

DATE ISSUED: November 30, 2006

REPORT NO. PC-06-292

ATTENTION: **Planning Commission, Agenda of December 7, 2006**

SUBJECT: GERST GRADING - PROJECT NO. 94230
PROCESS 4

**OWNER/
APPLICANT:** Marvin Gerst, Owner (Attachment 10)/Paul Metcalf, Applicant

SUMMARY

Issue(s): Should the Planning Commission approve the grading and improvements of a vacant 0.92 acre parcel to construct a single family residence located at the north east terminus of Duck Pond Lane within the Del Mar Mesa Community Plan area?

Staff Recommendation:

1. CERTIFY the information contained in Project No. 94230 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and the Gerst Grading Project Findings to the Del Mar Mesa Specific Plan Master EIR (LDR No. 95-0353) reflect the independent judgment of the City of San Diego as Lead Agency; stating for the record that said Findings to the Del Mar Mesa Specific Plan Master EIR have been reviewed and considered prior to approving the project; and ADOPT the Mitigation, Monitoring and Reporting Program (MMRP); and
2. APPROVE Planned Development Permit No. 393603, Site Development Permit No. 304137 and Multi-Habitat Planning Boundary Line Adjustment No. 399371.

Community Planning Group Recommendation: The Del Mar Mesa Community Planning Board voted 8:0:2 to approve the project with conditions at their June 8, 2006 meeting. The community planning group's recommended conditions are discussed further in the report.

Environmental Review: The City of San Diego as Lead Agency under CEQA has

prepared and completed Findings to the Master Environmental Impact Report (MEIR) No. 95-0353, Project No. 94230, dated October 11, 2006. Based on an initial study, the City of San Diego has determined the Gerst Grading project would not cause any significant effect on the environment not examined in the previously certified MEIR.

Fiscal Impact Statement: All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed Planned Development Permit & Site Development Permit would create a development site for one market-rate housing unit within a currently undeveloped lot. The Del Mar Mesa Specific Plan and AR-1-2 zone regulations permit a density of up to one dwelling unit per gross acre for this lot.

BACKGROUND

The Gerst Grading project is located at the north east terminus of Duck Pond Lane within the Del Mar Mesa Specific Plan area. The Del Mar Mesa Specific Plan designates the site for Estate Residential and Resource-based Open Space (Attachment 1). The 0.92 acre legal lot pre-dates the Land Development Code Regulations. However, the lot meets the purpose and intent of the AR-1-2 development regulations, which allows one dwelling unit per acre. The vacant property is zoned Agricultural Residential, AR-1-1 and AR-1-2, and contains Multi-Habitat Planning Area (MHPA) to the north and northeast of the parcel (Attachment 2). The Agricultural-Residential zone accommodates a wide range of agricultural uses while also permitting the single dwelling homes at a very low density.

The property to the west and north of the project site is one contiguous parcel. This parcel is zoned AR-1-1 and AR-1-2. This adjacent parcel is designated Estate Residential and Resource-based Open Space in the Specific Plan. The property to the east is City -owned Open Space. The property to the south, part of Duck Pond Ranch subdivision, is zoned AR-1-1 and is currently under construction. The proposed project would be compatible with the surrounding estate residential developments (Attachment 3).

When the Del Mar Mesa Specific Plan was written and adopted, it was designed to be in conformance with the Resource Protection Ordinance, the Multiple Species Conservation Program and the Environmentally Sensitive Lands Regulations. The Specific Plan was written with consideration to the constraints and opportunities of the biological and hillside resources within Del Mar Mesa. Supplemental regulations for resource management are incorporated into the Specific Plan. The Specific Plan's supplemental regulations for resource management are consistent with the Multi-Habitat Planning Areas and Environmentally Sensitive Lands Regulations.

DISCUSSION

Project Description

The Gerst Grading project proposes to grade and improve a vacant 0.92 acre parcel and construct a single family residence. The project also proposes a Multi-Habitat Planning Area Boundary Line Adjustment (Attachment 4). The project requires a Planned Development Permit, Site Development Permit and Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment. A Site Development Permit is required due to the required mitigation for the MHPA Boundary Line Adjustment. The MHPA Boundary Line Adjustment is proposed to preserve an area of equivalent or greater biological value and steep slopes than those areas to be developed.

A Planned Development Permit (PDP) is requested to allow a 15-foot front yard setback deviation where a 25-foot front yard setback is required. City staff supports the deviation as it would allow preservation of the steeper slopes and naturally vegetated areas on the site, and allow development in the flatter, less environmentally sensitive portion of the site. An existing 25-foot wide landscape berm parallel to the front property line along Duck Pond Lane creates an additional setback of the building. The project site, adjacent to the Duck Pond Ranch subdivision, shares access via Duck Pond Lane. The Duck Pond Ranch subdivision was approved with reduced front yard setbacks along three lots fronting Duck Pond Lane and two lots fronting Duck Pond Trail. The project also proposes a 25-foot side yard setback where 20 feet is required. This increase of the additional side yard setback will create additional distance between the project and the property to the west.

Building plans for the single family residence would be subject to Architectural Design Guidelines and permit conditions (Attachment 5 & 6). The Guidelines state the development criteria in effect for the property. The Guidelines describe the architectural theme, building scale and massing, building envelope with setbacks, color, materials and landscaping. The Architectural Design Guidelines have been determined to be in conformance with the Del Mar Mesa Specific Plan; therefore, the development would proceed in a manner consistent with the rural character of the community. Prior to the issuance of the building permit, the development would be required to process a Substantial Conformance Review to verify conformance with the criteria of the Architectural Design Guidelines.

The project site contains 0.50 acres of MHPA. The project footprint would be located on the least environmentally sensitive area as required by the MSCP Subarea Plan and Environmentally Sensitive Lands Regulation. A MHPA boundary adjustment is proposed to shift the current MHPA boundary to allow the project implementation while also improving the value of the MHPA. The proposed project would reconfigure the MHPA by removing 0.05 acres on the northern edge and add 0.06 acres in the eastern corner, with a net gain of 0.01 acres to the MHPA (Attachment 4). The result being a less sensitive area of the site would be developed and a more sensitive area to be preserved. The boundary line adjustment has been accepted by the City of San Diego, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. The project proposes to mitigate the effects of the brush management zone two within the MHPA. Although brush management is considered impact neutral, the mitigation will consist of 0.10 acres of Tier I habitat and 0.20 acres of Tier III habitat within the MHPA. The applicant

also proposes to revegetate with native species a small, currently disturbed area located north of the proposed 4:1 slope.

Community Plan Analysis

The Gerst project site is located within the Del Mar Mesa Specific Plan. The Del Mar Mesa Specific Plan remains part of the future urbanizing area and the allowable development density within the Subarea is subject to the provisions of either the AR-1-1 or the AR-1-2 agricultural zones. The Del Mar Mesa Specific Plan (Plan) was adopted in 1997 to guide development of Subarea V with the overall goal that development be clustered to preserve the MSCP core resource area within the eastern portion of the community. The Plan also contains community design guidelines and regulations to implement large-lot developments with a semi-rural character.

The Plan designates the project site for Estate Residential development and Resource-based Open Space. For parcels designated Estate Residential within the AR-1-2 zone, the Plan establishes the residential density as that permitted by the zone, which is one dwelling unit per acre. The 0.92-acre site is a legal, non-conforming lot and can accommodate one residential unit.

The land use map in the Plan was prepared at a more general level of detail and the Plan provides for site-specific adjustments to the MHPA boundary line. The proposed permits cluster the development within the flatter, less environmentally sensitive portion of the project site consistent with the open space objectives of the Plan. The remaining area within the canyon will be conserved as open space.

The Plan's *Community Design Guidelines* are intended to maintain Del Mar Mesa's rural character and include standards for grading, landscaping, fencing, lighting, and lot size, in addition to the development standards of the agricultural zones. The proposed Planned Development Permit and Site Development Permit include design guidelines that incorporate these standards and would be used to review the design of the future home and associated landscaping.

Grading design is an important component of the Plan's *Community Design Guidelines*. Development is to be sited on flatter areas to preserve steep slopes and canyons. Generally, large quantities and large areas of grading are to be avoided and special care taken to preserve landforms adjacent to open space. Where grading is necessary, a daylight excavation is preferred (Attachment 7). Split pads are encouraged to accommodate outdoor activity areas. New slopes should be contoured to blend with the natural landforms. The proposed project conforms to these policies.

For this site, the Plan identifies an approximately 0.40-acre development area located on the southerly mesa at Duck Pond Lane while the canyon landform is designated as open space. A daylight cut adjacent to the open space is not practical on this site without the substantial export of material which is generally infeasible for a single home site. The grading plan proposes to balance the excavation and embankment to achieve the development pad in a manner consistent with the grading design objectives of the Plan (Attachment 7). A smaller fill slope extends from

the daylight line to the edge of the defined development area, essentially reflecting the existing contour of the mesa. This slope incorporates a shallower 4:1 slope ratio rather than the typical 2:1 ratio to create a rounded edge and more gradual transition at the top of the canyon. A five foot high retaining wall would be located at the toe of slope. The retaining wall would provide a barrier protecting the integrity of the MHPA. The wall would be of an earth-tone color and be planted to minimize any visual impact. Native shrubs within the canyon would provide additional screening of the wall.

Environmental Analysis

The proposed project was evaluated in the context of the Master Environmental Impact Report (MEIR) for the Del Mar Mesa Subarea V Specific Plan. Based on the Initial Study evaluation and pursuant to Section 21157.1 of the Public Resources Code, City staff has concluded the following: the proposed project was considered within the scope of the analysis of the MEIR; it would not cause any significant effect on the environment not examined in the MEIR; mitigation measures set forth in the MEIR, which are appropriate to the project, have been incorporated into the project; no new or additional mitigation measures or alternatives are required; and no new environmental document or findings pursuant to Section 21081 of the Public Resources Code are required.

With the initial study complete, it was determined that Findings to the MEIR was the appropriate CEQA document for the proposed project. Additionally, the draft permit incorporates MEIR level and project specific mitigation, monitoring and reporting measures to address general issues and reduce potential adverse impacts to Biological Resources, Land Use (MHPA Adjacency), Land Form Alteration/Visual Quality, and Public Facilities and Services. No new mitigation measures not previously outlined in the MEIR are required.

Community Planning Group Recommendation

On June 8, 2006, the Del Mar Mesa Community Planning Board (DMMCPB) voted 8-0-2 to recommend approval of the project with conditions (Attachment 8). These recommended conditions are presented below followed by Staff's response.

1. City findings that the project is in compliance with the required environmental regulations, and in conformance with the Specific Plan.

Staff's response: Staff has determined the proposed project complies with and is in conformance with the Plan and all relevant regulations. The Del Mar Mesa Specific Plan implements supplemental regulations for resource management. These supplemental regulations were written to be consistent with the Multi-Habitat Planning Areas and Environmentally Sensitive Lands Regulations. The Gerst Grading project conforms to the supplemental regulations for resource management of the Del Mar Mesa Specific Plan. City staff has prepared findings to approve the project (Attachment 9).

2. Design Guidelines for home construction that are acceptable to the City.

Staff's response: City staff has reviewed and support the project's Architectural Design Guidelines. The Guidelines conform to the Del Mar Mesa Specific Plan. The Planned Development Permit and Site Development permit incorporates the Architectural Design Guidelines for the construction of the single-family residence as part of the project. Please refer to condition number 40 of the draft permit (Attachment 6).

3. The maintenance of landscaping, by the homeowner, on and along the retaining wall to screen its view from the open space and public areas.

Staff's response: Staff agrees with and supports the planning group's recommendation number three. The Landscaping Planting and Installation Standards section of the Architectural Design Guidelines requires trees and shrubs be utilized to soften structures from public views and consider the use of plants for screening, space definition, erosion control, glare reduction, shade and aesthetics. The Architectural Design Guidelines provides all walls adjacent to or materially impacting any public areas must be screened by landscaping to soften the effect of the wall. All landscape plans must be approved by the DMMCPB. The Architectural Design Guidelines and draft permit condition number 37 requires the Owner to be responsible for the installation and maintenance of all landscape improvements.

Critical Project Features to Consider During Substantial Conformance Review

The proposed project has a few features, which should not be altered through the substantial conformance review process. These include the grading design, architecture, slope ratios shown in the concept drawings, Brush Management Zone One and five-foot high retaining wall with native landscaping.

City staff has reviewed the grading, development footprint and Architectural Guidelines for the proposed project site. The Guidelines direct the building envelope, form, theme, materials and colors for the construction of the residence. Development is to be sited on flatter areas to preserve the steep slopes and native vegetation. The 4:1 slopes and a five-foot high retaining wall with native landscaping would blend the proposed development into the existing topographic contours and also incorporate Brush Management Zone One. In contrast, a steeper slope gradient and a higher retaining wall would greatly alter the physical and visual character of the hillside adjacent to the open space and is not in conformance with the policies of the Plan. In addition, Brush Management Zone One is not allowed on slopes with a gradient greater than 4:1. The proposed project is consistent with the grading design objectives of the Plan while allowing for the development of a building pad. The 4:1 slope gradient, five-foot retaining wall with native landscaping and brush management zone one should not be altered through a substantial conformance review.

While staff can support the front yard setback deviation proposed by the project, additional deviations should not be allowed through the substantial conformance review process. The proposed deviation, grading, and development footprint have been considered and evaluated by staff during the review of the project to allow for an estate residential development on this site.

CONCLUSION

The proposed Gerst Grading project conforms to the land use designation, land use density, supplement regulations for resource management and the community design guidelines of the Del Mar Mesa Specific Plan and the relevant regulations of the Land Development Code. The proposed project would be compatible with the surrounding residential developments. Draft conditions of approval have been prepared for the project (Attachment 6). Findings required to approve the project are included in the draft resolution (Attachment 9).

ALTERNATIVES

1. **Approve** Planned Development Permit No. 393603, Site Development Permit No. 304137 and Multi-Habitat Planning Area Boundary Line Adjustment No. 399371, with modifications.
2. **Deny** Planned Development Permit No. 393603, Site Development Permit No. 304137 and Multi-Habitat Planning Area Boundary Line Adjustment No. 399371, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Cherlyn Cac
Development Project Manager
Development Services Department

ESCOBAR-ECK/CTC

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Location Map
4. MHPA Boundary Line Adjustment Map
5. Architectural Design Guidelines
6. Draft Permit with Conditions
7. Slope Analysis, Grading Plan & Cross-Sections, C-2 to C-4
8. Community Planning Group Recommendation
9. Draft Resolution with Findings
10. Ownership Disclosure Statement
11. Project Data Sheet
12. Engineering Drawings, C-5 to C-7
13. Landscape Plans, L1 & L2