

**CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
M E M O R A N D U M**

DATE: September 11, 2008

TO: Planning Commission

FROM: Derrick Johnson, Development Project Manager

SUBJECT: TORREY BROOKE II -PROJECT NUMBER 2118, COPIES OF CHANGES
TO THE PROPOSED PROJECT

The subject project was originally scheduled for a Planning Commission hearing on May 29, 2008. Public testimony was heard on this item. The item was continued by the Planning Commission until July 10, 2008. On July 10, 2008, staff requested another continuance until September 11, 2008. The continuance allowed the applicants and neighbors to work together on revisions to the proposed project.

Since the initial hearing on May 29, 2008 the applicants and neighbors have worked together to revise the project and come to a compromise. In addition, on July 2, 2008, the applicants presented the proposed project before the Rancho Penasquitos Planning Board for another review. The Board decided not to issue another official vote and their initial vote of 11-0-1 to recommend approval on September 5, 2007, is still valid. However, the board reiterated their approval was based on a ridge height not to exceed 28' and no third stories.

The applicants have decided to provide project elevations instead of design guidelines. Please see the attached memo from the applicants describing the changes to the project and the new project elevations. The elevations and floor plans were agreed upon by the neighbors.

The following condition will be added to the Site Development Permit at the request of the neighbors: The project will not exceed 28' in height and no three-story structures will be allowed on the site, which includes belvederes and penthouses. This condition has been voluntarily agreed to by the applicant.

All applicable dates associated with all documents will be modified in the final version following action of the City Council, since the Planning Commission will provide a recommendation on this Process 5 project.

A re-print of the report for the subject project has been provided for your reference.

Torrey Brooke II Project No. 2118

September 2, 2008

J - 1250

A brief description of changes made to the plans after consulting with the Home Owner's and the City staff:

Tentative Map

Sheet No. 1

1. The grading quantities have been revised to reflect the modifications to lots 1 & 2.
2. The lot matrix has been revised.
3. Earthwork quantities were revised to reflect the changes in grading.

Sheet No. 2

1. For lot 1 pad elevation has been lowered by 4.0 ft. to an elevation of 451.0.
2. On lot 1 the house has been moved forward to provide a 20.0 ft. backyard.
3. On lot 1 the house has been moved to 15.0 ft. south of the north property line.
4. On lot 1 a 5.0 ft. high retaining wall has been added along north property line.
5. For lot 2 pad elevation has been lowered by 4.5 ft. to an elevation of 440.
6. On lot 2 a small 4 ft. high retaining wall has been added at the top of the slope.
7. On lot 2 the house has been reoriented parallel to the property line with a minimum set-back of 20.0 ft.
8. On lot 2 the retaining wall previously proposed along the west property line has been moved 5.0 ft. east of the property line.
9. The driveway slope has been revised to 14.5 % from 12 % previously.

Sheet No. 3

1. Section A-A and Section B-B has been revised.

Architectural Plans

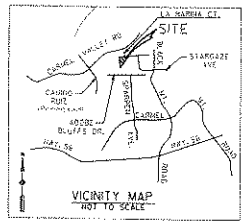
Plans have been revised to eliminate the 3rd story of the proposed houses. Now the proposed houses consist of only 2 stories with a maximum height of 28' feet.

Landscaping Plans

The Brush Management zones, Zone 1 & Zone 2 have been revised and modified to accommodate the revised grading and conform to the City requirements.

GENERAL NOTES

1. COVER SITE AREA 0.02 AC.
2. NET SITE AREA 0.79 AC.
3. PROPOSED TOTAL LOTS 14, INCLUDING THREE TRACTS.
4. PROPOSED TOTAL UNITS 2.
5. ZONING: EXISTING: MOUNTAIN RANCHOS; PROPOSED: RZM-1.
6. PROPOSED DEVELOPMENT DENSITY: 2.62 UNITS PER ACRE.
7. ADJ. TO PROPOSED: 1.00.
8. ADJ. TO PROPOSED: 1.00.
9. ADJ. TO PROPOSED: 1.00.
10. ADJ. TO PROPOSED: 1.00.



GRADING NOTES

1. TOTAL AMOUNT OF SITE TO BE GRADED: 0.81 ACRES.
2. PERCENT OF TOTAL SITE: 14%.
3. AMOUNT OF FILL WITH 20 PERCENT SLOPES OF PROPOSED LOT: PERCENT OF TOTAL SITE: 60%.
4. AMOUNT OF FILL: 1,500 CUBIC YARDS.
5. AMOUNT OF FILL: 5,200 CUBIC YARDS.
6. AMOUNT OF IMPORT: 3,000 CUBIC YARDS.
7. MAXIMUM HEIGHT OF FILL SLOPES: 10 FEET MAX. 20% SLOPE.
8. MAXIMUM HEIGHT OF CUT SLOPES: 4 FEET MAX. 20% SLOPE.
9. DETENTION TIME: 100 GPM. 15 MINUTES.

PRODUCT DESCRIPTION

1. DWELLING TYPE: TOWNHOME, GARDEN, WALKUP.
2. FLOOR AREA PER GARAGE: 100 SQ. FT.
3. EXTERIOR MATERIALS: BRICK, WOOD, STONE, GRASS.
4. PROPOSED FLOOR FINISH: CERAMIC TILE, CARPET, POLISHED CONCRETE.
5. MAX FLOOR AREA RATIO IS 50% BASED ON 40,000 SQ. FT.

PARKING

1. RESIDENT PARKING SPACES & RATIO: 1.00 PER UNIT.
2. VISITOR PARKING SPACES & RATIO: 0.50 PER UNIT.
3. TOTAL PARKING SPACES: 10.
4. TOTAL PARKING RATIO: 1.00 PER UNIT.

OPEN SPACE AND RECREATION

1. TOTAL OPEN SPACE: 10,000 SQ. FT.
2. OPEN SPACE RATIO: 1.25 PER UNIT.
3. OPEN SPACE TYPE: PLANTING, SEATING, WALKWAYS.
4. OPEN SPACE LOCATION: PERIMETER AND INTERIOR.

PUBLIC UTILITIES & SERVICES

- WATER: CITY OF SAN DIEGO
- SEWER: CITY OF SAN DIEGO
- STREET LIGHTING: CITY OF SAN DIEGO
- TELEPHONE: SBC
- TELEVISION: SBC
- POSTAL: SBC
- SCHOOL: SBC
- LIBRARY: SBC
- RECREATION: SBC

SEWER NOTE

THE SEWER SYSTEM REQUIREMENTS AND STANDARDS AS SHOWN ON THIS MAP SHALL BE A MINIMUM REQUIREMENT. THE ACCEPTED SEWER DESIGN SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF SAN DIEGO WATER AND SEWER DESIGN GUIDE.

LEGAL DESCRIPTION:

RESUBDIVISION PARTS OF TORREY BROOKE, TRACT NO. 98-189, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP HEREON NO. 14887, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, JULY 1, 2002.

ARCHITECTURE:

THE ARCHITECTURE FOR THE PROPOSED DEVELOPMENT SHALL BE THE SAME AS WAS SUBMITTED TO THE CITY OF SAN DIEGO FOR REVIEW AND APPROVAL.

FIRE DEPARTMENT REQUIREMENTS

1. BUILDING ADDRESS NUMBERS SHALL BE DOUBLE AND LOCATED FROM THE STREET FRONT PROPERTY LINE.
2. PROVIDE FIRE ACCESS ROUTES TO ALL AREAS TO BE DEVELOPED WITH FIRE FIGHTER ACCESS.

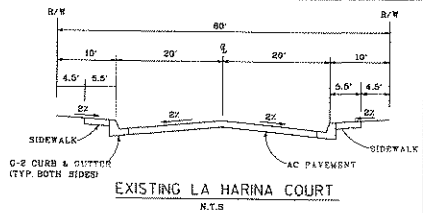
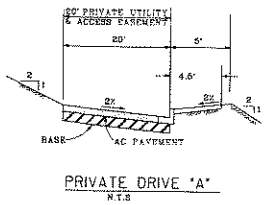
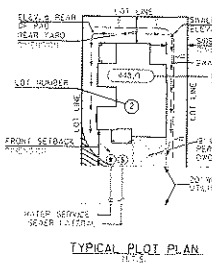
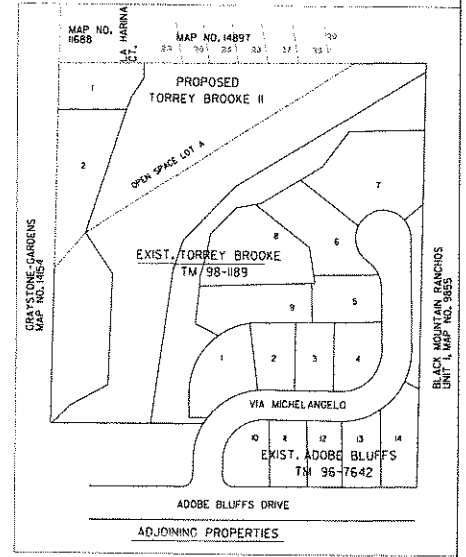
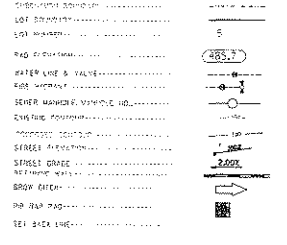
TENTATIVE PARCEL MAP, REZONE,
PLANNED DEVELOPMENT PERMIT & SITE DEVELOPMENT PERMIT
TORREY BROOKE II
SAN DIEGO, CALIFORNIA

ITEM	REQUIRED	PROPOSED
LOT WIDTH	60'	84'
LOT DEPTH	95'	125' 95'
FRONT SETBACK	60'	5'
FRONT SETBACK	15'	15'
FRONT SETBACK	4'	15'
REAR SETBACK	10'	20'
MAX. HEIGHT	30'	25'
FLOOR AREA	6,000 SF	4,442 SF
FAR	60%	36.60%

DEVELOPMENT SUMMARY

1. SUBDIVIDE THE QUADRE PARCEL INTO 2 PARCELS & REZONE THE PARCELS AND ADJACENT AREAS.
2. GRADE THE EXISTING TERRAIN TO THE TENTATIVE MAP.
3. PROVIDE WATER SERVICE TO THE 2 PROPOSED UNITS AND PROVIDE WATER SERVICE LINES EXTENDED NORTH TO THE EXISTING SEWER AT LA HARINA CT & DOCKERS.
4. PROVIDE WATER SERVICE FOR THE 2 PROPOSED UNITS BY CONVEYING TO THE EXISTING WATER IN A COMMON COURT ALONG NORTH INTERIOR ST.
5. ACCESS TO THE 2 PARCELS IS PROPOSED VIA A PRIVATE DRIVE EXTENDING SOUTHWEST FROM THE EXISTING STREET APPROX AS LA HARINA COURT.
6. CONVEY TO THE 2 PARCELS PER THE TENTATIVE MAP.
7. THE SURFACE IMPROVEMENTS SHALL BE CONSIDERED TO BE A CONCRETE DRIVE WITH 20' WIDE AND 4" THICK AND THE EXISTING DRIVEWAY COURSE WITH A CONCRETE FINISHING COURSE.
8. THE ARCHITECTURE FOR THE 2 PROPOSED UNITS SHALL BE EXACTLY THE SAME AS HAS BEEN APPROVED FOR TORREY BROOKE II 98-189. ALL THE DETAILS, FINISHES AND MATERIALS SHALL BE PER THE TENTATIVE MAP.
9. THE OPEN SPACE SHALL BE MAINTAINED BY THE HOA OF TORREY BROOKE II AS WELL AS THE EXISTING DRIVE AND THE PRIVATE SEWER.
10. PERFORM TR 15-110.

LEGEND



TYPICAL BLDG. ENVELOPE & BLDG. SETBACK

OWNER/SUBDIVIDER

TORREY BROOKE COMMUNITY DEVELOPMENT, INC.
533 BUCKLEUP STREET
LA JOLLA, CA 92037

ARCHITECT

PROJECT MADDOX
2110 JACOBSON STREET
SAN DIEGO, CA 92101
PH: 619-593-7100
PROJECT MADDOX

CIVIL ENGINEER

CHONG & ASSOCIATES
8800 ORCHARD DRIVE, SUITE 150
SAN DIEGO, CA 92127
PH: 619-594-9000
RIVER BRATTA

LANDSCAPE ARCHITECT

CLAUSSIE OGDEN GROUP
9001 GARDNER AVE., SUITE 100
LA JOLLA, CA 92037
PH: 619-593-0077
MADDOX

PREPARED BY:	NO.	REVISIONS	DATE	BY
CV/CDM & ASSOCIATES	1			
3850 GARDNER DRIVE, SUITE 100	2			
SAN DIEGO, CA 92101	3			
PH: 619-593-7100	4			
PROJECT ADDRESS	5			
DEP. 11	6			
DEP. 12	7			
DEP. 13	8			
DEP. 14	9			
DEP. 15	10			

TENTATIVE MAP,
REZONE, POP & SOP
TORREY BROOKE II
CITY OF SAN DIEGO

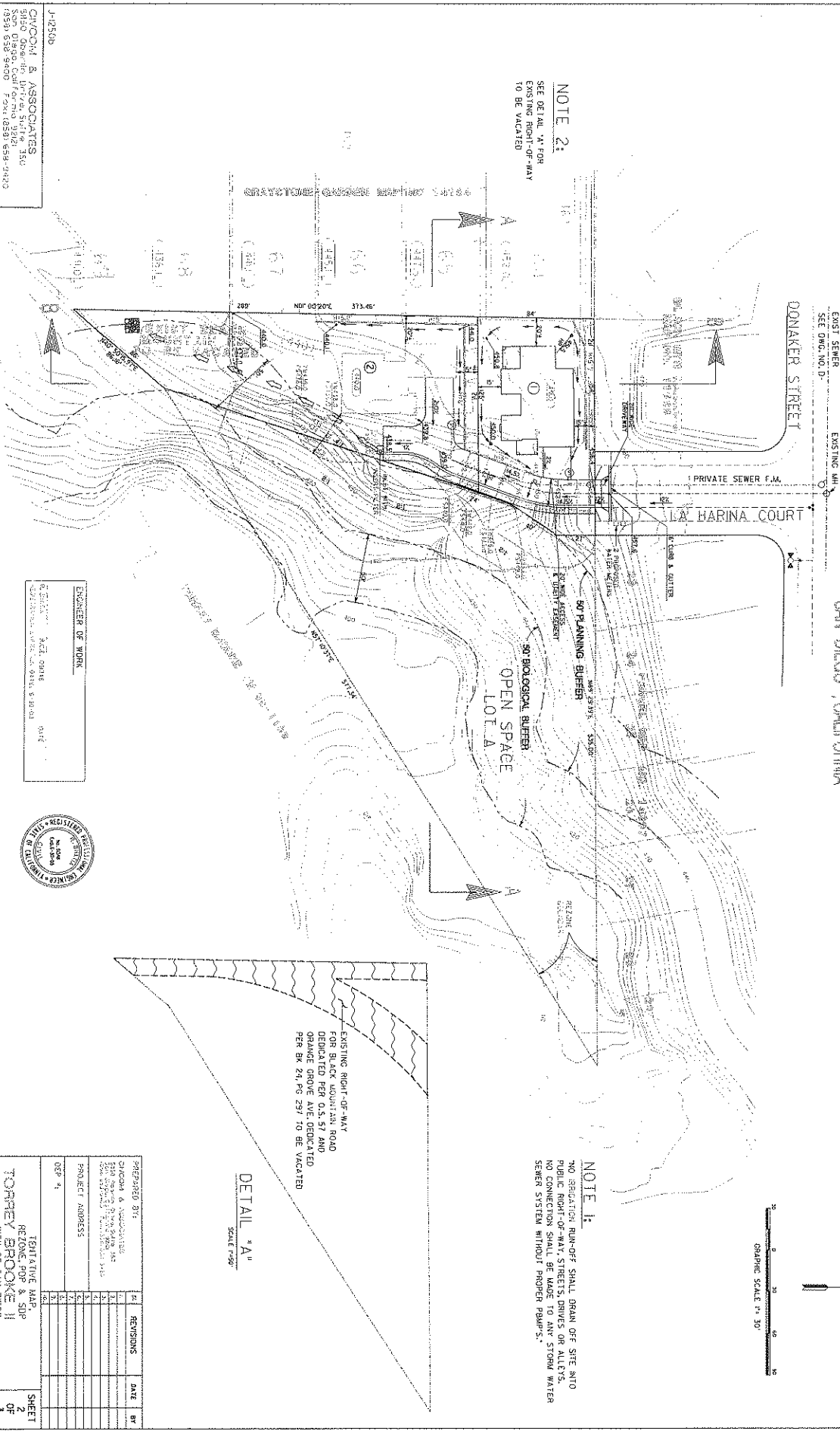
SHEET
1
OF
3

J-1250b
CV/CDM & ASSOCIATES
3850 GARDNER DRIVE, SUITE 100
SAN DIEGO, CALIFORNIA 92101
PH: 619-593-7100 FAX: 619-593-7100

ENGINEER OF WORK
P. BHATTARAJA R.E. 05418
DATE: 08/01/02
PROJECT: TORREY BROOKE II 14887



TENTATIVE PARCEL MAP, REZONE,
 PLANNED DEVELOPMENT PERMIT & SITE DEVELOPMENT PERMIT
TORREY BROOKE II
 SAN DIEGO, CALIFORNIA



NOTE 2:
 SEE DETAIL "A" FOR
 EXISTING RIGHT-OF-WAY
 TO BE VACATED

NOTE 1:
 NO SELECTION RUN-OFF SHALL DRAIN OFF SITE INTO
 ANY RIGHT-OF-WAY STREET'S DOWNS OR ALLEYS.
 NO CONNECTION SHALL BE MADE TO ANY STORM WATER
 SEWER SYSTEM WITHOUT PROPER PERMITS.

EXISTING RIGHT-OF-WAY
 FOR BLACK MOUNTAIN ROAD
 DEDICATED PER O.S. 57 AND
 ORANGE GROVE AVE DEDICATED
 PER BK 24, PG 297 TO BE VACATED

DETAIL "A"
 SCALE FOOT

J-12508
CHICKON & ASSOCIATES
 5150 ORANGE BLVD., SUITE 150
 SAN DIEGO, CALIFORNIA 92108
 (619) 591-5000 FAX (619) 591-5002

ENGINEER OF WORK
 A. CHICKON, P.E.
 LICENSE NO. 10000
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 STATE OF CALIFORNIA



NO.	REVISIONS	DATE	BY
1	PREPARED SITE		
2	CHICKON & ASSOCIATES		
3	FOR CITY REVIEW		
4	FOR CITY REVIEW		
5	FOR CITY REVIEW		
6	FOR CITY REVIEW		
7	FOR CITY REVIEW		
8	FOR CITY REVIEW		
9	FOR CITY REVIEW		
10	FOR CITY REVIEW		

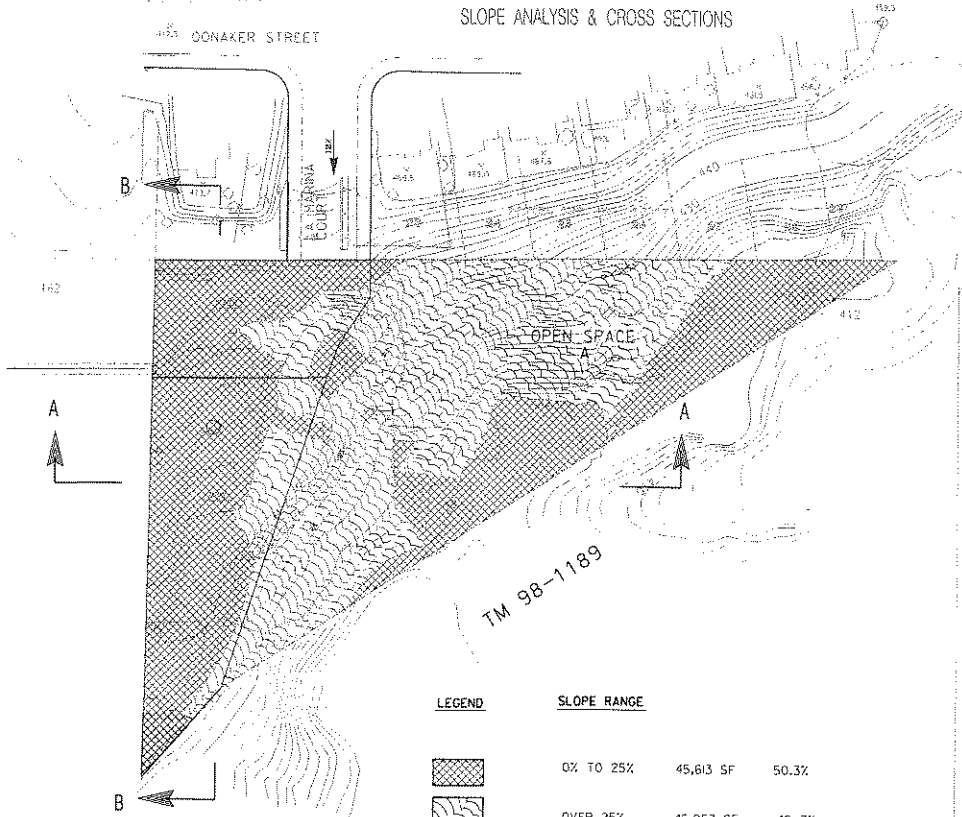
PROJECT ADDRESS: TORREY BROOKE II

DATE: SEP 4

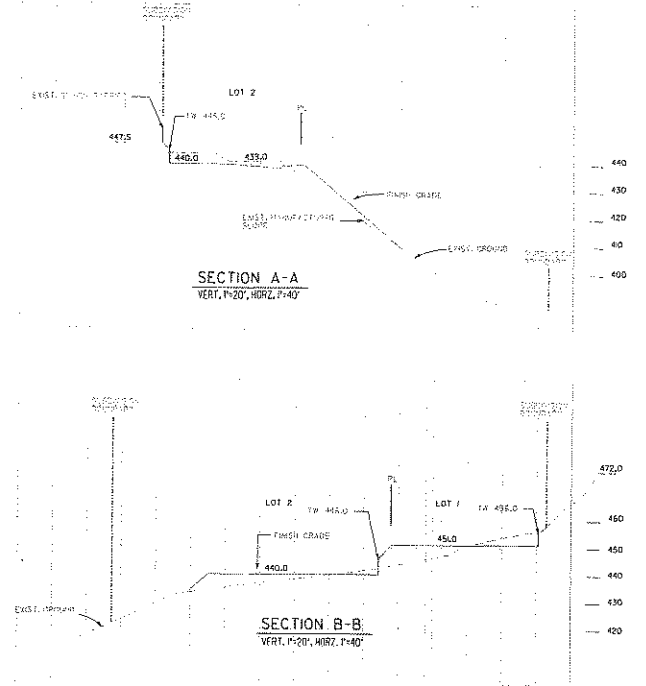
TENTATIVE MAP,
 REZONE, PDP & SDP
TORREY BROOKE II
 CITY OF SAN DIEGO

SHEET
 2
 OF
 3

TORREY BROOKE II
SAN DIEGO, CALIFORNIA
SLOPE ANALYSIS & CROSS SECTIONS

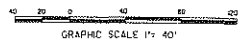


LEGEND	SLOPE RANGE	
	0% TO 25%	45,613 SF 50.3%
	OVER 25%	45,057 SF 49.7%



J-1250
CIVCOM & ASSOCIATES
6800 Obayashi Drive, Suite 350
San Diego, California 92121
1858: 658-3400 Fax: 1858: 658-3423

ENGINEER OF WORK
S. Bahig R.E. 05018
12/12/2011 11:41:11 AM 11/13/11 11:30 AM



PREPARED BY: CIVCOM & ASSOCIATES 6800 Obayashi Drive, Suite 350 San Diego, CA 92121 1858: 658-3400 Fax: 1858: 658-3423	11	REVISIONS	DATE	BY
PROJECT ADDRESS	12			
DEP #:	13			
SLOPE ANALYSIS & CROSS SECTIONS TORREY BROOKE II CITY OF SAN DIEGO				SHEET 3 OF 3

PLANT LEGEND

TREES SUCH AS:	SHRUBS SUCH AS:	GRASSLANDS SUCH AS:	GROUNDCOVER SUCH AS:
1. 12" DBH. REDWOOD	1. 12" DBH. REDWOOD	1. 12" DBH. REDWOOD	1. 12" DBH. REDWOOD
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OTHER SYMBOLS

SYMBOL	DESCRIPTION
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(Symbol)	2. 12" DBH. REDWOOD
(Symbol)	3. 12" DBH. REDWOOD
(Symbol)	4. 12" DBH. REDWOOD
(Symbol)	5. 12" DBH. REDWOOD
(Symbol)	6. 12" DBH. REDWOOD
(Symbol)	7. 12" DBH. REDWOOD
(Symbol)	8. 12" DBH. REDWOOD
(Symbol)	9. 12" DBH. REDWOOD
(Symbol)	10. 12" DBH. REDWOOD

ZONE 2 PLANT LEGEND

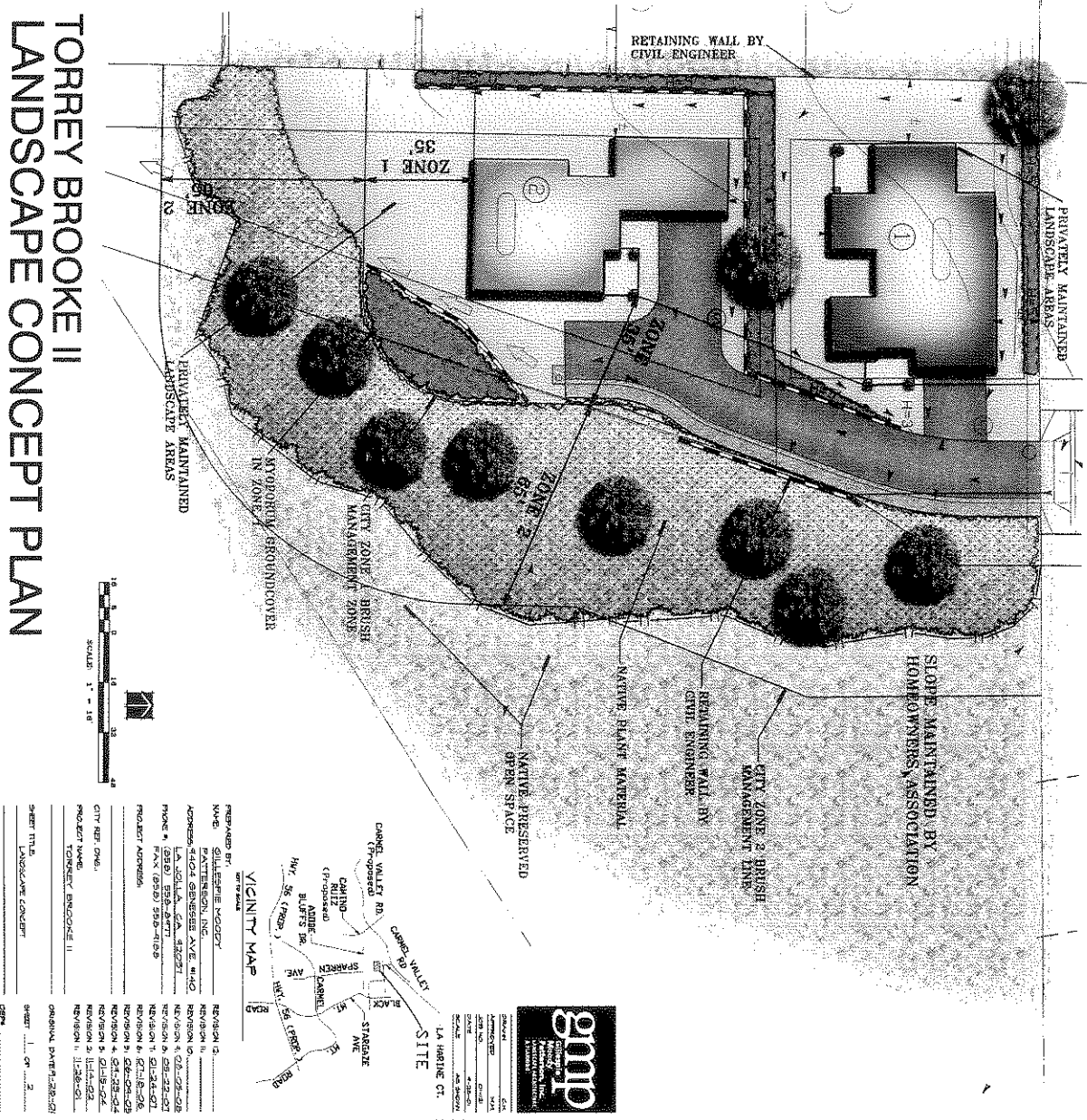
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(Symbol)	5. 12" DBH. REDWOOD
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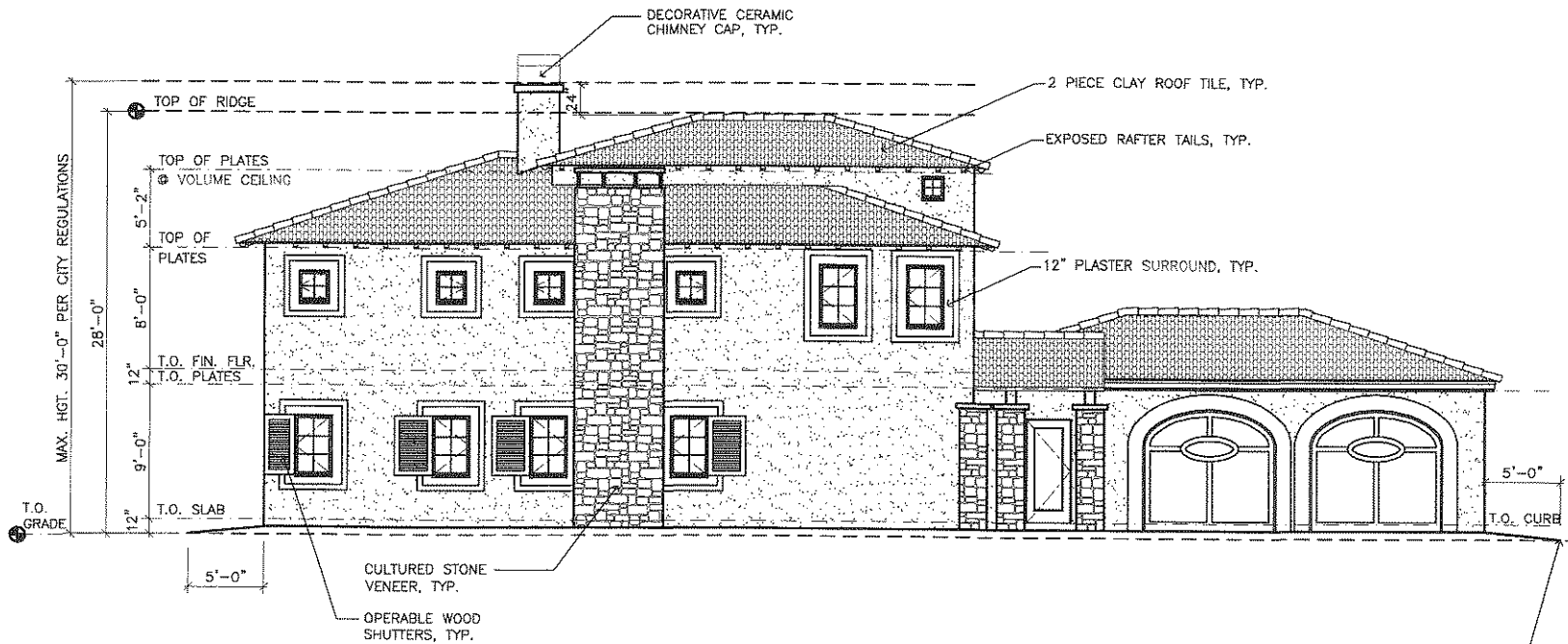
DESIGN OBJECTIVES:

1. PLANTING SHALL BE DESIGNED TO PROVIDE UNOBSTRUCTED VIEWS (AUTOSUBLES STORAGE UTILITY AREAS, ETC.) AND AESTHETIC INTEREST TO THE SITE.
2. ARCHITECTURAL ELEMENTS OF THE SITE WILL BE RELATED AND ENHANCED WITH PLANTING OF SIMILAR DESIGN.
3. ALL PLANT MATERIAL SELECTED FOR USE SHALL BE OF A TREE SPECIES THAT IS SUITABLE FOR THE CLIMATE AND SOIL CONDITIONS.
4. PLANTING SHALL BE DESIGNED TO PROVIDE AESTHETIC INTEREST AND ENHANCE THE SITE'S VISUAL QUALITY AND SOIL CONDITIONS.
5. ALL PLANTING SHALL BE DESIGNED TO PROVIDE AESTHETIC INTEREST AND ENHANCE THE SITE'S VISUAL QUALITY AND SOIL CONDITIONS.
6. ALL PLANTING SHALL BE DESIGNED TO PROVIDE AESTHETIC INTEREST AND ENHANCE THE SITE'S VISUAL QUALITY AND SOIL CONDITIONS.
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11. ALL PLANTING SHALL BE DESIGNED TO PROVIDE AESTHETIC INTEREST AND ENHANCE THE SITE'S VISUAL QUALITY AND SOIL CONDITIONS.
12. ALL PLANTING SHALL BE DESIGNED TO PROVIDE AESTHETIC INTEREST AND ENHANCE THE SITE'S VISUAL QUALITY AND SOIL CONDITIONS.



TORREY BROOKE II LANDSCAPE CONCEPT PLAN

DATE	DESCRIPTION
11/20/01	ORIGINAL DRAWING
11/20/01	REVISION 1
11/20/01	REVISION 2
11/20/01	REVISION 3
11/20/01	REVISION 4
11/20/01	REVISION 5
11/20/01	REVISION 6
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11/20/01	REVISION 8
11/20/01	REVISION 9
11/20/01	REVISION 10

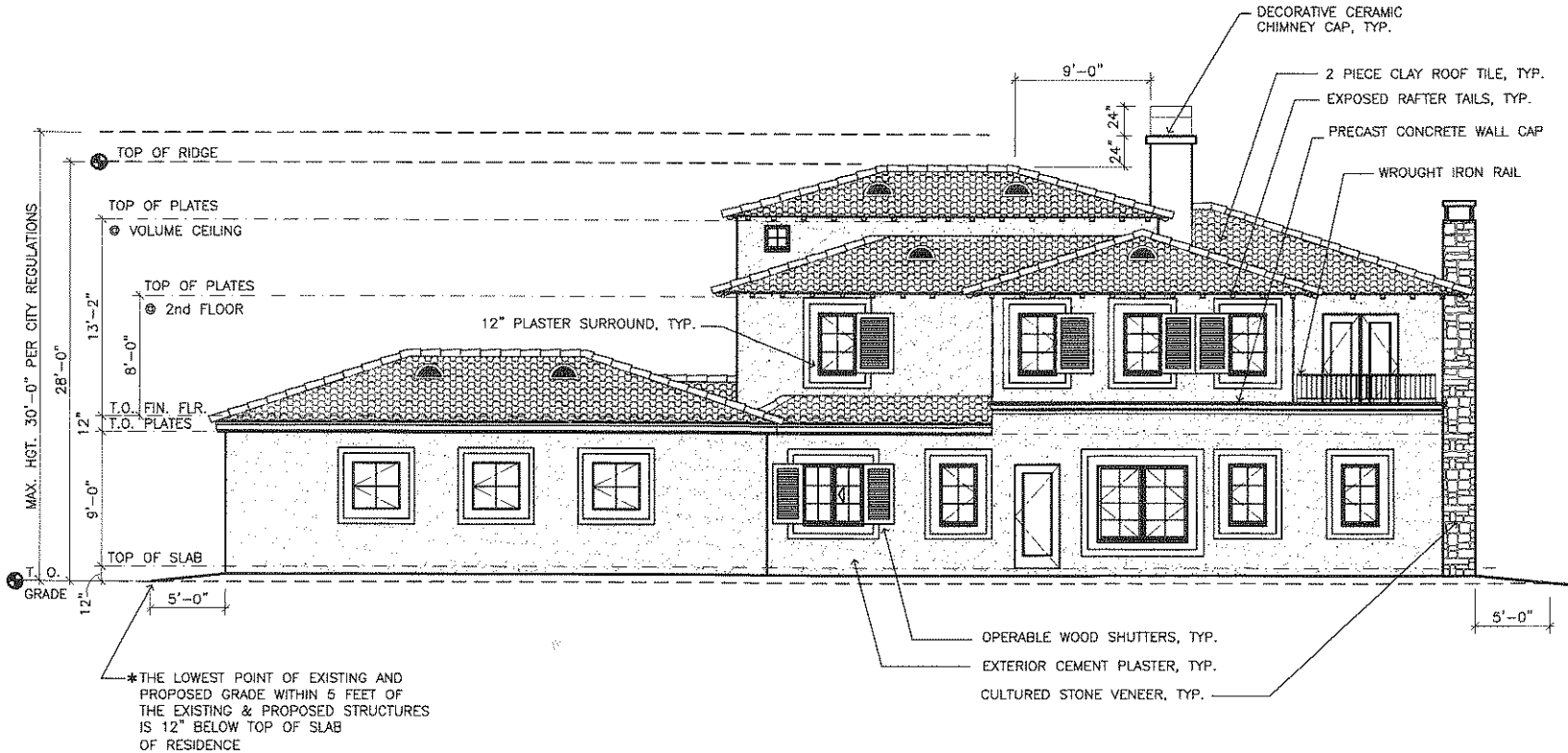


LOT 2- MODEL 1 - FRONT ELEVATION

1" = 10'-0"

*THE LOWEST POINT OF EXISTING AND PROPOSED GRADE WITHIN 5 FEET OF THE EXISTING & PROPOSED STRUCTURES IS 12" BELOW TOP OF SLAB OF RESIDENCE

VILLAGGIO
Firenze
 Torrey Brooke Development
 14210 Via Michelangelo
 San Diego, CA 92129

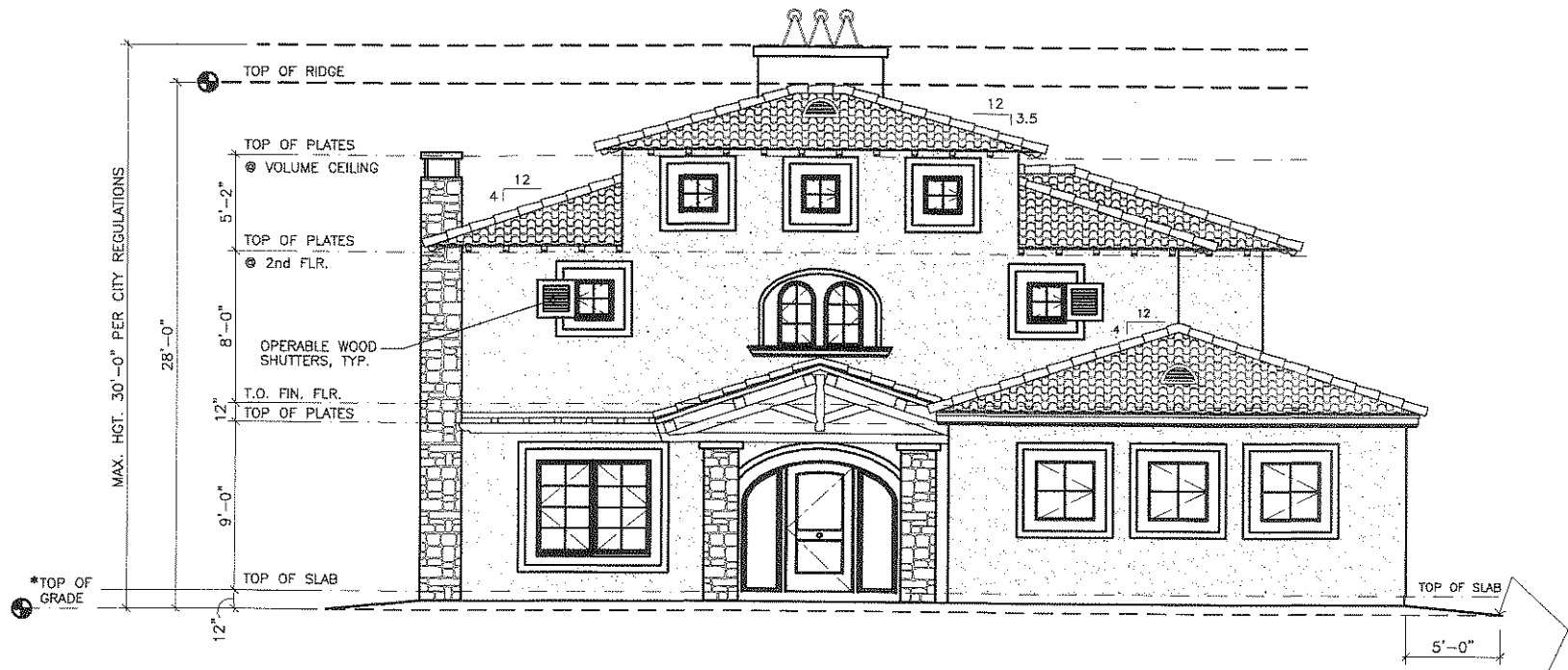


LOT 2 - MODEL 1 - REAR ELEVATION

1" = 10'-0"

VILLAGGIO
Firenze
 Torrey Brooke Development
 14210 Via Michelangelo
 San Diego, CA 92129

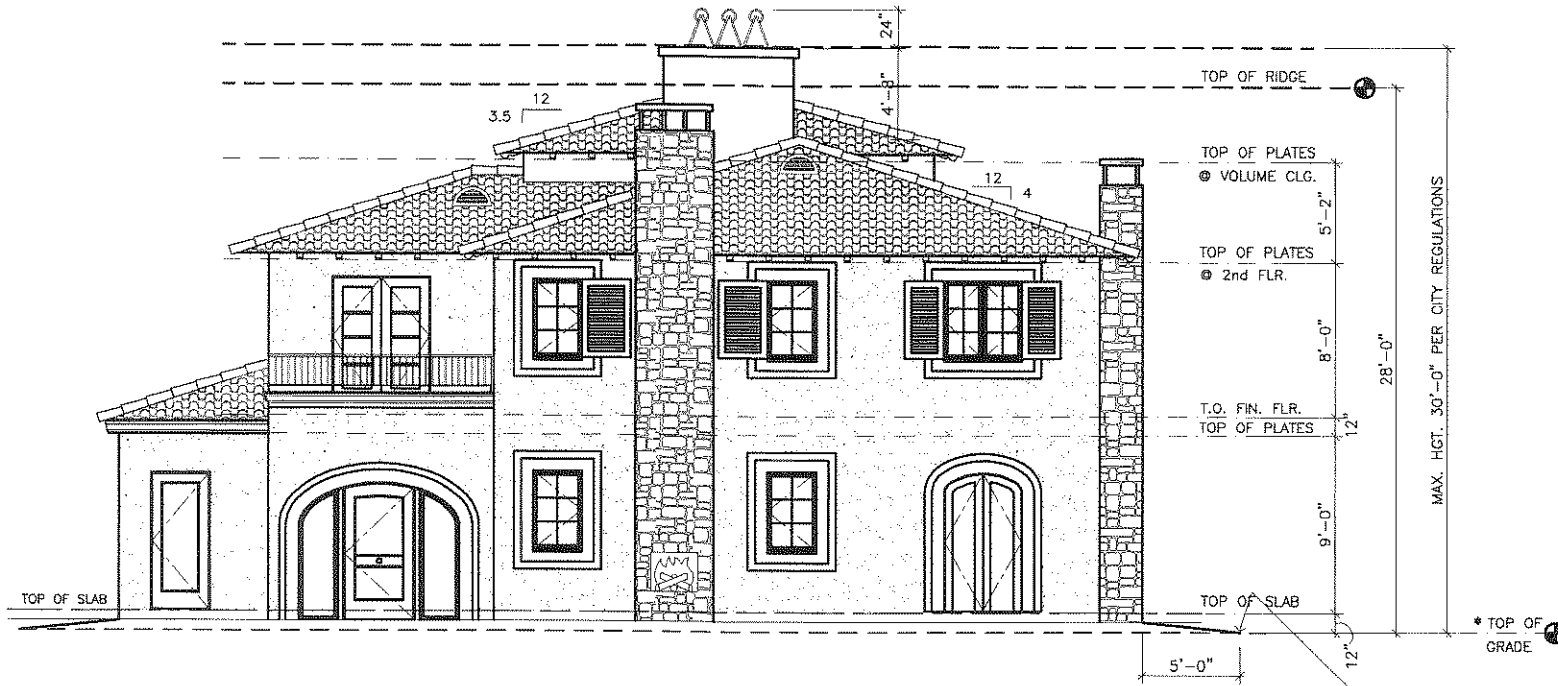




LOT 2 - MODEL 1 - RIGHT SIDE ELEVATION
 1/8" = 1'-0"

*THE LOWEST POINT OF EXISTING AND PROPOSED GRADE WITHIN 5 FEET OF THE EXISTING & PROPOSED STRUCTURES IS 12" BELOW TOP OF SLAB OF RESIDENCE

Firenze VILLAGGIO
 Torrey Brooke Development
 14210 Via Michelangelo
 San Diego, CA 92129

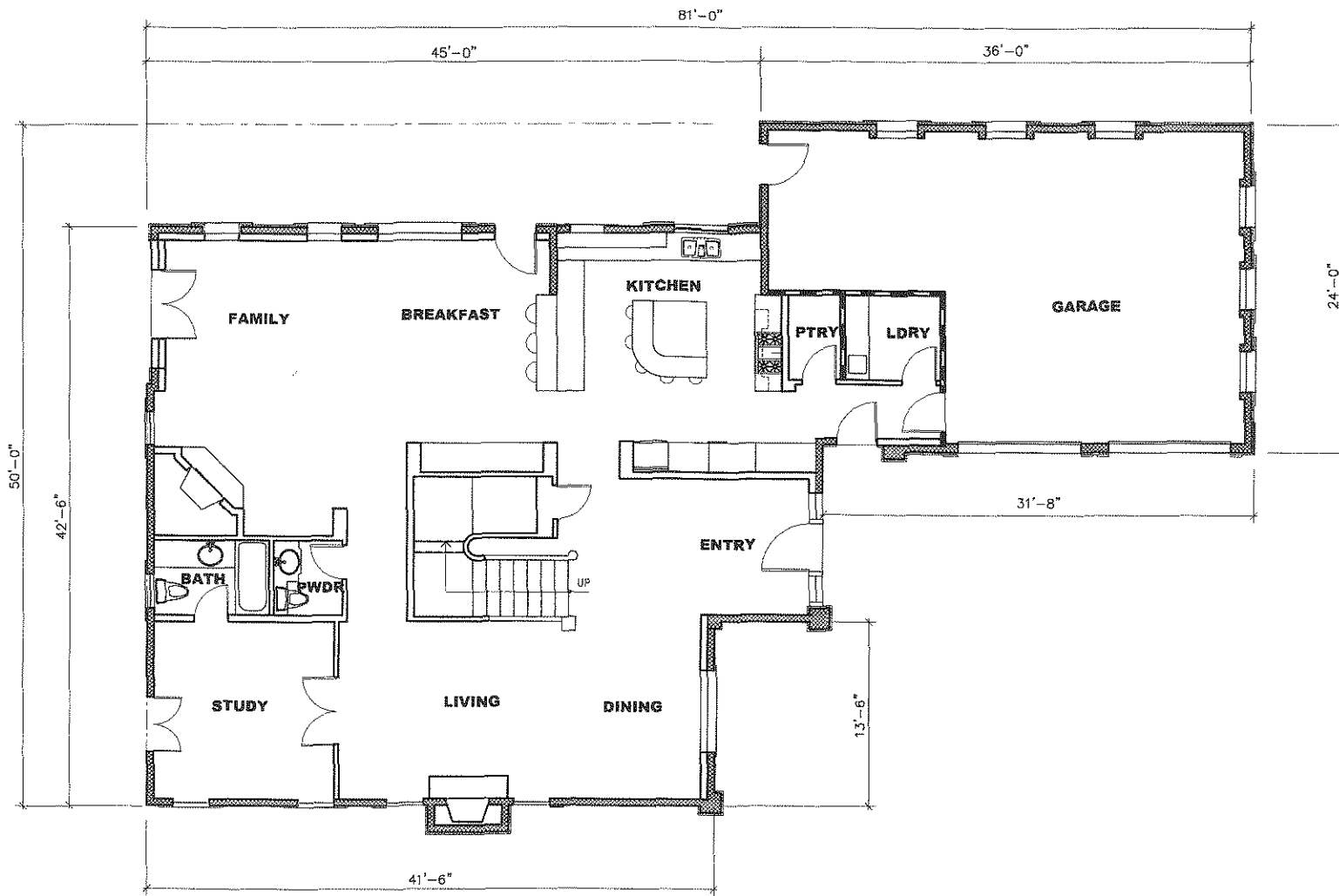


LOT 2 - MODEL 1 - LEFT SIDE ELEVATION

1/8" = 1'-0"

* THE LOWEST POINT OF EXISTING AND PROPOSED GRADE WITHIN 5 FEET OF THE EXISTING & PROPOSED STRUCTURES IS 12" BELOW TOP OF SLAB OF RESIDENCE.

Firenze VILLAGGIO
 Torrey Brooke Development
 14210 Via Michelangelo
 San Diego, CA 92129

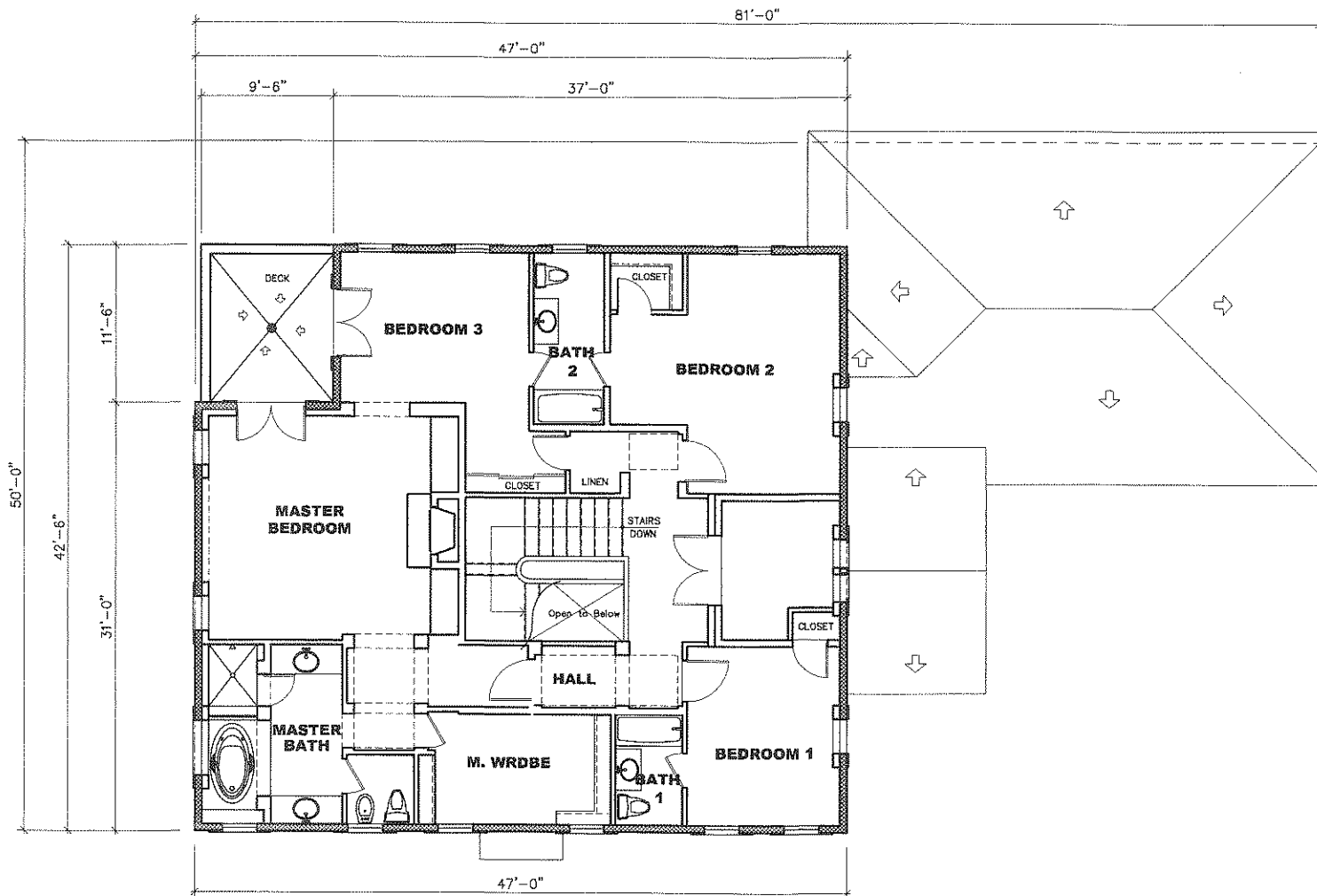


Firenze **VILLAGGIO**
 Torrey Brooke Development
 14210 Via Michelangelo
 San Diego, CA 92129

LOT 2 - MODEL 1
FIRST FLOOR PLAN

1" = 10'-0"

08-25-08



VILLAGGIO
Firenze
 Torrey Brooke Development
 14210 Via Michelangelo
 San Diego, CA 92129

LOT 2 - MODEL 1
SECOND FLOOR PLAN

1" = 10'-0"
 08-25-08



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 29, 2008 **REPORT NO. PC-08-060**
ATTENTION: Planning Commission, Agenda of June 5, 2008
SUBJECT: TORREY BROOKE II - PROJECT NO. 2118
PROCESS 5
APPLICANT: Torrey Brooke Developments Inc. (Attachment 12)

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council to allow the subdivision of 2.13-acres of vacant land into three lots to construct two, two-story, single family residences within the Torrey Highlands Subarea Plan?

Staff Recommendation:

1. Recommend the City Council Certify Mitigated Negative Declaration No. 2118, and Adopt the Mitigation, Monitoring, and Reporting Program; and
2. Recommend the City Council Approve Rezone No. 366168, Tentative Map No. 366169, Planned Development Permit No. 366166, Street Vacation No. 478535 and Site Development Permit No. 366167.

Community Planning Group Recommendation: The project is located in the Torrey Highlands Subarea IV community planning area and an official community planning group has not been formed for this community. However, as a courtesy the project plans were sent to the adjacent community planning group the Rancho Penasquitos Planning Board. On September 5, 2007 the Rancho Penasquitos Planning Board considered the project and voted 11-0-1 to recommend approval of the proposed project with one recommendation detailed within this report (Attachment 11).

Environmental Review: A Mitigated Negative Declaration No. 2118 has been prepared for the project in accordance with the 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: None with this action. All costs associated with the processing of this project are paid by the applicant.

Housing Impact Statement: The proposed project is subject to the 1996 Torrey Highlands Subarea Plan. The Subarea Plan designates the subject property as Low Density Residential (2-5 du/ac). The Torrey Highlands Subarea Plan and Phase Shift were approved by the voters of the City of San Diego on November 5, 1996. The vote mandated that no more than 2,600 residential units be constructed in the phase shifted portion of Torrey Highlands. Because most of the approved residential units have been developed, no more than two dwelling units can be developed on the subject site, due to the voter mandated cap.

BACKGROUND

Existing Conditions

The vacant 2.13-acre site is located on the west side of the southerly extension of La Harina Court within the Torrey Highlands Subarea Plan IV, and is currently zoned AR-1-1 (Agricultural). The project site is bordered roughly to the south by Adobe Bluffs Road, to the west, east, and north by single-family residences (Attachment 3). The project site contains steep slopes and sensitive biological habitat.

Required Approvals

The Torrey Brooke II proposal requires several actions to implement the project. These approvals are as follows: a request to rezone the property from AR-1 -1 (Agricultural) to RS-1-13 (Residential) (Attachment 4); the vacation of two public rights-of ways ; a Tentative Map to allow the subdivision of a 2.13-acre site into three lots for residential development, two residential lots and one open space lot; a Planned Development Permit to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court; and a Site Development Permit in accordance with the Environmentally Sensitive Lands Regulations due to the presence of environmentally sensitive lands.

DISCUSSION

Community Plan Analysis

The subject property is located within the Torrey Highlands Subarea Plan and designated for Low Density Residential development of 2 to 5 dwelling units per acre. The project proposes to subdivide 2.13-acres of vacant land into two lots and construct two, 2-story, single-family residential dwelling units.

The Torrey Highlands Subarea Plan and Phase Shift were approved by the voters of the City of San Diego on November 5, 1996. That vote allowed for property owners to request development at densities higher than one dwelling unit per four acres of clustered residential development pursuant to the land uses of the Torrey Highlands Subarea Plan. The vote also mandated that no more than 2,600 residential units be constructed in the phase shifted portion of Torrey Highlands. The proposed project site was originally part of one parcel (Parcel "H") under application as the Torrey Brooke project (98-1189). The Torrey Highlands Subarea Plan identified approximately 43 units for that entire parcel subject to site specific analysis at the time of the project application. The Torrey Brooke project did not develop the 43 dwelling units and instead developed 10 residential units, open space, and a remainder lot. The units not utilized by the Torrey Brooke project were included in the total pool of available units for other projects proposed in the Subarea.

At this point the number of approved residential units is nearing the voter mandated cap of 2,600. There are only a few sites that have not yet been approved for residential development in Torrey Highlands. More than two dwelling units at this location would exceed the voter mandated cap. The two dwelling units proposed for the site meet the intent of the Subarea Plan.

Community Planning Group

The project is located in the Torrey Highlands Subarea IV community planning area and an official community planning group has not been formed for this community. However, as a courtesy the project plans were sent to the adjacent community planning group the Rancho Penasquitos Planning Board. On September 5, 2007, the Rancho Penasquitos Planning Board voted 11-0-1 to recommend approval of the project with the following recommendation (Attachment 11).

To approve the project as presented with a strong recommendation that these 2 Lots join the existing Torrey Brooke I Home Owners Association (HOA).

The applicants do not object to the recommended condition. However, the applicants have no control over the existing HOA and can not guarantee they would allow the two new residences to be included. The applicants have contacted the Chairperson of the HOA and are awaiting a response.

Project Description

The project proposes the subdivision of a 2.13-acre site into three lots including two residential lots of 12,130-square-feet and 22,010-square feet respectively. The Open Space Lot would be 1.91-acres and a building restricted easement will be placed over the parcel to preclude future development (Attachment No. 5).

The two single-family residences would be approximately 4,442-square-feet and 5,130-square-feet respectively, totaling 9,572-square feet. Both residences would provide a minimum of three-off street parking spaces (Attachment 6).

Rezone

The project proposes to rezone the 2.13-acre site from AR-1-1 (Agriculture) to RS-1-13 (Residential). The RS-1-13 zone would allow for the single-family development. The proposed project design is consistent with the regulations of this zone, as allowed through a Planned Development Permit. At the time of the Torrey Highlands Subarea Plan preparation and approval, the property within the subarea was zoned A-1-10, an agricultural zone permitting one dwelling unit per ten acres. According to the plan, uses at densities higher than A-1-10 require a rezone and property owners are required to submit a discretionary application for rezoning consistent with the Plan's land use designations. Approval of rezoning applications may be granted only if such application is consistent with the policies and requirements of the Torrey Highlands Subarea Plan and applicable environmental documents. Staff has determined that the proposed rezoning of the property would be consistent with the Torrey Highlands Subarea Plan and the MND.

Street Vacation

The proposed project also requires the vacation of two public rights-of ways: (1) That portion of Black Mountain Road dedicated per O.S. 57 and (2) That portion of Orange Grove Avenue dedicated in Olive Grove Tract, according to the Map filed July 18, 1904 in Book 24 page 297. Staff has reviewed the current vacations and determined the following findings can be made: (a) there is no present or prospective public use for the right-of way, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; (b) the public will benefit from the action through improved utilization of the land made available by the abandonment; (c) the abandonment is consistent with the Torrey Highlands Subarea Plan IV; and (d) the public facility or purpose for which the right-of way was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the right-of way was acquired no longer exists. Black Mountain Road has already been constructed and these easements are no longer required.

Planned Development Permit Deviation

Rather than providing the legal frontage and access to Lot Two (2) as required by the applicable development regulations, the applicant has applied for a Planned Development Permit to allow deviations from the proposed design. Through the Planned Development Permit process, the necessary legal frontage may be served via a private driveway extending southerly from La Harina Court. Staff supports the deviation to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court to allow greater flexibility in the design of the project. Staff has determined the deviation would result in a superior design and reduces impacts to environmentally sensitive lands. The project would not adversely affect the Torrey Highlands Subarea Plan IV and is consistent with the Purpose and Intent of the Land Use Element.

Architectural Styles

Architectural styles encouraged are Spanish Colonial, French Country, and California Monterey. The Spanish Colonial will feature decorative chimney caps, stucco finishes, thickened bases, tile roofs, patios with fountains, French doors, colonnade with arched openings, vented plaster grills, decorative wrought iron and decorative picture windows with ceramic tile insets. The French Country would feature an articulated chimney cap, stone rustication, broken eave lines, hipped roof bay, tile roofs, central rotunda mass, carved out entries, carriage lamps, half arch shutters, half timber accents, brick base and grouped windows. The California Monterey will feature simple chimney mass, cantilevered wood balconies, gable vents, tile roofs or shingles, French doors, decorative windows, pediment head casing, flanking shutters, wood railing and decorative windows. These styles are identified with the unique lifestyles of country/estate living. Garage doors and parking would be appropriately screened. Windows would be compatible with design of the structure. Window types and styles would be consistent on all elevations.

Grading/Steep Slopes

The project proposes to grade approximately 44% of the project site. Approximately 200 cubic yards of cut and 5,000 cubic yards of fill are proposed, with an export amount of 8,300 cubic yards. The maximum height of the filled slopes would be 21-feet at a 2:1 ratio. The project would also construct retaining walls totaling 410-square-feet in length with a maximum height of six-feet. The project design is intended to reduce impacts to sensitive steep slopes, biological resources with a grading concept compatible with the existing topographic character of the site. All manufactured slopes would be planted with native plant species to maintain the community character.

Environmental Analysis

The environmental review process for the proposed project included an evaluation of: Paleontological Resources; Biological Resources; and Hydrology/Water Quality. Mitigated Negative Declaration (MND) No. 2118 was prepared in accordance with CEQA and it was determined that the project will not have any environmental impacts and includes the appropriate mitigation to reduce potential impacts to a level below significance.

A qualified Paleontologist or Paleontological Monitor must be present during all excavations exceeding ten feet in depth or grading previously undisturbed formations.

A qualified biologist is required to assure protection of the Least Bell's Vireo and Southwestern Willow Flycatcher habitat and to guarantee construction activities do not encroach beyond the limits of disturbance as shown on the approved Exhibit "A".

A Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan is required to ensure runoff from the development will not contribute to erosion. The proposed permanent

Best Management Practices would be grass lined swales, landscaping, desiltation catch basins, and rip-rap energy dissipaters.

CONCLUSION

City Staff have reviewed the proposed project and determined that, with the exception of the proposed deviations, the project meets all relevant regulations and polices in effect for this site. The proposed design would retain the visual characteristics of the topography and structural scale of the neighborhood. The draft permit and tentative map resolution include conditions which address City requirements for the proposed project. City staff has determined the proposed project is consistent with the purpose and intent of these regulations and the proposed rezone. Staff supports the proposed project as evidenced by the draft resolution of approval (Attachment 8) and conditions of approval contained in the draft permit (Attachment 7). Staff is requesting the Planning Commission recommend approval of the proposed project to the City Council.

ALTERNATIVES

1. Recommend the City Council APPROVE Rezone No. 366168, Tentative Map No. 366169, Planned Development Permit No. 366166, Street Vacation No. 478535, and Site Development Permit No. 366167 with modifications.
2. Recommend the City Council DENY Rezone No. 366168, Tentative Map No. 366169, Planned Development Permit No. 366166, Street Vacation No. 478535, and Site Development Permit No. 366167, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

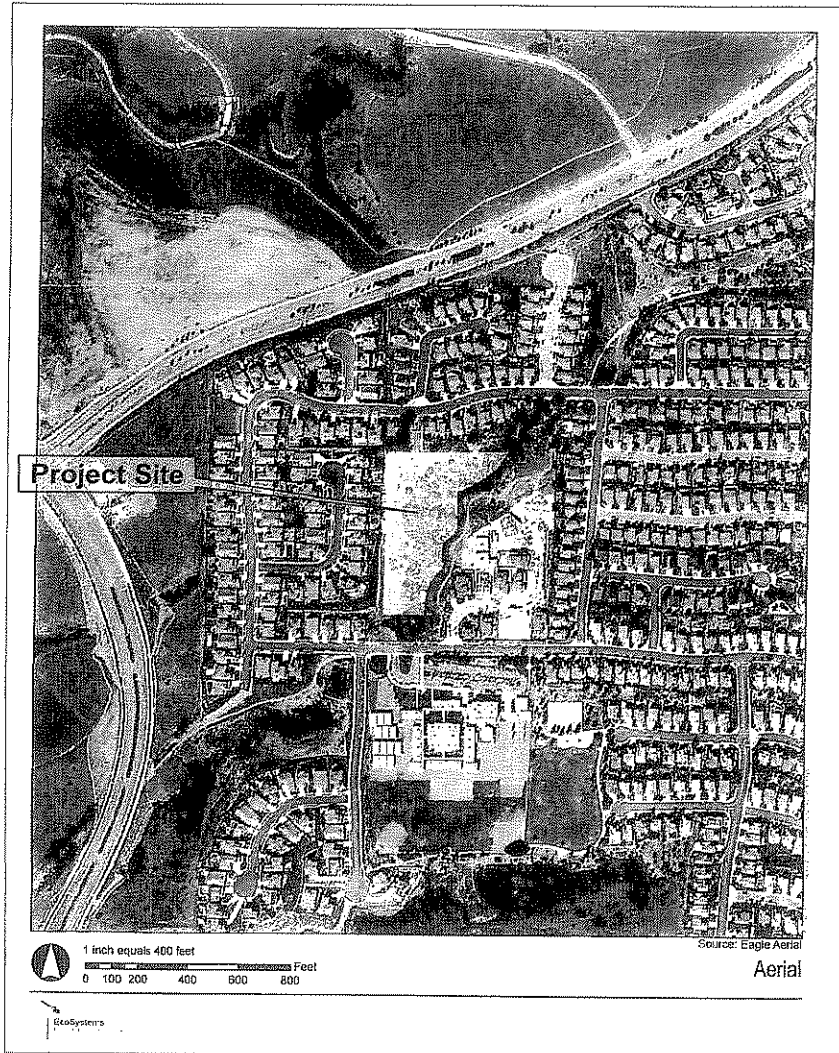


Derrick Johnson, Project Manager
Development Services Department

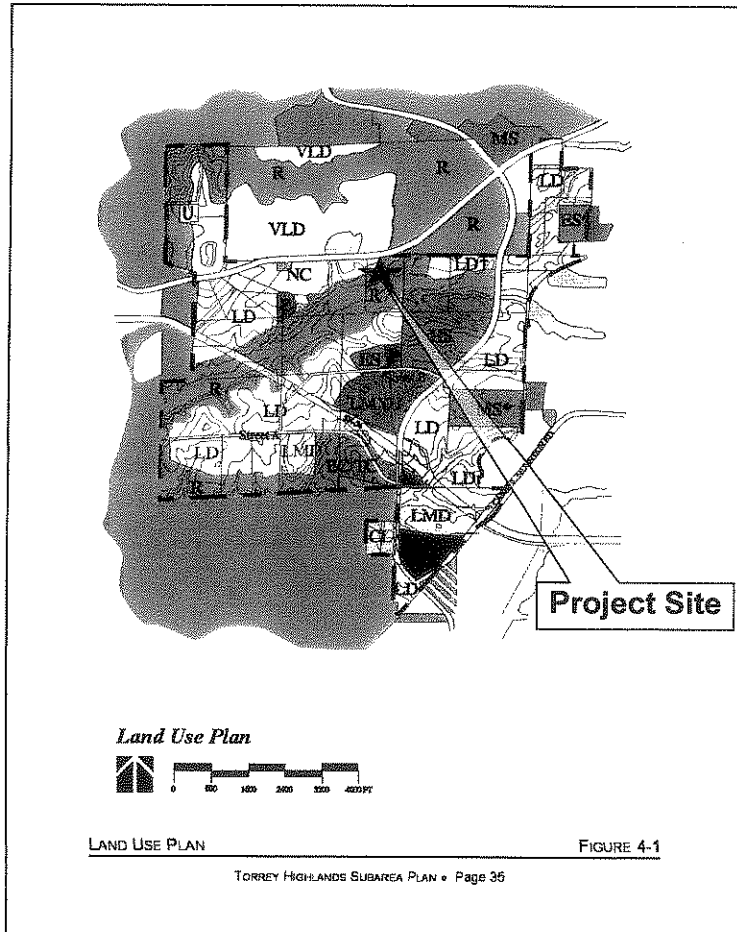
Westlake/DJ

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Rezone - B sheet
5. Draft Tentative Map
6. Project Site Plans
7. Draft Permit with Conditions
8. Tentative Map Resolution
9. Draft Resolution with Findings
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Data Sheet
13. Street Vacation Resolution
14. Project Chronology
15. Site Photos



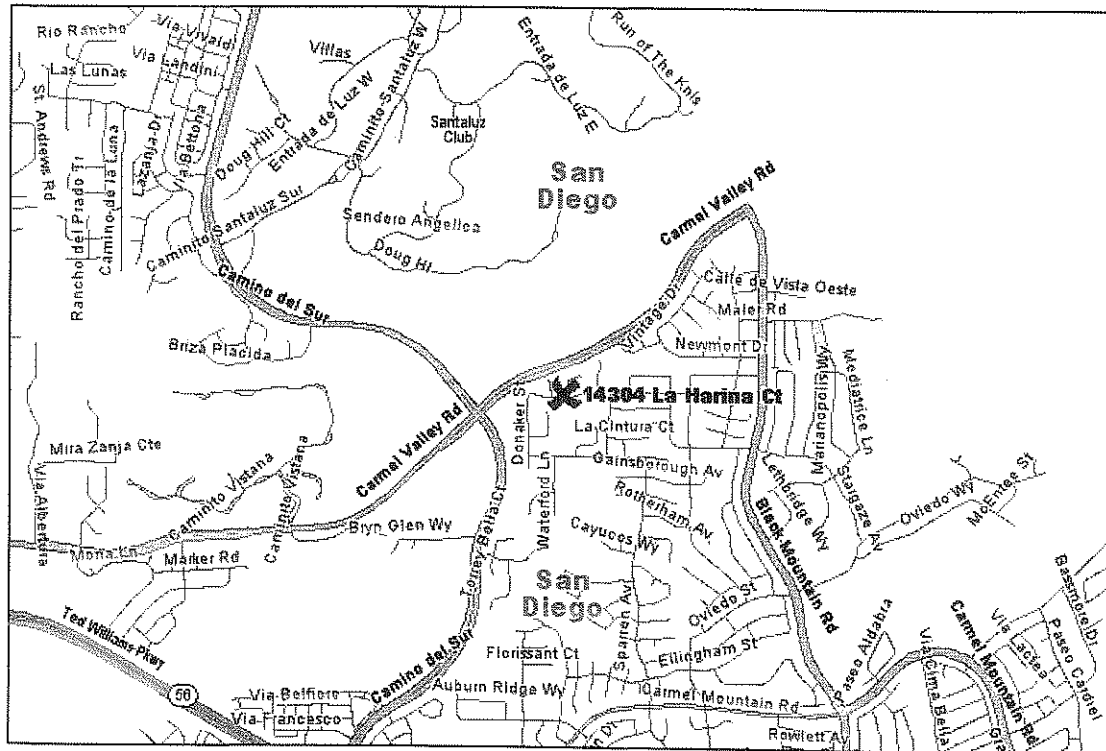
TORREY BROOKE II - 14304 LA HARINA CT
PROJECT NO. 2118



Community Plan Land Use Map

TORREY BROOKE II - 14304 LA HARINA CT
PROJECT NO. 2118



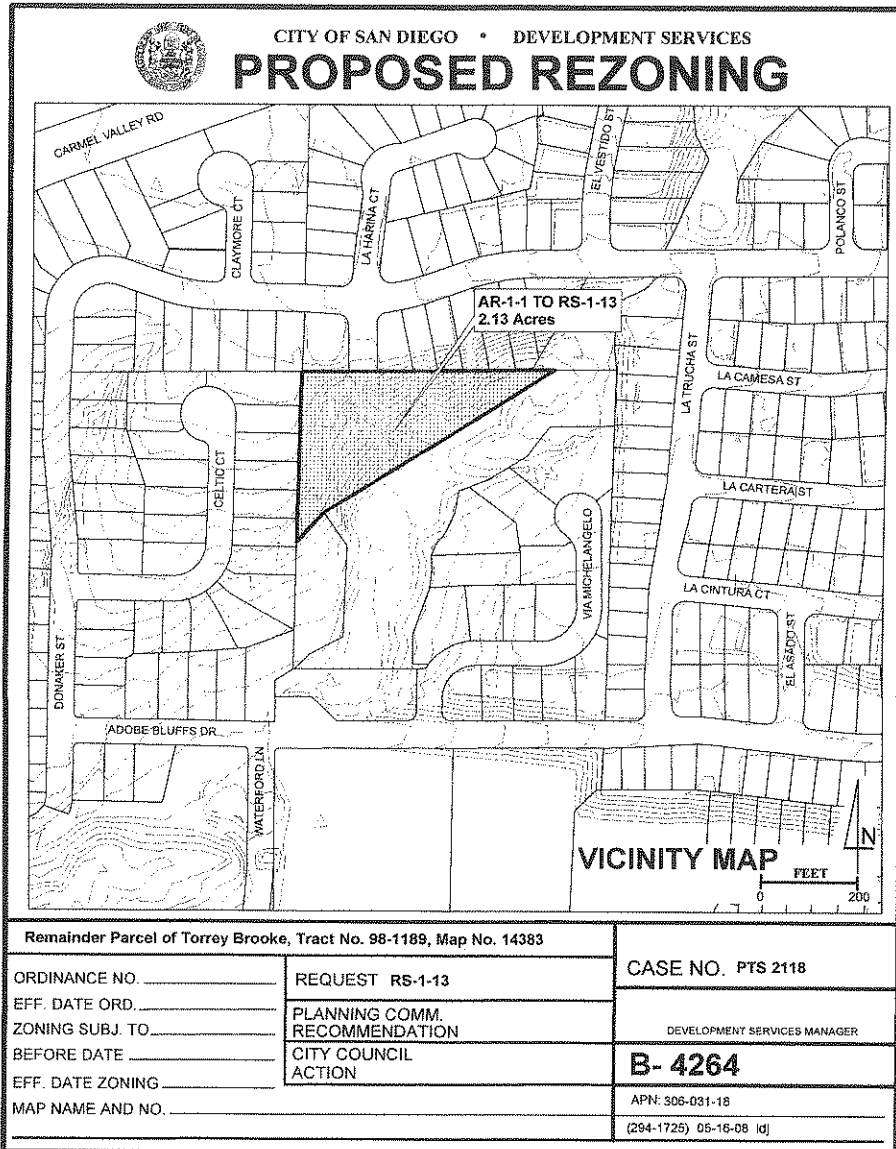


Project Location Map

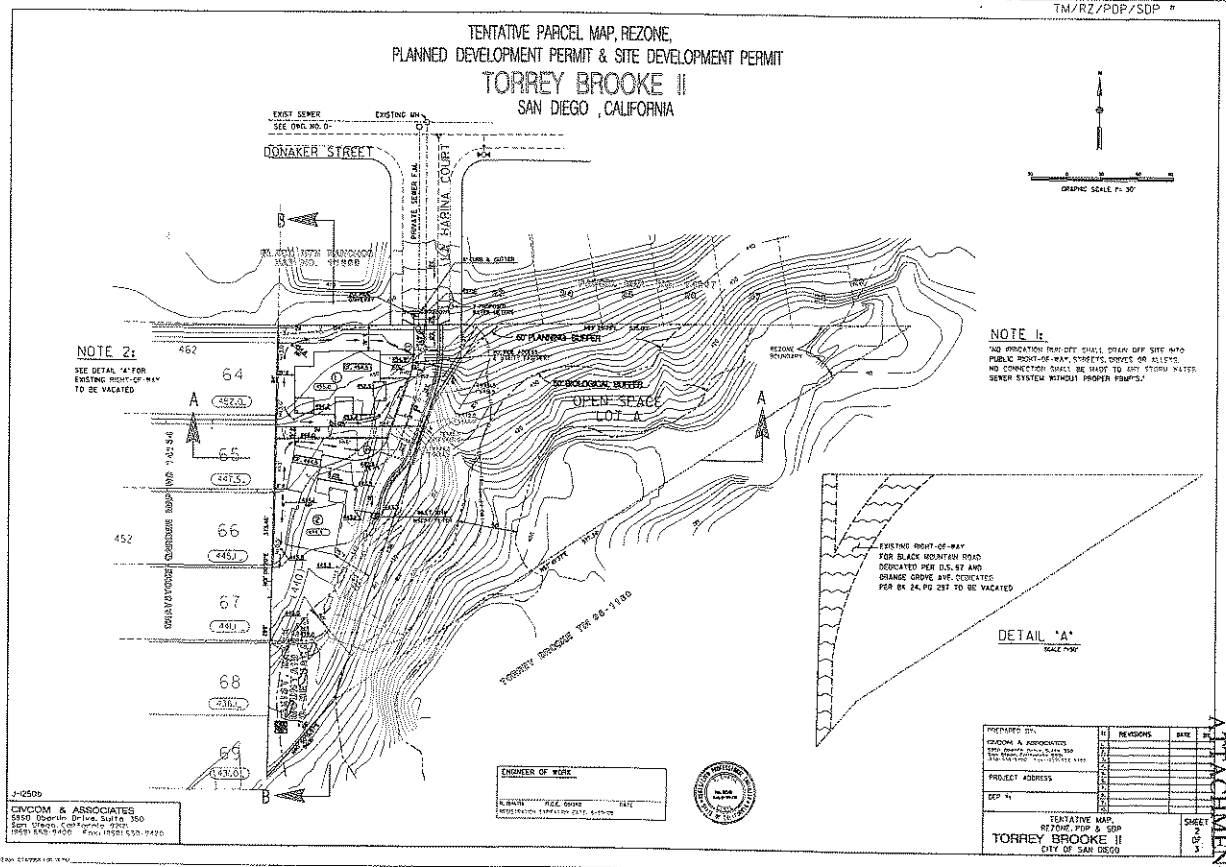
TORREY BROOKE II - 14304 LA HARINA CT
PROJECT NO. 2118



ATTACHMENT 3

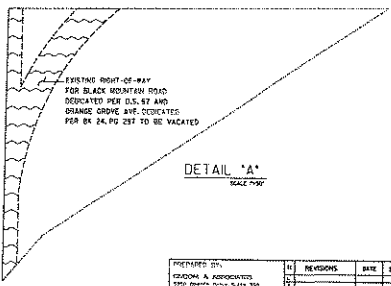


TENTATIVE PARCEL MAP, REZONE,
 PLANNED DEVELOPMENT PERMIT & SITE DEVELOPMENT PERMIT
TORREY BROOKE II
 SAN DIEGO, CALIFORNIA



NOTE 2:
 SEE DETAIL 'A' FOR
 EXISTING HEIGHT-OF-WAY
 TO BE VACATED

NOTE 1:
 THE INDICATION HEIGHT SHALL BEEN OFF SITE AND
 PUBLIC RIGHT-OF-WAY STREETS, DRIVE OR ALLEYS.
 NO CONNECTION SHALL BE MADE TO ANY STORM WATER
 SEWER SYSTEM WITHOUT PROPER PERMITS.



DETAIL 'A'
 SCALE 1/8" = 1'-0"

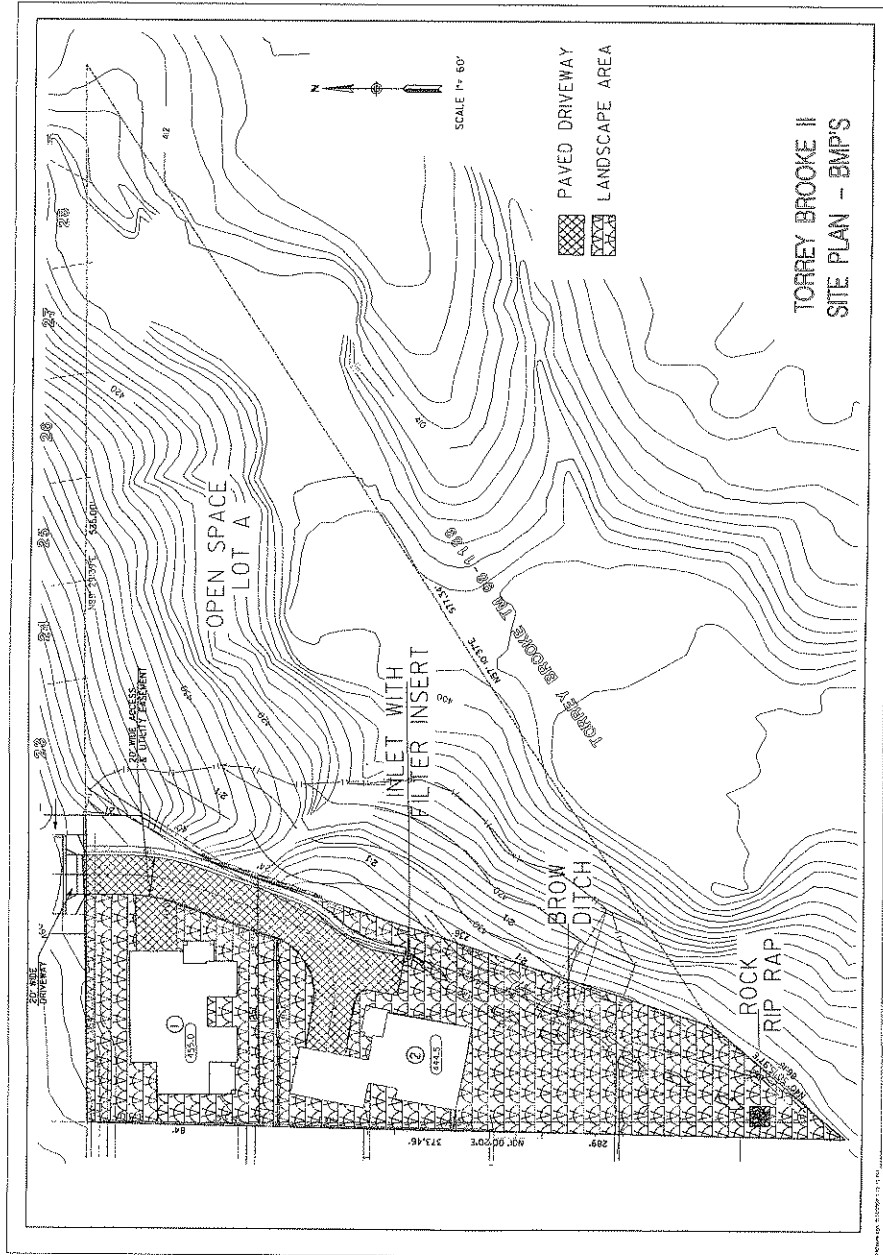
J-2500
CIVCOM & ASSOCIATES
 5800 Ocean Blvd, Suite 300
 San Diego, California 92121
 (619) 580-1100 FAX (619) 530-0100

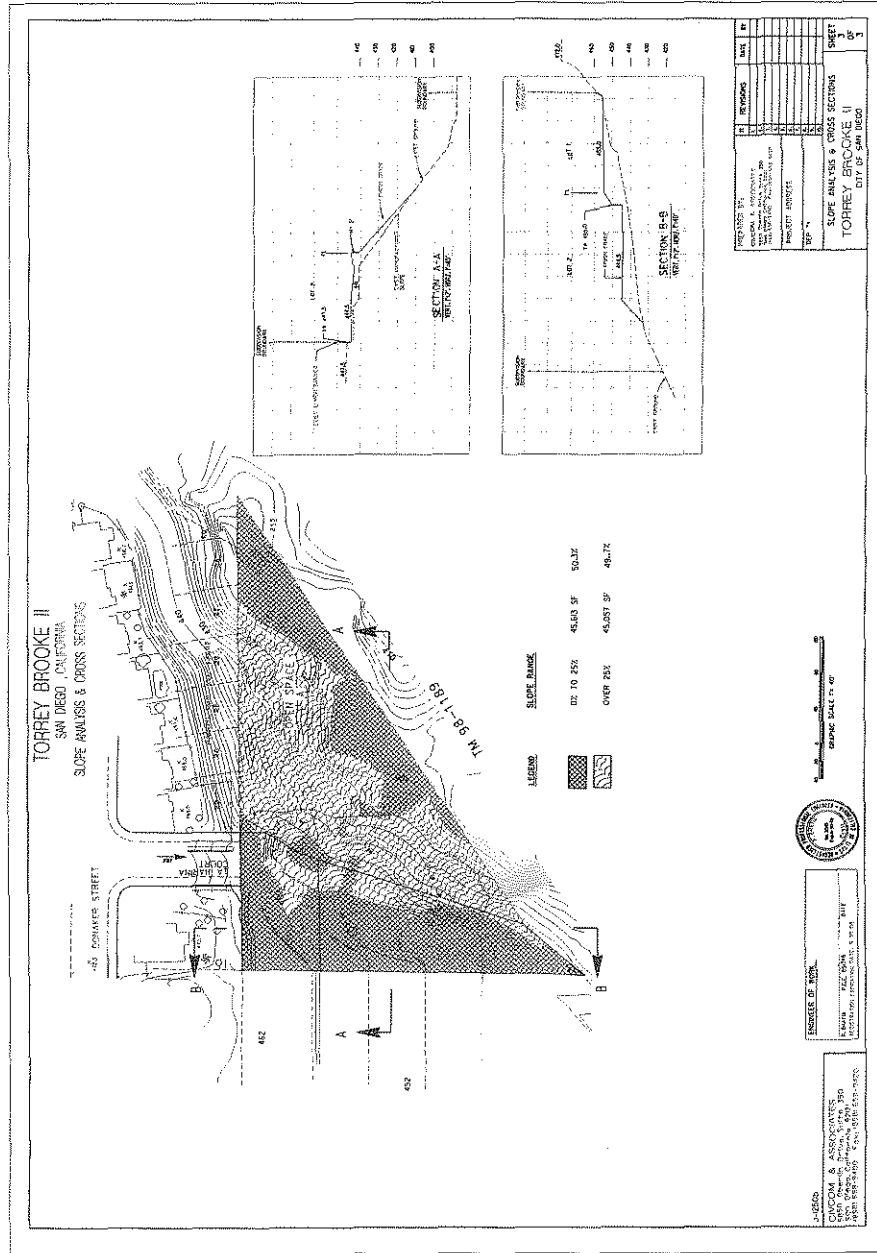
ENGINEER OF WORK
 NAME: KYLE OWEN
 REGISTRATION EXPIRATION DATE: 6-30-2016



PREPARED BY:	DATE	REVISIONS	DATE
FRANCO A. ASSOCIATES			
1000 AVENUE OF THE STARS			
SUITE 1000			
PROJECT ADDRESS:			
DEP #:			
TENTATIVE MAP, REZONE, POP & SDP TORREY BROOKE II CITY OF SAN DIEGO			

ATTACHMENT 5
 SHEET 2 OF 3





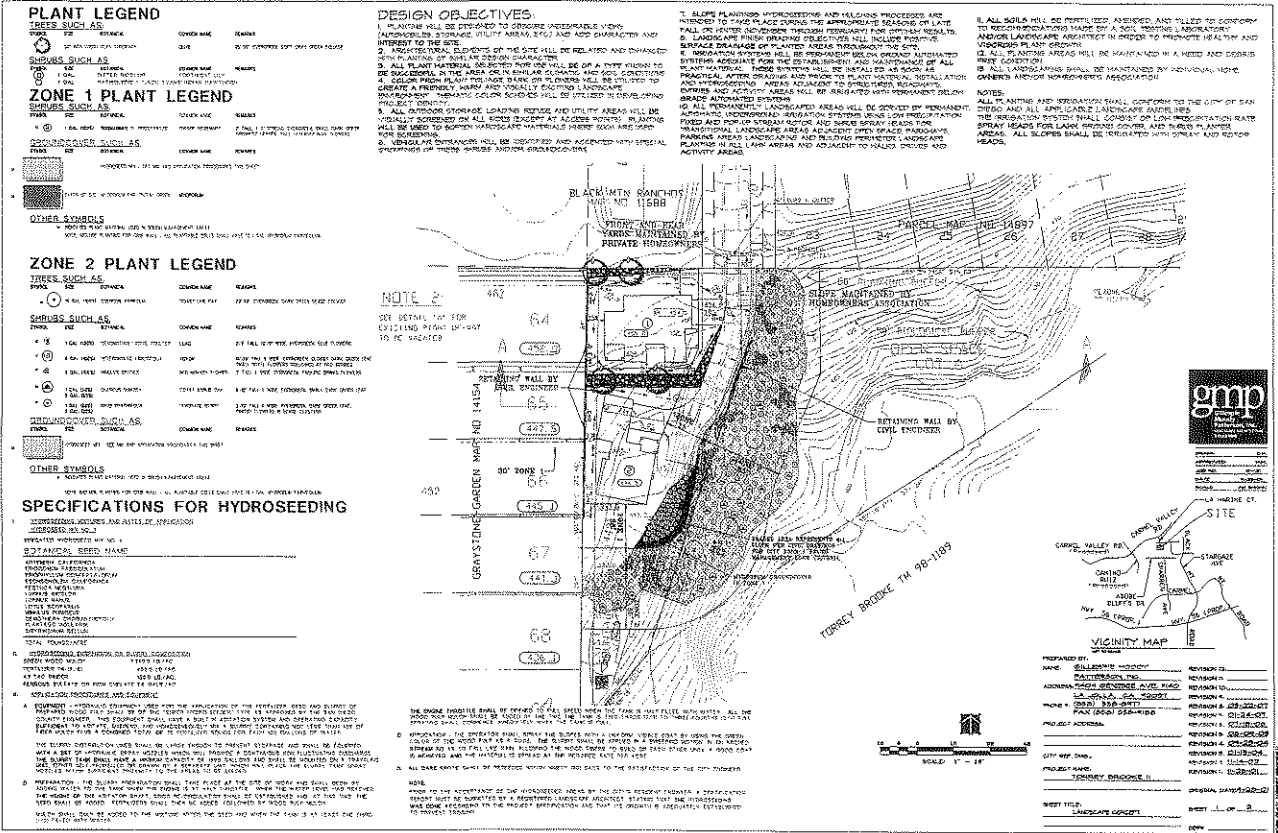
NO.	DESCRIPTION	DATE	BY
1	PREPARED BY		
2	DESIGNED BY		
3	CHECKED BY		
4	APPROVED BY		
5	PROJECT NUMBER		
6	SHEET		
7	OF		



ENGINEER OF RECORD
 NAME: [REDACTED]
 LICENSE NO.: [REDACTED]
 EXPIRES: [REDACTED]

DATE: 12/15/00
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 PROJECT NUMBER: [REDACTED]

SHEET
 OF



PLANT LEGEND

TREES SUCH AS

SYMBOL	SYMBOL	COMMON NAME	REMARKS
(Symbol)	SP	SP ADULT TREE (10' DIA)	
(Symbol)	SP	SP ADULT TREE (10' DIA)	

SHRUBS SUCH AS

SYMBOL	SYMBOL	COMMON NAME	REMARKS
(Symbol)	SH	SHRUB (10' DIA)	
(Symbol)	SH	SHRUB (10' DIA)	

ZONE 1 PLANT LEGEND

TREES SUCH AS

SYMBOL	SYMBOL	COMMON NAME	REMARKS
(Symbol)	T1	TREE (10' DIA)	
(Symbol)	T2	TREE (10' DIA)	

SHRUBS SUCH AS

SYMBOL	SYMBOL	COMMON NAME	REMARKS
(Symbol)	S1	SHRUB (10' DIA)	
(Symbol)	S2	SHRUB (10' DIA)	

OTHER SYMBOLS

(Symbol) 10' DIA TREE (10' DIA)

(Symbol) 10' DIA TREE (10' DIA)

ZONE 2 PLANT LEGEND

TREES SUCH AS

SYMBOL	SYMBOL	COMMON NAME	REMARKS
(Symbol)	T3	TREE (10' DIA)	
(Symbol)	T4	TREE (10' DIA)	

SHRUBS SUCH AS

SYMBOL	SYMBOL	COMMON NAME	REMARKS
(Symbol)	S3	SHRUB (10' DIA)	
(Symbol)	S4	SHRUB (10' DIA)	

OTHER SYMBOLS

(Symbol) 10' DIA TREE (10' DIA)

(Symbol) 10' DIA TREE (10' DIA)

SPECIFICATIONS FOR HYDROSEEDING

1. SUBSTRATE MIXTURE AND RATE OF APPLICATION

2. SEEDING RATE

3. HYDROSEEDING EQUIPMENT AND PRACTICE

4. EQUIPMENT

5. HYDROSEEDING EQUIPMENT AND PRACTICE

DESIGN OBJECTIVES:

1. PLANTING SHALL BE DESIGNED TO PROTECT UNDESIRABLE VIEWS (UNDESIRABLE STORAGE TANKS, UTILITY AREAS, ETC.) AND ADD CHARACTER AND INTEREST TO THE SITE.
2. LANDSCAPE DESIGN SHALL BE DESIGNED TO PROTECT UNDESIRABLE VIEWS (UNDESIRABLE STORAGE TANKS, UTILITY AREAS, ETC.) AND ADD CHARACTER AND INTEREST TO THE SITE.
3. ALL PLANT MATERIAL SELECTED FOR THE SITE SHALL BE OF A TYPE SUITED TO BE SUCCESSES IN THE AREA ON THE BLENDED AND SOIL CONDITIONS.
4. COLOR PAINT PLAN FOR PAINT WORK ON PLANTERS SHALL BE UTILIZED TO CREATE A FRESHLY MAINTAINED AND VISUALLY ATTRACTIVE LANDSCAPE.
5. ALL OUTDOOR STORAGE, LOADING AREAS AND UTILITY AREAS SHALL BE VISUALLY SCREENED ON ALL SIDES EXCEPT AT ACCESS POINTS. PLANTING SHALL BE USED TO SCREEN LANDSCAPE MATERIALS FROM ROAD AND NEIGHBORHOODS.
6. VERTICAL SURFACES SHALL BE IDENTIFIED AND ACCENTED WITH SPECIAL ORNAMENTATION THROUGH VERTICAL GROUNDCOVERING.

NOTE 2:

SEE DETAIL OF FOR CURB AND PAVEMENT TO BE INSTALLED

7. ALL PLANTING HYDROSEEDING AND MULCHING PROCESSES ARE INTENDED TO TAKE PLACE DURING THE APPROXIMATE PERIOD OF LATE FALL OR EARLY WINTER THROUGH FEBRUARY FOR OPTIMAL RESULTS.

8. LANDSCAPE DESIGN OBJECTIVES SHALL INCLUDE PROTECTING SURFACE DRAINAGE OF PLANTED AREAS THROUGHOUT THE SITE.

9. IRRIGATION SYSTEMS SHALL BE DESIGNED TO BE ON PERMANENTLY MAINTAINED SYSTEMS ADEQUATE FOR THE ESTABLISHMENT AND MAINTENANCE OF ALL PLANT MATERIAL. THESE SYSTEMS SHALL BE INSTALLED AND SOUL AS PRACTICAL AFTER GRADING AND PRIOR TO PLANT MATERIAL INSTALLATION AND HYDROSEEDING. AREAS ADJACENT TO SPECIFIED NEIGHBORHOODS, DRIVEWAYS AND ACTIVITY AREAS SHALL BE IRRIGATED WITH PERMANENT DELTAIR BRASS AUTOMATIC SYSTEMS.

10. ALL PERMANENTLY LANDSCAPED AREAS SHALL BE COVERED BY PERMANENT VEGETATION UNLESS IRRIGATION SYSTEMS UNDER LOW PRECIPITATION. PERMANENT VEGETATION SHALL BE MAINTAINED BY THE HOMEOWNER THROUGHOUT THE LIFE OF THE PROJECT. PERMANENT VEGETATION SHALL BE MAINTAINED BY THE HOMEOWNER THROUGHOUT THE LIFE OF THE PROJECT.

11. ALL SOILS SHALL BE FERTILIZED, AMENDED, AND PLEED TO CONFORM TO RECOMMENDATIONS MADE BY A SOIL TESTING LABORATORY AND/OR LANDSCAPE ARCHITECT IN ORDER TO PROMOTE HEALTHY AND VIGOROUS PLANT GROWTH.

12. ALL PLANTING AREAS SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER.

13. ALL LANDSCAPING SHALL BE MAINTAINED BY INDIVIDUAL HOME OWNERS THROUGHOUT THE ASSOCIATION.

NOTES:

ALL PLANTING AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO AND ALL APPLICABLE LANDSCAPE ARCHITECTURE REGULATIONS. THE REGULATION REFERRED TO SHALL COVER LOW PRECIPITATION RATE SPRAY HEADS FOR LAWN IRRIGATION, AND TURF PATTERN SPRAY HEADS. ALL SLIPERS SHALL BE REGULATED WITH SLOTTED AND ROTARY HEADS.

ATTACHMENT 6

ATTACHMENT 7

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR

RECORDER'S USE
JOB ORDER NUMBER: 42-0188

PLANNED DEVELOPMENT PERMIT NO. 366166
SITE DEVELOPMENT PERMIT NO. 366167
TORREY BROOKE II [MMRP]
City Council

DRAFT

This Planned Development Permit No. 366166 and Site Development Permit No. 366167, is granted by the Council of the City of San Diego to TORREY BROOKE DEVELOPMENTS INC, Owner/Permittee pursuant to Section(s), 126.0501, 126.0601 of the Land Development Code of the City of San Diego. The 2.13-acre site is located on the west side of the southerly extension of La Harina Court in the AR-1-1 Zone (proposed RS-1-13 Zone), within the Torrey Highland Subarea Plan IV. The project site is legally described as remainder Parcel of Torrey Brook, Tract No. 98-1189, Map No. 14383, recorded May 1, 2002.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to create three parcels from a 2.13-acre site and Rezone the site from AR-1-1 to RS-1-13. The subdivision would allow the development of two single-family structures and one open space lot described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated TO BE FILLED IN, on file in the Office of the Development Services Department. The facility shall include:

- a. Subdivision of a 2.13-acre lot into two single-family lots and one open space lot; and
- b. Construction of two-single-family residences of approximately 4,442-square-foot and 5,130-square-foot respectively, totaling 9,572; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Six off street parking spaces;
- d. Accessory improvements determined by the City Manager 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 Municipal Code in effect for this site.

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 Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

ATTACHMENT 7

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 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 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 Owner/Permittee 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any building or 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." No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
10. 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

ATTACHMENT 7

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.

PLANNING/DESIGN REQUIREMENTS

11. No fewer than three off-street parking spaces shall be maintained on each lot at all times in the approximate locations shown on the approved Exhibits "A," dated TO BE FILLED IN, on file in the Office of the Development Services Department. Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. The project was granted a deviation to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.
14. A topographical survey conforming to the provisions of the Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
15. Prior to the approval of a Parcel Map, Owner/Permittee shall record a covenant of easement or dedicate in fee title any areas containing steep hillsides (or any other Environmentally Sensitive Lands) that are not part of the allowable development area. These areas shall be left undeveloped and in their natural state.
16. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
17. Prior to the approval of the first grading permit and/or recordation of the Parcel Map, permittee shall record a covenant of easement across the Open Space Lot A identified on Exhibit "A." The retaining wall shall be kept outside of the recorded Open Space easement.

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18. Except for restoration activities, at no time shall structures be built in or shall any development occur within the lot identified as Open Space Lot A on Exhibit "A."

ENGINEERING REQUIREMENTS

19. The Permit shall comply with the conditions of the Torrey Brooke II, Tentative Map No. 366169.

LANDSCAPING REQUIREMENTS

20. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Uniform Fire Code, M.C. 555.0889.0201, the Landscape Standards and the Land Development Code Section 142.0412 (Ordinance 18451).

21. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A' Brush Management Plan, on file in the Office of the Development Services Department.

22. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manger's approval.

23. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the development Services Department to discuss and outline the implementation of the Brush Management Program.'

24. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

25. Prior to final inspection and Final Inspection for any building, the approved Brush Management Program shall be implemented.

26. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

27. The Brush Management Program shall consist of two zones consistent with the Brush Management Regulations of the Land Development Code section 142.0412 as follows: Lots 1 and two shall have a 35-foot Zone One with 65-foot Zone Two.

28. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

29. All landscape and irrigation required by this permit shall conform to the City of San Diego's Landscape Regulations - Article 2, Division 4; the Land Development Manual - Landscape Standards; and all other landscape related City and Regional Standards.

30. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

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31. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Concept Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
32. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Concept Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
33. Prior to issuance of Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections consistent with Exhibit 'A.'
34. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
35. No irrigation run-off shall drain off site into the public right-of-way, streets, drives or alleys. No connection shall be made to any storm water sewer system without proper PBMP's.
36. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Final Inspection.

WASTEWATER REQUIREMENTS

37. All proposed sewer facilities serving this development will be private.
38. Prior to the issuance of any engineering or building permits, the developer shall provide an Encroachment Maintenance and Removal Agreement for all private sewer laterals located within City street right of ways.
39. Prior to the issuance of any engineering or building permits, the developer shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of a private sewer main that serves more than one lot.
40. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
41. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
42. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one lot.
43. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

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WATER REQUIREMENTS

44. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services within the La Harina Court right-of-way adjacent to the project site in a manner satisfactory to the Water Department Director and the City Engineer. Services, as shown on approved Exhibit "A", shall be modified at final engineering to conform to standards.
45. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Any fire hydrant installation not conforming to public standards, shall be private.
46. Prior to the issuance of any certificates of occupancy, all public water facilities necessary to serve the development, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
47. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A", shall be modified at final engineering to comply with standards.

FIRE REQUIREMENTS

48. Prior to the issuance of any certificates of occupancy, in lieu of providing Fire Department access the single-family residences and garages shall be equipped with residential fire sprinkler systems satisfactory to the Fire Marshal.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this permit map, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the City Council of the City of San Diego on TO BE FILLED IN.

Project No. 2118
TM No. 366169
TO BE FILLED IN

ATTACHMENT 8

CITY COUNCIL
RESOLUTION NO. TO BE FILLED IN
TENTATIVE MAP NO. 366169
STREET VACATION NO. 478535
TORREY BROOKE II-PROJECT NO. 2118
DRAFT

WHEREAS, TORREY BROOKE DEVELOPMENTS INC, Applicant/Subdivider, and CIVCOM AND ASSOCIATES, Engineers, submitted an application with the City of San Diego for a Tentative Map No. 366169, to subdivide a 2.13-acre site into three parcels for development of two-single-family homes and to vacate portions of two streets; (1) That portion of Black Mountain Road dedicated per O.S. 57, and (2) That portion of Orange Grove Avenue dedicated in Olive Grove Tract, according to the Map filed July 18, 1904 in Book 24 page 297. The project site is located on the west side of the southerly extension of La Harina Court and is bordered roughly to the south by Adobe Bluffs Road, to the west, east, and north by single-family residences in the AR-1-1 Zone (proposed RS-1-13), within the Torrey Highland Subarea Plan IV. The project site is legally described as Remainder Parcel of Torrey Brook, Tract No. 98-1189, Map No. 14383, recorded May 1, 2002; and

WHEREAS the map proposes the subdivision of a 2.13-acre site into three (3) lots for a residential development (two residential lots and one open space lot); and

WHEREAS, the property contains right-of-ways which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430; and the City Council finds that: (a) there is no present or prospective use for the public right of way, either for the facility for which the right of way was originally acquired or for any other public use of a like nature that can be anticipated; and (b) the public will benefit from the vacation through improved use of land made available by the vacation; and (c) the vacation does not adversely affect any applicable land use plan; and (d) the public facility for which the right of way was originally acquired will not be detrimentally affected by this vacation.

WHEREAS, the City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration No. 2118, dated TO BE FILLED IN, and Mitigation Monitoring and Reporting Program covering this activity; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on TO BE FILLED IN, the Council of the City of San Diego considered Tentative Map No. 366169, and pursuant to Sections 125.0440, of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard

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testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the CITY COUNCIL of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 366169, and that pursuant to California Government Code section 66445 (j), the following right-of-ways, located within the project boundaries as shown in Tentative Map No. 366169, shall be vacated, contingent upon the recordation of the Parcel Map for the project: (a) That portion of Black Mountain Road dedicated per O.S. 57 and (b) That portion of Orange Grove Avenue dedicated in Olive Grove Tract, according to the Map filed July 18, 1904 in Book 24 page 297.

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).

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8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Council of the City of San Diego, Tentative Map No. 366169, is hereby granted to TORREY BROOKE DEVELOPMENTS INC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. The tentative map shall expire Three (3) years after the effective date of the rezone. If the rezone is denied, this Tentative Map shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. The Parcel Map shall conform to the provisions of Planned Development Permit No. 366166, and Site Development Permit No. 366167.

ENGINEERING

5. The Subdivider shall extend the brow ditch discharge point to a well defined channel.
6. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
7. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
8. Prior to the issuance of any construction permit the Subdivider shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

9. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
10. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
11. The drainage system proposed for this subdivision, as shown on the approved tentative map, is private and subject to approval by the City Engineer.
12. The Subdivider shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of runoff from La Harina Court.

MAPPING

13. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. The Parcel Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A

combined factor for conversion of grid-to-ground distances shall be shown on the map.

16. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

17. The Subdivider shall construct the Carmel Valley Trunk Sewer and enter into a Reimbursement Agreement with all developments that construct more than their fair share of the Carmel Valley Trunk Sewer.
18. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map will require modification based on the accepted sewer study.
19. All proposed sewer will be private.
20. The Subdivider shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's sewer design guide.
21. The Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
22. No private sewer facilities shall be installed in or over any public right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
23. Prior to the issuance of any building permits, the Subdivider shall process and record a NOTICE & AGREEMENT for each ownership being served by a private pump station/sewer facilities which serves more than one ownership, which indemnifies the City and contains an agreement that the applicant, and successors in interest, will be responsible for the operation and maintenance of the private sewer systems.
24. The Subdivider shall obtain a building permit for any private pump station serving more than one lot.

25. The Subdivider shall construct a private sewer pressure lateral along La Harina Court and connect it to the existing eight-inch public sewer main to the north in Donaker Street.
26. The Subdivider shall provide an Encroachment Maintenance and Removal Agreement for all private sewer laterals located within City street right of ways.
27. The Subdivider shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of a private sewer main that serves more than one lot.
28. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
29. The Subdivider shall design and construct new water services, within La Harina Court, to serve each Lot in a manner satisfactory to the Water Department Director and the City Engineer.
30. The Subdivider shall provide a letter, to the Development Project Manager, assuring the preparation of CC&Rs for the operation and maintenance of all private water facilities which serve or traverse more than a single lot or unit.
31. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
32. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on the approved tentative map, shall be modified at final engineering to comply with standards.

TRANSPORTATION

33. The Subdivider shall provide a standard 20-foot wide driveway with three-foot flairs on each side aligned with the center line of La Harina Court, satisfactory to the City Engineer.
34. The Subdivider shall provide a turn around ability at the end of the proposed Private Drive "A", satisfactory to the City Engineer.
35. The Subdivider shall provide a "shared access agreement" between both parcels to the satisfaction of the City Engineer.

LANDSCAPING

36. Prior to the recordation of the parcel map, the Subdivider shall submit complete landscape construction documents consistent with Exhibit 'A,' including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the City manager. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.
37. Prior to issuance of any engineering permits for grading, the Subdivider shall enter into a Landscape Establishment and Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all common area slope revegetation. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. Agreement shall commence prior to release of the performance bond with developer or subsequent owner posting a new bond to cover the terms of the agreement.
38. Prior to recordation of the Parcel Map, the Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit 'A.' These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-title sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code.

INFORMATION

- The approval of this Tentative Map by the Council of the City of San Diego does not authorize the subdivider 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 USC Section 1531 et seq.).
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.

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- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

APPROVED: NAME, City Attorney

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Reviewed by Derrick Johnson

ATTACHMENT 9

RESOLUTION No. TO BE FILLED IN

ADOPTED ON TO BE FILLED IN

WHEREAS, TORREY BROOKE DEVELOPMENTS INC, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide the 2.13-acre site into three separate parcels at the end of La Harina Court, in the AR-1-1 Zone of the Torrey Highland Subarea Plan IV (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 366166 and Site Development Permit No. 366167), on portions of a on a 2.13-acre site;

WHEREAS, the project site is located at the end of La Harina Court and is bordered roughly to the south by Adobe Bluffs Road, to the west, east, and north by single-family homes in the AR-1-1 Zone of the Torrey Highland Subarea Plan IV;

WHEREAS, the project site is legally described as remainder Parcel of Torrey Brook, Tract No. 98-1189, Map No. 14383, recorded May 1, 2002;

WHEREAS, on May 22, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 366166 and Site Development Permit No. 366167, and pursuant to Resolution No. TO BE FILLED IN, voted to recommend City Council approval of the project; and NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends approval of Planned Development Permit No. 366166 and Site Development Permit No. 366167, pursuant to the Land Development Code of the City of San Diego; that the Planning Commission recommends approval of the following written Findings, dated May 22, 2008.

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Planned Development Permit Findings

- 1. The proposed development will not adversely affect the applicable land use Plan.** The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. This property is designated in the Torrey Highland Subarea Plan IV for residential development from three to five dwelling units per net acre and open space. The proposed use of this site for residential uses would be consistent with the Torrey Highland Subarea Plan IV. The proposed project, being determined consistent with the community plan land use, would not adversely affect the relevant land use plan.
- 2. The proposed development will not be detrimental to the public health, safety, and welfare** The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The permit controlling the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.
- 3. The proposed development will comply with the regulations of the Land Development Code.** The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Land Development Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a Planned Development Permit. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.
- 4. The proposed development, when considered as a whole, will be beneficial to the community.** The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The provision of market rate housing in the community provides a benefit to the community by adding to the available housing stock of the City, is consistent with other approved land uses in the community, is consistent with the intended planning efforts of the City, and will enhance the neighborhood and community by its being developed as described by the submitted conceptual designs.
- 5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project proposes to create three parcels from a 2.13-acre site and allow the

ATTACHMENT 9

development of two-single-family structures. The project has been designed to reduce impacts to sensitive steep slopes, biological resources and to create a grading concept compatible with the existing neighborhood. The applicants are requesting a deviation to allow access to Lot Two (2) via a private driveway extending southerly from La Harina Court through an access easement. The private driveway and easement will be located on Lot One (1) at the southern terminus of La Harina Court. Access to Lot One (1) would be via a cul de-sac at La Harina Court. Staff supports the deviation to allow greater flexibility in the design of the project. Staff has determined the deviation results in a superior design and reduction of impacts to environmentally sensitive lands. The project would not adversely affect the Land Use Element and is consistent with the goals and policies of the Torrey Highland Subarea Plan IV.

Site Development Permit Findings

6. The proposed development will not adversely affect the applicable land use Plan. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The Torrey Highland Subarea Plan IV identifies this site for residential development. This property is designated in the Torrey Highland Subarea Plan IV for residential development up to three to five dwelling units per net acre and open space. Please see Planned Development Permit Finding No. 1 above.

7. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The permit controlling the proposed development and its continued operation contains conditions addressing project compliance with applicable City, regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the project area. Please see Planned Development Permit No. 2 above.

8. The proposed development will comply with the regulations of the Land Development Code. The project proposes to create three parcels from a 2.13-acre site and allow the development of two-single-family structures. The proposed development requires a Site Development Permit to assure compliance with the Environmentally Sensitive Lands Ordinance of the Land Development Code. The Torrey Highland Subarea Plan IV designates the subject property for Very Low Density Residential development at three to five dwelling units per acre. The density of the proposed project is 0.94, which is within the allowable density range. The proposed development with the exception of the street frontage requirement complies with all applicable Land Development Code regulations as allowed by a Planned Development Permit.

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

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sustained, and Planned Development Permit No. 366166, and Site Development Permit No. 366167 are recommend for approval by the City Council.



**Rancho Peñasquitos Planning Board
Meeting Minutes**

September 5, 2007

Attendees: Dan Barker, Jon Becker, Joost Bende, Bill Diehl, Sudha Garudadri, Wayne Kaneyuki, Jim LaGrone, Lynn Murphy (7:38pm), Jeanine Politte, Keith Rhodes, Charles Sellers, Dennis Spurr, Christopher Woo **

Absent: Pamela Kelly, Ted Jobson

1. The meeting was called to order at 7:33pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum was present.
2. Agenda Modifications: Delete Taiwanese Lutheran Church Informational Presentation
3. MINUTES:
Motion: To approve the August 1, 2007 Rancho Peñasquitos Planning Board Meeting minutes as presented. M/S/C - LaGrone/Spurr /Approved 12-0-0.
4. Guests: none
5. NON-AGENDA, PUBLIC COMMENTS:
 - a. John Overland inquired – who handles CC&R concerns (number of families living in single family residences). Rancho Peñasquitos Town Council subcommittee, HOOPA, takes complaints and works to remedy the situation; City website has Code Compliance complaint form residents can complete.
 - b. Sherry Lightner, a candidate for City Council Seat in District 1, introduced herself and shared her community involvement.
 - c. Joost Bende- the expansion plans for New Hope Church included the temporary bungalows being removed following project completion. To-date the bungalows have still not been removed. Joost will coordinate getting a church representative to attend an RPPB meeting with Les Russell, a community member's assistance.
 - d. Bill Diehl – Rattlesnakes (big!) have been found at Black Mtn. Ranch Park and Canyonside Park.
6. ANNOUNCEMENTS & INFORMATION ITEMS:
 - a. San Diego City Council District 1 Report – Madeleine Baudoin
 - City Council has approved the loan to fund Ridgewood Park upgrades; could take 45 days to complete bid process. Bill Diehl said the City had not presented any plans for the project to PQ Rec Council for approval to-date and he suggested they be presented at the Sept. 27th local P&R Council meeting. Madeleine will check into.
 - PQ Town Council is planning an Emergency Preparedness Fair at Hilltop Park on October 13th, 10am -3pm at Hilltop Park.
 - Caltrans has resolved Bike Access issues at Camino del Sur / Hwy. 56
 - Joost Bende/Bill Diehl inquired on the status of the Park View Estates Fund committee. Background: In the 1990s, the committee was initiated to oversee PVEF by a San Diego City Council Resolution. All obligations to Black Mtn. Open Space from the fund, have been met and the remaining funds are for PQ Parks. RPPB wants to reconstitute or terminate the committee and initiate a new committee of Rancho Peñasquitos entities to oversee how the funds are used. Madeleine will check into next steps.

- Ranger Station – Bill Diehl said they are still looking for \$250,000.
- ** Chris Woo left the meeting at 7:48pm.
- b. San Diego City Planning & Community Investment Report – no report

7. BUSINESS.

a. **Black Mountain Ranch LLC Update – INFO ONLY**

Bill Dunka, BMRLLC, reviewed progress and potential changes to their planned development. Del Sur key updates: 8 builders, 250 closed escrows, 100 open escrows, 100 available homes with the project remain, 7 parks with swimming pools, have completed 204 affordable unit apartment complex, PUSD elementary school will be completed in fall 2008, PUSD's Del Norte H.S. due to open fall 2009. BMRLLC intends to pursue modifications to the North Village plan. Have not been able to find a developer for the golf course or hotel projects. They are planning to drop the golf course and convert to open space, move the adjacent hotel into the Town Center with fewer rooms and replace with residential or senior housing with no change in density units, to traffic, or development footprint. Verizano development (Shea Homes) has 44,000 sq.ft. of commercial not completed and BMRLLC will add it to square footage of the Del Sur Town Center area; realign streets to accommodate added commercial. The Town Center would be similar to 'Main Street' with a walk able character and no big box stores like 4S Ranch Town Center.

i. RPPB/Public Questions & Comments:

- BMR residents have not been noticed – recommended BMRLLC present plans to BMR Association.
- Retail street frontage on Main Street. Type of on-street parking could present issues.
- Is the open space that is proposed to replace the golf course dedicated open space? BMRLLC's intent is to dedicate, but city may refuse due to maintenance costs; alternative - HOA might be interested in maintaining; will discuss with city.
- Les Russell inquired about density units if age restricted housing was built and Bill replied he was not sure, might be 10 d.u. per acre.
- John Overland asked if the city might be interested in golf course – a number of RPPB members dismissed the idea that the city might add another golf course to its public facilities.
- Patricia (Cristamar) inquired if the Muslim Community Center on Via Fiesta Street could relocate to a commercial site near Main Street where it might be more appropriate. Joost Bende added that the developer decided early on that the specific parcel was designated for a religious institution, but added that if the MCC chose to sell the Via Fiesta St property and purchase another in the commercial area to build the MCC a conditional use permit if they so desired.
- RPPB Chair, Charles Sellers, thanked Bill for his time.

b. **Torrey Brooke II – ACTION ITEM**

Russ De Phillips and Roger Bhatia from Milberg & DePhillips, P.C. are asking for the approval of T.B. II from the full RPPB.
Background: 2 single family detached units instead of the 3 originally proposed on the 2.13 acre parcel located adjacent to Torrey Brooke I at the foot of La Herena Ct. Property will be served by private driveway with HOA to maintain and have CC&Rs. Architecture

is same as T.B.I - Italian style villas with tile roofs and stucco/stone exteriors, 28 ft. maximum height.

- i. LUC Meeting Report, 9/5/07 – DePhillips & Bhatia attended the LUC to present final plans and get a recommendation to approve from the sub-committee and the full RPPB. Note that Jon Becker recused himself (an affiliated firm did some environmental work on project).
 - All city cycle issues have been addressed and the committee approved a motion to recommend approval of the project plan with the added recommendation that the 2 homes are annexed into the existing HOA for Torrey Brooke I.
 - Charles noted that the committee expressed concern about private drive maintenance as an independent HOA, recommending they join the existing HOA; and questioned the sewer connection as the properties are located down hill of the sewer main.
- ii. Questions & Comments:
 - Keith Rhodes commented that cost to maintain a private road and the landscape might be a barrier to joining the existing HOA, conflicts could arise between the 2 property owners not agreeing on maintenance expenses if separate HOA, etc. Suggested that we make annexing into the existing HOA a condition of approval.
 - Joost Bende asked if there were other options to where the sewer line would connect to the trunk line so waste would not need to be pumped uphill.

Motion: To approve the project as presented with a strong recommendation that these 2 lots join the existing Torrey Brooke I HOA. M/S/C – Bende/LaGrone: Approved 11-0-0-1 Recusal (Becker).

c. **Reallocation of Community Funds priority – Bill Diehl**

Since the October 2006 RPPB approval of \$345,000 in community funds to be expensed for a specific list of projects, City Park Planning & Development Services has added development fees (approx. 25%) to the project costs. Bill would like RPPB to prioritize the list of projects that these monies will be allocated to fund. Brief discussion by board of the project order. Public Questions & Comment: none.

Motion: To reallocate the \$345,000 in Community Funds approved by RPPB at its October 4, 2006 meeting and prioritize funding of the projects in the following order:

1. Canyonside Lighting (Fields 6, 7, 8, & 9)
2. Off Leash Dog Park
3. Sidewalk Repair (Stargaze/Barrymore)
4. Bleachers (Canyonside Fields 8 & 9)
5. Pave Views West Batting Cage
6. Gravel Canyonside tree parking spot
7. Canyonside storage pad/landscaping
8. Park signs (Rolling Hills, Twin Trails, Ridgewood)
9. Tables & Chairs (Canyonside/Hilltop)

M/S/C - Bende/LaGrone: Approved 12-0-0.

Reference: October 4, 2006 meeting minutes - Motion: Diehl; 2nd James LaGrone - Approve allocation of Community funds for items as per the September 11, 2006 Community Fund Minutes. 13 for - 1 against - 0 abstentions.

d. **Bylaws Revision, Per City Mandate – Diehl/Egbert**

Board members have received a copy. Modifications that had been approved by RPPB

OWNERSHIP DISCLOSURE STATEMENT

TORREY BROOKE II

Project No. 2118

Owner: Torrey Brooke Developments, Inc.

Torrey Brooke Developments, Inc. a California Corporation:

Directors: Mr. Emidio Petrilli – Miss Paola Petrilli

Officers: Mr. Emidio Petrilli – President
Miss. Paola Petrilli – Vice President -
Treasurer and
Secretary

Shareholders:

- Tognozzi S.p.A, an Italian Corporation:
(President, Emidio Petrilli)
- Euro America Investments Holdings Limited
a BVI Corporation (Emidio Petrilli – Owner)

ATTACHMENT 12

PROJECT DATA SHEET		
PROJECT NAME:	Torrey Brooke II	
PROJECT DESCRIPTION:	Subdivide 2.1 Acre Parcel into 3 parcels, 2 residential and 1 open space	
COMMUNITY PLAN AREA:	Torrey Highlands Subarea Plan	
DISCRETIONARY ACTIONS:	Tentative Parcel Map, Rezone, PDP, SDP	
COMMUNITY PLAN LAND USE DESIGNATION:	Low density (LD) residential development of 2 to 5 dwelling units per acre.	
	EXISTING:	PROPOSED:
ZONE:	AR-1-1	RS-1-13
DENSITY:	1-10 du/ac	Single Family
HEIGHT LIMIT:	30 ft	35 ft
LOT SIZE:	2.1 – acres (existing)/10 ac required	6,000sf/12,130 sf/22,010 sf
FLOOR AREA RATIO:	N/A	Lot 1 36.6%/Lot 2 23.3%
FRONT SETBACK:	25 ft	Lot 1 15 ft/Lot 2 15ft
SIDE SETBACK:	20 ft	Lot 1 10 ft/Lot 2 15 ft
STREETSIDE SETBACK:	N/A	N/A
REAR SETBACK:	25 ft	Lot 1 15 ft/Lot 2 11 ft.
PARKING:	2 per dwelling unit	10 spaces
ADJACENT PROPERTIES	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential; RS-1-14	Residential
SOUTH:	AR-1-1	Open Space
EAST:	Residential; RS-1-14	Residential
WEST:	Residential; AR-1-1	Residential
DEVIATIONS OR VARIANCES REQUESTED:	Street Frontage	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The project is located in the Torrey Highlands Sub Area IV community planning area and an official community planning group has not been formed for this community. However, as a courtesy the project plans were sent to the adjacent community planning group the Rancho Penasquitos Planning Board. On September 5, 2007 the Rancho Penasquitos Planning Board considered the project and voted 11-0-1 to recommend approval of the proposed project with one recommendation.	

ATTACHMENT 13

VACATION OF THAT PORTION OF BLACK MOUNTAIN ROAD DEDICATED PER O.S. 57, AND (2) THAT PORTION OF ORANGE GROVE AVENUE DEDICATED IN OLIVE GROVE TRACT, ACCORDING TO THE MAP FILED JULY 18, 1904 IN BOOK 24 PAGE 297 BE VACATED.

WHEREAS, it is proposed that (1) That portion of Black Mountain Road dedicated per O.S. 57, and (2) That portion of Orange Grove Avenue dedicated in Olive Grove Tract, according to the Map filed July 18, 1904 in Book 24 page 297 be vacated; and

WHEREAS, there is no present or prospective use for the public right of way, either for the facility for which the right of way was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public will benefit from the vacation through improved use of land made available by the vacation; and

WHEREAS, the vacation or abandonment does not adversely affect any applicable land use plan; and

WHEREAS, the public facility for which the right of way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, California, as follows:

1. That (1) That portion of Black Mountain Road dedicated per O.S. 57, and (2) That portion of Orange Grove Avenue dedicated in Olive Grove Tract, according to the Map filed July 18, 1904 in Book 24 page 297, as more particularly referred to in

ATTACHMENT 13

Resolution of Intention No. R-_____ TO BE FILLED IN, _____, is unnecessary for present or prospective public street purposes.

2. That (1) That portion of Black Mountain Road dedicated per O.S. 57, and (2) That portion of Orange Grove Avenue dedicated in Olive Grove Tract, according to the Map filed July 18, 1904 in Book 24 page 297, as more particularly shown on Drawing No. TO BE FILLED IN, on file in the office of the City Clerk as Document No. RR-___ TO BE FILLED IN, _____, which said Drawing is attached hereto and made a part hereof, is ordered vacated.

3. That the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the office of the County Recorder.

Project Chronology
TORREY BROOKE II-PTS 2118

ATTACHMENT 14

Date	Action	Description	City Review Time	Applicant Response
3/13/02	First Submittal	Project Deemed Complete		
4/22/02	First Review Complete	First Assessment Letter sent to applicant.	1 month 9 days	
1/7/03	Second Submittal			9 months
2/25/03	Second Review Complete	Second Assessment Letter sent to applicant.	1 month 18 days	
5/4/04	Third Submittal			1-year 2 months 21 days
6/16/04	Third Review Complete	Third Assessment Letter sent to applicant.	1 month 12 days	
10/15/04	Fourth Submittal			4 months
12/21/04	Fourth Review Complete	Fourth Assessment Letter sent to applicant.	2 months 6 days	
6/2/05	Fifth Submittal			5 months 19 days
9/26/05	Fifth Review Complete	Fifth Assessment Letter sent to applicant.	3 months 24 days	
5/23/08	All Issues Resolved by applicant	All Issues Resolved by applicant		3 years, 8 months
6/5/08	Public Hearing-Planning Commission		10 days	
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	6 Years, 4 months	



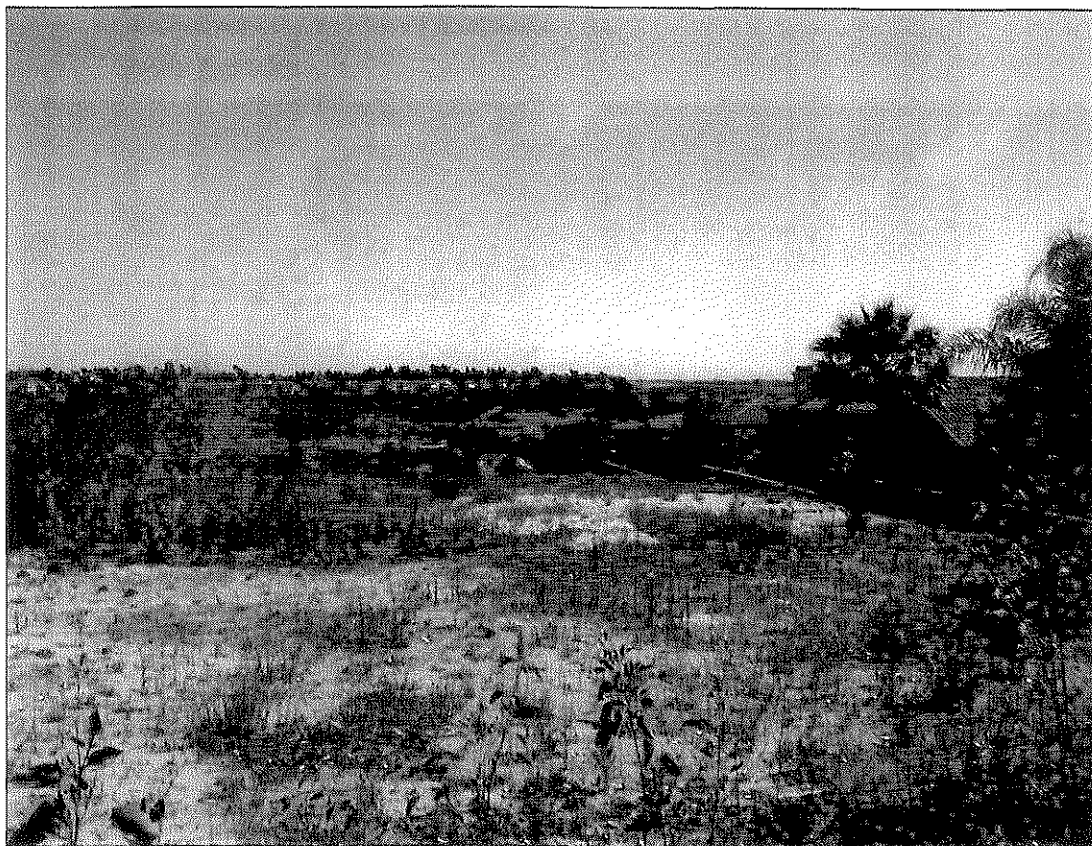
Site Photo

TORREY BROOKE II - 14304 LA HARINA CT
PROJECT NO. 2118



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