

Attachment C – Appeal Form



County of San Diego, Planning & Development Services
APPEAL APPLICATION
 ZONING DIVISION

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APPEAL TO:

- Board of Supervisors
- Planning Commission
- Administrative Appeal
 (Requires Deposit & PDS-346)

FOR OFFICIAL USE ONLY Planning and Development Services

409 K 7 Code _____ PDS2015-STP-15004
 Thomas Guide Map Fee Record ID PDS2018-AA-18-001
 North Mountain
 Community Plan Area
 Warner Springs Zone 588
 General Plan Designation

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

| | | | | | | |
|---|--------|--------|--------------------------------|-----|--------------------------------|--|
| Address 31652 CA-79, Warner Springs, CA 92086 | | | | | 137-091-02-00 137-100-01-00 | |
| Site Address | Number | Street | City | Zip | Assessor's Parcel Number | |
| Mooney, Brian | | | McWethy, Bill | | | |
| Appellant's Name Last First Middle | | | Owner's Name Last First Middle | | | |
| 5620 Friars Road | | | 11250 El Camino Real #100 | | | |
| Mailing Address Number Street | | | Mailing Address Number Street | | | |
| San Diego, CA 92110 | | | San Diego, CA 92130 | | | |
| City Zip | | | City Zip | | | |
| 619-291-0707 | | | 858-481-2476 | | | |
| Telephone | | | Telephone | | | |

REQUEST: Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.
 This request is for an administrative appeal to the approval of Site Plan "H" Special Area Designator for PDS2015-STP-004 which consists of 1 sheet including the red-lines plot plan dated September 27, 2018 which authorizes the installation of a six foot high protective fence.

JUSTIFICATION: Attach additional sheets if necessary.
 Attached.

 Signature of Appellant

 If Company Officer – indicate Company Name and function
 (Please print)

----- OFFICIAL USE ONLY -----
SDC PDS RCVD 11-05-18
AA18-001



November 2, 2018

Secretary of the Planning Commission
County of San Diego - Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

SUBJECT: APPEAL OF THE WARNER SPRINGS CULTURAL TRUST PROTECTIVE
FENCE - PDS2015-15-004, PDS2015-ER-15-04-002

Dear Secretary:

On behalf of the Warner Springs Ranch Resort LLC we are appealing the Form of Decision to approve a Site Plan (H Special Area Designator) for PDS2015-STP-15-004. The basis of our appeal includes the following issues.

1. The approval of the Fence Site Plan violates the County of San Diego Board of Supervisors approved Warner Springs Ranch Specific Plan SP 83-04 which establishes the Cultural Preserve to "preserve the cultural integrity of the area and at the same time incorporate into the project design, a cultural preserve totaling 240 acres within the ranch boundaries." "This area, which includes the St. Francis Chapel and Native American Cemeteries, will remain undisturbed" (Warner Springs Ranch Specific Plan 1983 p. 8). The illegal construction of the fence and approval of multi strand wire fence with barbed wire is substantially inconsistent with the Specific Plan land use designation for Cultural Preserve, which requires the area to be undisturbed and incorporated into the Warner Springs Ranch Specific Plan Design.
2. The approval of the Fence Site Plan is in violation of the requirements of the California Environmental Quality Act (CEQA) for not requiring adequate environmental documentation on a project that has a significant effect on the environment. In accordance with section 15382 of the CEQA Guidelines a "Significant effect" means a potentially substantial, adverse change in the physical conditions within an effected area by the project. The project impacts aesthetic resources to the community who were assured, in the original Trust Agreement, "open space for the scenic enjoyment of the general public." The project appears to require "bollards" to block access to Stage Road which could create a significant impact to public safety services and emergency access to the Resort. The project impacted sensitive cultural and biological resources that need to be addressed in a detailed report available to the public and the project significantly impact the land uses in the area which include the community of Los Tules, the Warner

SDC PDS RCVD 11-05-18

AA18-001

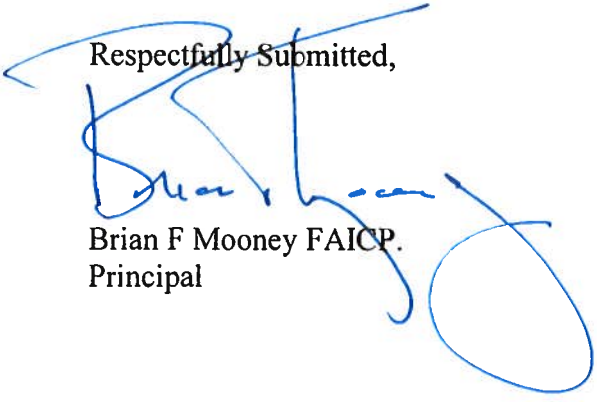
Springs Ranch Resort and local residences. Based on the significant impacts we are asking an Environmental Impact Report be prepared in conformance with CEQA.

3. The project significantly impacts the conditions of approval for the original Specific Plan and the continuing function of the California Riding and Hiking Trail. The conditions of approval allow for an easement to be dedicated for the California Riding and Hiking Trail which has been in existence for numerous decades to assure continued access. This project will significantly impact the trail and its continued access.
4. The construction and ultimate approval of the Fence Site Plan is in violation of the Trust Agreement as conditioned in the Board of Supervisors Resolution to Approve for Specific Plan Amendment SP 83-04. Specifically it is in violation of Article I Trust Purposes section 1) preserving the Real Property as Open Space for scenic enjoyment, 2) preserving the historically important Indian burial grounds and religious and cultural structures on the Real Property, 3) fostering archaeology and scientific studies and 4) further the study of the customs, traditions, language and history of the Indians who have frequented the Real Property. Article III Management of the Trust and Income "The Real Property may not be sold, leased, conveyed or encumbered by the trustees, nor may the Real Property be improved beyond the extent absolutely necessary to carry out the purpose of the trust. Article IV Restriction on the Use of the Trust that requires the Trust only focus on the purposes stated in Article 1 and by approving the Fence Site Plan substantially limits the access of the property from those it was identified to include.

Based on these and additional reasons to be identified at the Planning Commission hearing regarding the Fence Site Plan we request you deny the application and require the existing fence to be removed. If the applicant wishes to pursue the permit, we request an Environmental Impact Report be prepared and circulated for public review addressing land use, visual quality, cultural resources, biological resources, public safety and mobility.

If you have any questions I can be reached at (619) 291-0707.

Respectfully Submitted,



Brian F Mooney FAICP.
Principal