauma Estates project with conditions of approval that included dedication of a Biological Open Space Easement and a Limited Building Zone Easement. In 2017, a Tentative Map Time Extension to extend the expiration date of the Pauma Estates project was submitted and then withdrawn on May 17, 2021 due to investors not wanting to pursue the project. Today the applicant is requesting the vacation of the Open Space and Limited Building Zone Easements in order to remove easements that are no longer needed as the original Pauma Estates project is no longer being processed and the Tentative Map has expired (Attachment B, Planning Documentation).

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Today's request requires two steps: September 25, 2024, it is requested that the Board set a date for a public hearing on October 23, 2024, and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended on September 25, 2024, then on October 23, 2024, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

On September 25, 2024, take the following actions:

1. Set a public hearing on October 23, 2024, at 9:00 a.m. to consider vacating the 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement (doc no. 2016-0243472 and 2016-0243473) (Attachment B).
2. Direct the Clerk of the Board of Supervisors to provide notice of the hearing via publication and posting as required by law.

If on September 25, 2024, the Board takes the actions recommended in items 1-2, then on October 23, 2024:

1. Adopt the environmental findings, which include findings in accordance with Section 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines that the Vacation can be found in conformance with CEQA through the processing of an Addendum to the previously adopted Mitigated Negative Declaration (MND), that there are no substantial changes in the project or in the circumstances under which it is undertaken that involve significant new environmental impacts which were not considered in the previously adopted MND dated November 12, 2009, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the MND was adopted (Attachment F).
2. Adopt the Resolution entitled A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002 (Attachment D).
3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325.

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EQUITY IMPACT STATEMENT

The Turnbull Open Space Easement and Limited Building Zone Vacation (Vacation) will result in the removal of a 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement which is no longer needed for an expired project. The resolution to remove an encumbrance from private land that is no longer needed for public purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is in a residentially zoned area and will allow the property owner to better use their property now that the original project is no longer moving forward.

SUSTAINABILITY IMPACT STATEMENT

The purpose of this Vacation is to remove the easements that were recorded for a map that was not finalized and has expired. The proposed action contributes to the County of San Diego Sustainability Goal No. 1 to engage the community to partner and participate in decisions that impact their lives and communities and Goal No. 2 to provide just and equitable access to develop their land. This action will impact the property owner directly by providing improved use of the property by unencumbering a portion the property for potential future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in Planning & Development Services. If approved, this request will result in estimated costs and revenue of \$2,085 for the Open Space Easement and Limited Building Zone Easement Vacation and will cover the staff time involved with preparing the resolution, public notice, Board letter, and public hearing documents. The funding source for this project is provided by the applicant, Robert Sukup. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

INVOLVED PARTIES

Owner: Susan J. Turnbull

ADVISORY BOARD STATEMENT

The proposed Vacation has not been reviewed by the Pala-Pauma Valley Community Sponsor (CSG) Group as the CSG is not currently active.

BACKGROUND

Planning & Development Services (PDS) is processing a request from Robert Sukup, the Applicant Contact on behalf of Susan Turnbull, the Owner, (Attachment G, Ownership Disclosure) to vacate a Biological Open Space Easement and Limited Building Zone Easement (Attachment C, Existing Open Space Easement and Limited Building Zone Easement to be Vacated) which is located on a privately owned parcel in the Pauma Valley Community Plan Area, within unincorporated San

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Diego County (Attachment A, Vicinity Maps). The Turnbull Open Space Easement Limited Building Zone Easement Vacation (Vacation) is proposed within a 22.63-acre parcel developed with one single family home that is located near Cole Grade Road and Pauma Valley Drive which ultimate connect to Temet Drive. The 9.43-acre Biological Open Space Easement and 1.75-acre Limited Building Zone Easement were recorded May 19, 2016 (Attachment C, Existing Open Space Easement and Limited Building Zone Easement to be Vacated), in accordance with the conditions of approval of Tentative Map Resolution (TM-5545) for a development known as Pauma Estates.

In 2007, the property owner at that time submitted an application for Tentative Map (TM-5545) for a development known as Pauma Estates that would divide the property into sixteen residential lots. On April 30, 2010, the County of San Diego Planning Commission approved the Pauma Estates project with conditions of approval that included dedication of a Biological Open Space Easement and a Limited Building Zone Easement. The Biological Open Space Easement and Limited Building Zone Easement were required to mitigate impacts of the Pauma Estates project in accordance with the California Environmental Quality Act (CEQA). In 2017, a Tentative Map Time Extension to extend the expiration date of the Pauma Estates project was submitted and then withdrawn on May 17, 2021 because investors declined to pursue the project. The Tentative Map has now expired. Today the applicant is requesting the vacation of the associated Open Space Easement and Limited Building Zone Easements in order to remove easements that are no longer needed as the original Pauma Estates project is no longer being processed and entitlements for this project have expired (Attachment B, Planning Documentation).

Today’s request requires two steps: On September 25, 2024, it is requested that the Board set a date for a public hearing on October 23, 2024, and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended for today, then on October 23, 2024, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002.

Board Policy I-103; Open Space Easement Vacations

Board Policy I-103 requires: (1) the vacation to be consistent with the County General Plan; (2) the easement to be unnecessary for current or future public use as a public service easement; and (3) the vacation to be in compliance with CEQA and State and County Guidelines, and not have a significant effect on the environment. Additionally, Board Policy I-103 states that “no substitute easement shall be required where the impact for which the open space easement was originally required has not and will not occur.” The Vacation is consistent with the County General Plan because the Vacation will not result in increased density or development beyond the County General Plan Designation of the property. The easement is not necessary for current or future public use as a public service easement since the development is not moving forward. Finally, the

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Vacation complies with CEQA and County Guidelines because it does not present a substantial change to the project analyzed in the previously approved Mitigated Negative Declaration (MND). There are no substantial changes in circumstances, no new environmental effects, and no substantial increase in severity of previously identified significant effects which would require major revisions to the previously adopted MND with the rededication of the easements. Therefore, an Addendum was prepared pursuant to CEQA Guidelines Sections 15162 through 15164.

ENVIRONMENTAL STATEMENT

The proposed Biological Open Space Easement and Limited Building Zone Easement vacation has been reviewed for compliance with CEQA. A Mitigated Negative Declaration (MND) for Pauma Estates was adopted on November 12, 2009, as Environmental Review No. 07-03-002. The Vacation does not present a substantial change to the previously approved project. At Vacation completion, the Biological Open Space Easement and Limited Building Zone Easement will be removed from the parcel, which will therefore be returned to its original state. There are no substantial changes in circumstances, no new environmental effects, and no substantial increase in severity of previously identified significant effects. There is no new information of substantial importance that has become available since the MND was adopted. Pursuant to Section 15164(b) of the CEQA Guidelines, the Vacation may rely on the previously adopted MND with the preparation of an Addendum.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed action supports the Community Strategic Initiative in the County of San Diego’s 2024-2029 Strategic Plan by promoting opportunities for property owners to exercise their right to be civically engaged and find solutions to current and future challenges. The proposed action will vacate the Biological Open Space Easement and Limited Building Zone Easement which are no longer needed with the expiration of the Pauma Estates project.

Respectfully submitted,



DAHVIA LYNCH
Deputy Chief Administrative Officer

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ATTACHMENT(S)

Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at www.sandiegocounty.gov/content/sdc/cob/bosa.html.

Attachment A – Vicinity Maps

Attachment B – Planning Documentation

Attachment C – Existing Open Space Easement and Limited Building Zone Easement to be Vacated

Attachment D – A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2024-VAC-24-002

Attachment E – Environmental Findings

Attachment F – Environmental Documentation

Attachment G – Ownership Disclosure