

**DATE ISSUED:** February 17, 2005                      **REPORT NO.** PC-05-054

**ATTENTION:** Planning Commission, Agenda of February 24, 2005

**SUBJECT:** VILLA PARAISO - PROJECT NO. 3637. PROCESS 5

**REFERENCE:** Planning Commission Report P-01-222; Gatlin Plaza

**OWNER/**

**APPLICANT:** Gatlin Development Company

**SUMMARY**

Issue(s): Should the Planning Commission recommend approval, approval with modifications, or denial of a Progress Guide and General Plan Amendment, a Rezone from AR-1-1 (agricultural) to CO-1-1 (commercial office) and OC-1-1 (Open Space – Conservation) and a Planned Development Permit and Site Development Permit to further develop and construct two one-story buildings; one to be a 9,450 square foot office building and the second to be a 1,130 storage building; parking; landscaping and improvements in the public right-of-way at a 2.25 acre site known as the Villa Paraiso project located at 3840 Via de la Valle in the Planned Urbanizing area?

Staff Recommendation:

1. RECOMMEND to the City Council CERTIFICATION of the Negative Declaration LDR No. 3637; and
2. RECOMMEND to the City Council ADOPTION of Rezone No. 7083 and APPROVAL of the Progress Guide and Plan Amendment No. 7084, Planned Development Permit No. 7082 and Site Development Permit No. 7081.

Community Planning Group Recommendation: There is no officially recognized community planning group for the Planned Urbanizing area. For information purposes, plans for the proposed project were forwarded to the adjacent community planning group in Carmel Valley. The Carmel Valley Community Planning Board voted, on February 8, 2005, unanimously to approve the proposed actions with conditions. See Discussion section of this report for more information.

Environmental Review: Negative Declaration LDR No. 3637 has been prepared for the project in accordance with State CEQA Guidelines.

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

Code Enforcement Impact: No violations are cited to this property and Neighborhood Code Compliance staff has no violations pending.

Housing Impact Statement: The project proposes an office development on a vacant agriculturally zoned site currently designated for residential use. A portion of the site is used for a parking lot for an adjacent commercial development and other portions of the site contain sensitive wetlands. Approval of the office project will result in the potential loss of one detached dwelling unit that could be permitted consistent with the agriculture zone.

## **BACKGROUND**

The Villa Paraiso site is located approximately four miles east of the Pacific Ocean and immediately north of the San Dieguito River Valley at 3840 Via de la Valle on the north side of the road within the City of San Diego at the border between the City and County of San Diego (Attachment 1). The site is within the Planned Urbanizing area. No community plan exists for this area of the City, therefore the land use designations are determined by the Progress Guide and General Plan (Attachment 2). The site is designated for residential development in the Progress Guide and General Plan and zoned for agriculture uses (Attachment 3). In addition to the design element of the Progress Guide and General Plan, the Planned Urbanizing Area Framework Plan provides design recommendations for most of the San Dieguito River Valley to guide development.

The surrounding land uses include commercial to the west, residential to the north, institutional to the east and San Dieguito River Valley open space to the south. The residential development is single family homes to the north, the commercial development includes retail, office and a restaurant to the west, the institutional use to the east is a convalescent hospital. Onsite elevations range from approximately twenty to twenty-five feet above Mean Sea Level (MSL) on the developed parking lot and adjacent disturbed area and from eighteen to thirteen feet MSL on the disturbed wetland and drainage ditch portions of the site. The existing parking lot and adjacent pad area are generally flat and five to ten feet higher than the adjacent disturbed wetlands.

On June 20, 1986 the Zoning Administrator held a public hearing to consider a request for a Conditional Use Permit (CUP) to construct a parking lot containing 78 spaces to serve the commercial property, located in the County of San Diego, immediately to the west of this site. A Negative Declaration No. 86-0282 was prepared which concluded no significant environmental impacts would result and no mitigation was required. The CUP was approved with limited conditions and the parking lot was constructed and remains in operation (Attachment 4). No term limit was placed on the CUP.

Prior to the issuance of the CUP C-19157, yet not substantiated by any documentation possessed by the City, the site received an alleged illegal embankment. The alleged illegal fill together with nuisance water from the uphill neighborhood and a blocked drain pipe has, over time, fostered the creation of the isolated wetland habitat present today. Other than the approved CUP and constructed parking lot, no use or development of this site has occurred.

## **DISCUSSION**

### Progress Guide and General Plan Analysis

The project site is within an area designated for development of a “Residential Neighborhood” by the City of San Diego Progress Guide and General Plan (General Plan). The General Plan’s land use map identifies Residential Neighborhoods as “communities of primary residential use containing dwelling units of various types and attendant community services.” The General Plan map is intended to indicate only those land uses of citywide significance. Residential Neighborhoods are largely shown on the map as an undifferentiated single designation. The land use map references the community plans for detailed land uses in these areas.

The project site is not within a community plan area, therefore detailed land use has not been determined, although development may be permitted according to the regulations of the existing AR-1-2 zone. In addition to agriculture, these regulations would allow development of one single-family home. Other uses consistent with the “Residential Neighborhood” designation may be permitted by a CUP in the AR-1-2 zone. These other uses could include religious facilities, nursing facilities and schools.

The project is proposing an amendment to the General Plan to designate the disturbed portion of the site for Office Commercial use (Attachment 5) and a concurrent rezone from AR-1-2 (Agriculture) to Commercial Office, CO-1-1, and Open Space – Conservation, OC-1-1 (Attachment 6). The CO-1-1 zone allows office uses with a neighborhood scale and orientation. That portion of the site which contains wetlands will be conserved and designated Open Space. This area will be rezoned to Open Space - Conservation, OC-1-1. The General Plan amendment was initiated at the November 15, 2001 Planning Commission meeting.

The General Plan identifies an urban development program for guiding future growth and divides the city into three planning areas: Urbanized, Planned Urbanizing and Future Urbanizing. The project site is within the Planned Urbanizing area. The General Plan describes the Planned Urbanizing area as consisting of developing communities where public facilities are programmed to support development. The Future Urbanizing Area is generally located to the south of Via de la Valle extending across the San Dieguito River Valley to the Carmel Valley community. Future Urbanizing is an interim planning phase intended to prevent premature urban development and manage public and private resources efficiently.

As summarized below, all issues related to the proposed General Plan amendment and the

development project have been sufficiently addressed, including those issues identified by the Planning Commission when the General Plan amendment was initiated at the November 15, 2001 hearing. Following is a discussion of the issues raised at the initiation hearing:

1. Should the project site be incorporated into a more detailed land use plan?

A General Plan guideline for evaluation of Planned Urbanizing developments is that the site be included within an adopted community or master development plan. The existing General Plan policies provide sufficient direction to support the proposed office use without the more detailed or site specific policies found within a typical community plan. The proposal will implement various General Plan objectives. Of these, the most relevant to the proposed change in land use are contained within the General Plan's Commercial and Urban Design Elements, particularly the policies that address neighborhood context. For example, new commercial development is expected to "fit into the environmental structure of a community", avoid "radical and intrusive changes to existing residential character", and control bulk and scale to "avoid an overwhelming or dominating appearance." Furthermore, the project site is relatively small, not contiguous to other Planned Urbanizing areas with community plans and development of the adjacent residential care facility occurred without incorporating that site into a community plan.

2. What is the appropriate level of development intensity for this site based upon an evaluation of various alternative development scenarios?

The applicant evaluated several project alternatives including a mixed-use development, a single-family home, an increased wetland buffer, and expansion of the existing wetland.

A mixed-use development would require expansion into the adjacent wetland in order to provide a project of sufficient size as well as require the widening of Via de la Valle due to the increase in traffic. A combination of one and two story buildings could provide approximately 21,500 square feet of office and retail use on the site. This alternative would require special deviations to the Environmentally Sensitive Lands regulations, mitigation for wetland impacts and would be out of character with the adjacent largely residential neighborhood. The development intensity of the proposed 9,450 square foot single-story office building is more suitable for the surrounding neighborhood.

The single-family home alternative would maintain the fifteen parking spaces used by the adjacent commercial development located within the County of San Diego and remove the remaining parking spaces to construct a 7,000 square foot residence and associated improvements similar to other homes in the surrounding neighborhood. Residential use at this site would have greater indirect impacts to the adjacent wetland due to the outdoor and nighttime activity associated with a residence, including the potential keeping of horses as allowed by the AR-1-2 zone. The proposed office development confines the primary activities within the building and locates parking and most other outdoor activity away from the wetland. The proposed office use would be anticipated to increase traffic more than would a single-family home. However, this increase can be accommodated without the need to improve Via de la

Valle. Further, the uses that could be proposed by CUP in the AR-1-2 are of similar or greater intensity than those uses allowed within the Office Commercial designation on such a small site.

Maintaining a wider wetland buffer of 50 to 100 feet adjacent to the wetland would essentially preclude any development and use of the property due to the relatively small, irregular shape of the parcel. The proposed ten foot wide wetland buffer has been evaluated and determined to protect the functions and values of the wetland consistent with the Environmentally Sensitive Lands regulations. The reduced buffer has met with acceptance by the wildlife agencies.

While technically feasible, conversion of the undeveloped portions of the property to wetland habitat and enhancement of the functions and values of the existing wetland for use as a mitigation bank would provide a relatively minor benefit over the existing project. Approval of the proposed plan amendment would conserve the existing wetland as open space. The wetland is degraded due to encroachment of invasive plant species and insufficient drainage. The wetland also lacks connectivity to other wetlands, native habitats or other areas designated as open space. Typically, wetland mitigation banks are located where the wetland would contribute to an overall system of open space and have the potential for long-term viability.

3. Is the proposed office use compatible with adjacent uses as well as the character of the surrounding neighborhood?

The surrounding neighborhood is largely defined by large-lot residential development in the Rancho Santa Fe community of San Diego County and agricultural uses and open space along the San Dieguito River in the City of San Diego. Retail, office and institutional uses are located along Via de la Valle west and east of the project site. Residential uses are located to the north.

The proposed Office Commercial use is similar to uses within the Casa Palmera convalescent hospital and the Polo Plaza commercial center on either side of the project site and is, therefore, compatible. The proposed rezone to CO-1-1 would ensure the office use is developed with a scale and orientation appropriate for a residential neighborhood. The rezone of the remaining undeveloped land to OC-1-1 would preserve the open space. The uses and development standards of these zones are intended to be compatible with residential neighborhoods, rather than the higher intensity of an employment center. The width of Via de la Valle would provide sufficient setback from the agricultural sites to the south thereby minimizing any potential conflicts with those adjacent uses.

4. Is the proposed architecture compatible with that of the adjacent development and the surrounding natural environment, particularly the San Dieguito River Park?

There are no specific design guidelines common to this area. However, several objectives within the General Plan Design Element relate to neighborhood compatibility or context. New development is expected to relate to the “prevailing scale of development to avoid an overwhelming or dominating appearance.”

The adjacent existing development lacks any unifying theme or common architectural elements, although informal, low-profile architectural styles such as the “California ranch” are common in this area. The San Dieguito River Park Concept Plan also recommends “commercial uses be designed to complement the traditional rural character of the river valley, which closely relates to the old California farmhouse or ranch style.”

The project architecture emulates a residential form and scale, particularly the use of a single-story building, to achieve compatibility with the adjacent development. The architecture blends various styles evocative of the region’s history, or, typical of a Mediterranean environment. The proposed use of natural materials, subtle colors and varying building and roof planes would blend with the surrounding natural environment as well as other typical developments within the Rancho Santa Fe community.

5. Will existing public facilities and service levels be impacted?

Existing public facilities and services are adequate to serve the proposed office use. Although the roadway is heavily traveled, the office development does not require widening of Via de la Valle. Via de la Valle is planned to be widened in the future from two to four lanes to manage the cumulative traffic resulting from the forecast build-out of the north City and County. The project will not significantly contribute to traffic levels and until the road widening is complete, the project will be restricted to a single major office tenant and two sub-tenants. All other necessary public services exist and are available to serve the commercial office development.

6. Will the adjacent wetlands be impacted, and are mitigation and restoration measures included with the project?

The proposed project has been designed to avoid all direct impacts to the adjacent wetlands. The project will preserve, restore, enhance, and manage the onsite wetlands in perpetuity. Wetland enhancements include the removal of invasive plants as well as offsite drainage improvements to enhance water quality. A suitable buffer is also proposed and has been accepted by the wildlife agencies.

Project Description:

The application proposes a Progress Guide and General Plan Amendment, a Rezone from the existing AR-1-1 (agricultural) to the proposed CO-1-1 (commercial office), a Planned Development Permit and Site Development Permit to further develop the site and construct two one-story buildings; one to be a 9,450 square foot office building and the second to be a 1,130 storage building; parking; landscaping and improvements in the public right-of-way at the 2.25 acre site known as the Villa Paraiso project located at 3840 Via de la Valle in the Planned Urbanizing area (Attachment 7). The Planned Development Permit is required to allow a deviation from Land Development Code §131.0550. Section 131.0550 requires the proposed project to provide a pedestrian path from each adjacent street to the commercial development. A deviation is sought to allow only one pedestrian path from Via de la Valle and not one from El

Camino Real. Providing a pedestrian path from El Camino Real would require impacts to the wetlands in this area. No other deviations are proposed by the application. A Site Development Permit is required due to the sensitive habitat present on the site even though no impacts to the sensitive habitat is proposed or would be allowed by the approval of the project.

### Site Development

Of the 2.25 acre site, approximately 0.95 acres would be preserved and 1.30 acres would be developed with the buildings, courtyard, landscaping and parking facility. The office building would be used as the headquarters for Gatlin Development Company and two other accessory office users. The storage building would be used to house documents and provide other necessary storage functions. The Site Plan also proposes a driveway bridging the drainage ditch parallel to Via de la Valle, enhanced paving, landscaping including ground covers, shrubs, and trees, and a courtyard, patio, and buffer areas between the building and the wetland. No construction would occur within the existing disturbed wetland area located toward the east and north portion of the property. A minimum 10-foot buffer would be maintained between the development and the wetlands. Access to the site would be from Via de la Valle at the center of the project's southern boundary. A full-span 30-foot-wide bridge would be constructed to connect Via de la Valle with the project site without disturbing the existing drainage ditch which runs parallel the project's southern boundary (Attachment 8).

The history of the site shows the wetland has been created over recent time due to upstream urban runoff and a nonfunctioning storm drain. As water accumulated in this area over time hydric soils and hydrophytic plant species developed. The wetland area functions and values will be protected and no impacts will be allowed within it. A ten foot buffer is proposed between the office building and the wetland area. The limits of work will be clearly demarcated. Within the five foot buffer adjacent to the wetland the plant species have been specifically selected to be compatible with the wetland species. The five foot buffer adjacent to the building will contain enhanced landscaping and no building structures. The existing drainage ditch parallel to Via de la Valle, although not determined a wetland, will not be impacted.

The Site Plan proposes fifteen parking spaces to be leased to the adjacent property as allowed through the conditions of Conditional Use Permit C-19157 (CUP), thirty-two spaces for the new office development, two motorcycle spaces and a bicycle parking area. Of these thirty-two spaces, two spaces would be reserved as accessible spaces.

### Architectural Design and Features

The buildings proposed are both single story structures. The one-story office building would be a maximum of 9,450 square feet and the storage building would be a maximum of 1,130 square feet. The main office structure would have a clay tile roof, plaster skip trowel finish, simulated stone trim, pre-cast concrete trim at windows, wood frame windows and doors, exposed shaped rafter tails with a brown stain, custom wood entry patio gates and open concrete balusters on a masonry curb wall with a plaster finish. The storage building would have a clay tile roof, plaster

skip trowel finish, simulated stone trim, pre-cast concrete trim at windows, wood frame windows, exposed shaped rafter tails with a brown stain and wood roll up doors. The maximum height of the office building would be twenty-four feet above the surrounding grade, while the storage building would be sixteen feet above grade. The buildings have been designed to resemble a large estate home as opposed to a typical commercial office structure (Attachment 9).

Through the adoption of the proposed Progress Guide and General Plan Amendment the proposed project would be consistent with the relevant land use policy documents.

### Proposed Grading Design

The proposed grading plan indicates 0.43 acres, or 13%, of the 2.25-acre project site would be graded. Grading activities would require the removal and recompaction of the soil on the existing pad area (Attachment 10). The area required for recompaction would not encroach into the existing disturbed wetland area. Overall, pad elevations would not increase more than six inches above the existing condition. Within this area the embankment would be 580 cubic yards and the excavation would be 48 cubic yards. The grading of the site as shown would result in an import of 532 cubic yards of fill. The wetland would not be impacted by the grading operation. A slope six feet in height would be formed to create the necessary building pad for the office building. The parking lot would be resurfaced to direct drainage and assure a positive flow of runoff to the storm water control device. The existing twenty-four inch concrete masonry pipe would be replaced with dual 24" reinforced concrete pipe, a headwall and rip rap energy dissipater on the down stream side of the new pipes. This new drainage structure would improve the habitat quality of the wetland area by assuring water does not pond in the area allowing for better aeration of the soil and oxygenation of plant roots. The grading plan proposes retaining walls at a maximum height of six feet for a total length of 98 feet. The existing retaining walls at the rear of the site would remain.

### Landscape Development Plan

The Landscape Development Plan proposes three concepts on the site (Attachment 8). One, a habitat enhancement within the buffer adjacent to the wetland, two, an ornamental focus at the building entrance and courtyard, and three a native streetscape. The streetscape would include *Platanus racemosa*, California Sycamore, as the street tree along both Via de la Valle and El Camino Real with a native under story as specified in the Biology Report. The ornamental plantings would include palms, pigmy palms, tree ferns and shrubs with a lush subtropical and Japanese influence. The habitat enhancement area would include California Sycamore and *Malosma laurina*, Laurel Sumac and *Rhus integrifolia*, Lemonadeberry with native shrubs and groundcovers. Many of the existing trees would be preserved and retained. Trees behind the parking area and within the drainage ditch along Via de la Valle would remain. The parking lot area would be landscaped as required by City standards. The southern frontage of the office structure, which is visible from Via de la Valle, would be landscaped to blend the development with the surrounding vegetation. The wetland area would be part of an enhancement/restoration plan. The enhancement/restoration plan would include the removal of invasive, exotic species



and the planting of appropriate native species. The wetlands would be preserved as open space and rezoned to Open Space – Conservation.

### Traffic Impact Statement

The Villa Paraiso project is estimated to generate 95 average daily trips as a single-tenant office use and 284 average daily trips as a multi-tenant office use. Via de la Valle along the project's frontage is a two lane collector with a center turn lane and operates at unacceptable level of service "F". Via de la Valle is planned to be widened to a four lane major street which would improve the level of service to "C" or better. Prior to the widening of Via de la Valle, the project's occupancy is conditioned to minimize any traffic impacts to a level less than significant. The project is also conditioned to be responsible for the cost of the frontage improvements.

### Environmental Analysis:

The environmental review conducted for the proposed project examined the following issue areas for significance and to determine if mitigation would be required:

- Biology
- Transportation
- Land Use
- Geology
- Hydrology
- Water Quality
- Archeology

Potential project impacts to biological resources and proposed mitigation measures were addressed in the *Biological Technical Report and Conceptual Habitat Restoration Plan for the Villa Paraiso Development*, prepared by Consultants Collaborative, dated May 4, 2004. No biological impacts have been identified by staff's analysis and mitigation is not required.

### Transportation

The LDR-Transportation Development section evaluated two scenarios to calculate the number of Average Daily Trips (ADT) for the proposed 9,450-square-foot office project. The first scenario calculated the project as a single-tenant office user expected to generate approximately 95 ADT. If the project were calculated as a multi-tenant office project approximately 284 ADT would be generated. The proposed project does not meet the significance threshold to require a traffic study and no traffic study was required. Mitigation is not required.

### Land Use

The project scope includes a request to amend the City of San Diego Progress Guide and General Plan and to rezone the property. The General Plan land use designation for the portion of the site

which contains the existing parking lot and the proposed development pad area would be changed from Residential Neighborhood to Office Commercial. No land use impacts have been identified by staff's analysis and mitigation is not required.

## Geology

According to the City's Seismic Safety Study maps the project site is located within Geologic Hazard Category 32. Geologic Hazard Category 32 is described as an area of "Low liquefaction potential, fluctuating groundwater, minor drainages" and is considered a "low to moderate risk" category. A *Report of Geotechnical Investigation*, dated February 28, 2002, and a subsequent *Addendum* to the report, dated August 20, 2004, was prepared by Shepardson Engineering Associates. Both the Geotechnical Report and Addendum were reviewed and accepted by staff from the City's Geology Review and Environmental Analysis sections. No geologic impacts have been identified by staff's analysis and mitigation is not required.

## Hydrology

The project would provide new drainage facilities to collect all site runoff. This drainage system would utilize a series of catch basins connecting to a single twelve inch reinforced concrete pipe (RCP), a concrete headwall and a rip-rap energy dissipater. The existing twenty-four inch concrete masonry pipe culvert would be replaced with two twenty-four inch RCP culverts and a new concrete headwall. A report entitled *Preliminary Drainage Study for Villa Paraiso Commercial Offices*, dated February 2004, was completed by Nasland Engineering. This report determined the existing site conditions create approximately 820.55 cubic feet per second (cfs) of runoff. The existing conditions and the proposed developed project together would create approximately 823.98 cfs. Therefore, implementation of the proposed development plan would result in an increase of approximately 3.43 cfs. The Preliminary Drainage Study determined the proposed storm drain system, catch basins and associated structures are adequate to drain the proposed site development. The proposed double twenty-four inch RCP culverts and headwall would be capable of passing a 100-year storm event under Via de la Valle.

A portion of the project site has been designated by the Federal Emergency Management Agency (FEMA) as "Zone A", which is defined as "Special flood hazard areas inundated by 100-year floods". In order to obtain a certificate of occupancy, the applicant must obtain a Letter of Map Revision (LOMR) from FEMA. The LOMR for this project is currently in process with FEMA. No increases to base flood elevations would be allowed. Additionally, the project would be required to submit a "no-rise" certification along with a detailed engineering analysis to substantiate the certification. This analysis would be subject to the approval of the City Engineer. These improvements would be project features and mitigation is not required.

## Water Quality

According to the *Water Quality Technical Report, Villa Paraiso Commercial Offices, San Diego, California, February 18, 2003* (WQTR), prepared by Nasland Engineering, the project site is located in the San Dieguito Hydrologic Unit. The project site surface runoff does not directly discharge into a 303(d) listed impaired water body. Bodies of water listed under section 303(d) of the 1972 Clean Water Act include those that do not meet minimum water quality standards even after point sources of pollution have installed the minimum required levels of pollution control technology. The closest 303(d) listed water bodies are the Pacific Ocean and the mouth of the San Dieguito River, which is approximately 4.5 miles west of the project site.

A Water Quality Technical Report was reviewed and accepted by City Engineering staff. The completed checklist identifies this project as a "Medium Priority" project for storm water Best Management Practice (BMP) requirements. The project is conditioned to address storm water runoff through a series of BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code. Mitigation is not required.

## Archeology

The project site is located in an area with known sensitivity for archeological resources. Since the wetland areas onsite would be preserved, only the existing, undeveloped pad area was evaluated for archeological resources. A report entitled, *Archeological Resources Inventory for the Villa Paraiso Project, San Diego, California*, dated June 2002, was prepared by Affinis. This report included a review of previous archeological studies which have been prepared for surrounding properties. Twenty archeological sites and eight isolated artifacts have been recorded within a one-mile radius of the project site.

The project site was previously surveyed in 1990 (TMI) and a portion of the site was also surveyed for the Via de la Valle bike lane project in 1999 (Pigniolo and Baksh). Both surveys determined the site does not contain significant archeological resources. No impacts to archeological resources have been identified by staff's analysis and mitigation is not required.

## Critical Project Features to Consider During Substantial Conformance Review

The proposed project has several critical design features which should not be altered through any substantial conformance review process. These are included the following categories: architectural design, landscape design, wetland protection buffer, drainage design and best management practices.

The architectural design of the two proposed structures have been reviewed by several interested groups in the adjacent communities as well as by City staff. In an effort to blend the new buildings into the surrounding community the design is limited to single story structures (Attachment 9). The bulk and scale of the proposed project would maintain a harmonious relationship with nearby residential and institutional uses when limited to a single story building.

The landscape design has many components which address several functional responses necessary at the site. The wetland present on the site is to be maintained and protected. To this end, a ten foot buffer is planned to be planted with plant species to create a habitat enhancement (Attachment 8). The species list and the width of the buffer should not be modified. The list was created in conjunction with input from the Landscape Architect and Biological consultant. The street trees selected for the project are *Platanus racemosa*, California Sycamore, to be planted at a minimum box size of twenty-four inches and spaced forty feet on center to allow the full development and natural growth habit of the trees. To this end the numbers of trees have been reduced in favor of the appropriate spacing to promote the healthy development of the trees. Limiting the extent of work to the area shown on the Landscape Development Plan is important to maintaining the function and value of the wetlands. The wetland area totals 0.95 acres.

The site, after development, would capture and direct all site drainage within the development footprint to drainage structures designed to remove pollutants from the surface flow. This is important since the site is a priority category for water quality. The drainage from this area ultimately enters the San Dieguito River and Lagoon and should be treated to remove particulates and pollutants from impairing the water bodies at the mouth of the lagoon and ocean.

#### Carmel Valley Community Planning Board

The Carmel Valley Community Planning Board (Board) reviewed the project on February 8, 2005 and voted unanimously to recommend approval (Attachment 15) with the following conditions:

1. Lighting restrictions: specific language to be added which would reflect the standards of the "San Dieguito River Park Concept Plan" guidelines for "Design and Development Standards Recommended for Private and Other Public Proposals Within the Focused Planning Area", (p. 99) as follows:

"The use of exterior lighting should be limited to that needed for security purposes. If proposed, lighting should be a low-sodium type with horizontal cut-off and shall be shielded downward such that the light would not be visible to adjacent properties. A site lighting foot-candle diagram may be required to demonstrate conformance...."

#### Staff response

Attachment 12, the draft Planned Development Permit No. 7082 and Site Development Permit No. 7081, contains condition number 46 which requires complete outdoor lighting information be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information would include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name,

visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system would be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Further, prior to the issuance of any occupancy permit, a night inspection would be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, would provide an illuminance meter to measure light levels as required to establish conformance with the conditions of the permit during the night inspection.

Lighting fixtures with horizontal cut-off and shields are required by the City's permit condition. Low sodium fixtures are required by the Land Development Code. The draft condition addresses all the concerns raised by the Board and nothing further need be added to the permit to address this concern.

2. The primary business hours of operation shall be from 7 a.m. to 6 p.m.

#### Staff response

City staff does not support a restriction to the hours of operation. The CO-1-1 commercial zone has no use restrictions to hours of operation; the proposed commercial office use will not receive deliveries such as would occur in a retail operation which may generate objectionable noise levels in a residential neighborhood; the office use itself would not generate noise or light pollution, other potentially harmful effects or normally operate outside of regular business hours, and lastly; the City has not consistently and historically restricted the operational hours of commercial office developments. Further, it is staff's understanding the Board intended the condition to be a general guide for hours and not a rigid restriction. This intent would be unenforceable and problematic. It is staff's opinion that a limitation to the hours of operation would represent an arbitrary restriction without defensible rationale and reduce the potential productivity of the site.

#### **CONCLUSION:**

The proposed Villa Paraiso project conforms to the land use density, land use designation and design guidelines specified by the Progress Guide and General Plan Amendment. The project provides the required pedestrian scale improvements and connections to other existing developments, and is compatible with surrounding developments. All issues identified by staff through the review of the project have been satisfactorily resolved in accordance with adopted City policies and regulations. Several letters of concern and support have been received during

the processing of this application. These letters have been included as Attachment 11. Draft conditions of approval have been prepared for the project (Attachment 12). Findings required to approve the project are included in two draft resolutions (Attachments 13 & 14).

### **ALTERNATIVES**

1. Adopt Rezone No. 7083 and Approve Progress Guide and Plan Amendment No. 7084, Planned Development Permit No. 7082 and Site Development Permit No. 7081, with modifications.
2. Do not Adopt Rezone No. 7083 and Deny Progress Guide and Plan Amendment No. 7084, Planned Development Permit No. 7082 and Site Development Permit No. 7081, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Marcela Escobar-Eck  
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Betsy McCullough  
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Planning Department

HALBERT/JSF

Attachments:

1. Aerial Photograph
2. Progress Guide and General Plan Land Use Map
3. Project Location Map
4. Conditional Use Permit C-19157
5. Draft Progress Guide and General Plan Amendment graphic
6. Rezone - B Sheet 4193
7. Site Plan

8. Landscape Development Plan
9. Elevations
10. Grading Plan
11. Letters of correspondence
12. Draft Planned Development Permit No. 7082 and Site Development Permit No. 7081
13. Draft Permit Resolution with Findings
14. Draft Progress Guide and General Plan Amendment resolution
15. Carmel Valley Community Planning Board Recommendation
16. Ownership Disclosure Statement
17. Project Data Sheet
18. Other Project Plans
19. Project Chronology

Rev 10-01-04 dcj