

**DATE ISSUED:** January 6, 2006 **REPORT NO.** PC-06-038

**ATTENTION:** Planning Commission, Agenda of January 12, 2006

**SUBJECT:** MARIANOPOLIS WAY - PROJECT NO. 4605  
PROCESS 4.

**OWNER/**

**APPLICANT:** Pacifica REO, L.L.C., Owner (Attachment 10), and  
ERB Engineering, Inc., Applicant.

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map and Site Development Permit to subdivide a 0.832 acre site into two parcels?

**Staff Recommendations:**

1. **Certify** Negative Declaration No. 4605; and
2. **Approve** Tentative Map No. 7652 and Site Development Permit No. 7654.

**Community Planning Group Recommendation:** The Rancho Penasquitos Planning Board, on August 4, 2004, voted 11-0-1 to recommend denial of the proposed project (Attachment 5).

**Environmental Review:** A Negative Declaration No. 4605 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

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

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** The proposed project is subject to the 1993 Rancho Peñasquitos Community Plan. The Community Plan designates the subject property as Low Density Residential (1-5 du/ac). There is an existing single-family unit that is proposed to remain once the site has been subdivided. Based on this density, the newly created lot could yield one dwelling unit. This project is not subject to the City's Inclusionary Affordable Housing Ordinance as it proposes less than two new dwelling units.

## **BACKGROUND**

The 0.832 acre project site is located at 14305 Marianopolis Way, within the RS-1-14 zone and designated as Residential, low density, 1 to 5 dwelling units/acre (du/ac) in the Rancho Peñasquitos Community Plan. The property is developed with an existing single family residence, and was part of the 1980's residential development known as the Peñasquitos Bluffs East, Unit 2 Subdivision. The surrounding area is also zoned RS-1-14 and designated as Residential, low density, 1 to 5 du/ac.

The site was originally graded as part of the Peñasquitos Bluffs East, Unit 2 development's mass grading, completed in April 1989. When the site was graded for the subdivision, a manufactured steep slope was created along the eastern portion of the project site. The existing single family residence is located in the southwest corner of the property and the onsite elevation ranges from approximately 575 feet above Mean Sea Level (MSL) at Marianopolis Way on the western property to 660 feet above MSL along the eastern property boundary.

## **DISCUSSION**

### **Project Description**

The project proposes a Tentative Map and Site Development Permit to subdivide the existing 0.832 acre site into two parcels. Proposed Parcel 1 is currently undeveloped and would be approximately 0.387 acres. Parcel 2, which contains an existing residence that would remain, would be approximately 0.445 acres.

Proposed grading to prepare Parcel 1 for a developable pad area would include approximately 800 cubic yards of soil cut and approximately 50 cubic yards of fill. Two retaining walls within Parcel 1 would be proposed with a maximum height of six feet and a maximum length of 140 feet. Access to both parcels would be from separate driveways along Marianopolis Way. No development/architecture plans are proposed for Parcel 1 but, future single-family residential development would be subject to the underlying RS-1-14 zoning regulations. The existing single-family residence would remain within Parcel 2.

The area identified as Parcel 1 is undeveloped and contains disturbed coastal sage scrub habitat. Parcel 1 gently slopes toward the southwest with elevations ranging from 585 feet to 660 feet MSL. The coastal sage scrub habitat, considered environmentally sensitive lands, was generated

when the easterly slope was hydro-seeded with a mixture of native and non-native habitat for erosion control purposes after mass grading for the Peñasquitos Bluffs East, Unit 2 development. The project's impact to environmentally sensitive lands requires processing a Site Development Permit. Parcel 2, which contains an existing single-family residence, is relatively flat with an elevation of about 575 feet MSL to 660 feet MSL. The project site is not located within or adjacent to the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA).

### Community Plan Analysis

The subject property is located on a parcel identified as Low Density Residential (1-5 du/ac) in the Rancho Peñasquitos Community Plan. The project proposes to subdivide a 0.832 acre site into two parcels (Parcel 1 at 0.387 acres and Parcel 2 at 0.445 acres) which fall within the Low Density Residential range.

The proposed project site currently is one parcel that has been previously graded and is not subject to the limitations suggested in the hillside review. There is an existing single-family residence on the site which is proposed to remain on Parcel 2 (0.445 acre site). The subject property is surrounded by Low Density Residential development. The Rancho Peñasquitos Community Plan does not include any language on residential subdivisions that would prevent the subject property from subdividing into two parcels.

### Environmental Analysis

The environmental review process for the proposed project included an evaluation of several areas of interest; Biological Resources, Water Quality, Hydrology and Geology. These areas of interest were evaluated by City staff and have been documented in the Negative Declaration (ND) No. 4605. These environmental issues were considered during the initial study and determined to be below a level of significance, therefore no mitigation would be required.

### Biological Resources

As noted previously, the project site was mass graded as a part of the Peñasquitos Bluffs East, Unit No. 2 development. As-built grading plans for the subdivision indicate the subject parcel (Lot 363) and the easterly manufactured slope to be revegetated with a hydro-seed mix of native and non-native species. A Biological Letter Report (Robin Church Biological Consulting, August 19, 2003) was prepared to identify any potential direct, indirect, and/or cumulative biological impacts from the proposed project. The report mapped approximately 0.491 acre of coastal sage scrub habitat, 0.113 acre of disturbed non-native habitat, and approximately 0.228 acres of developed land (existing residence and ornamental plantings).

The report concluded that the proposed grading for Parcel 1 development pad would impact approximately 0.095 acres of disturbed coastal sage scrub and 0.083 acres of disturbed habitat. Impacts totaling less than 0.10-acre of upland and impacts to disturbed, ornamental vegetation

would not be considered significant pursuant to the City's Biological Resources Guidelines (July 2002). Therefore, no significant impacts to biological resources would be anticipated by the proposed grading and no mitigation would be required.

#### Hydrology/Water Quality

A 100-year Storm Study (ERB Engineering, Revised February 23, 2005) was prepared to address the adequacy of the down-stream storm drain system(s) and to determine if adverse impacts would occur to these systems as a result of the increased runoff from the proposed development. The drainage study concluded that the changes in drainage between the pre-development and post development would be minimal and additional flows calculated for a 100-year storm event would not exceed the capacity of the existing curb outlet (storm drain). Implementation of on-site Best Management Practices (BMPs) would further reduce additional run-off created by the proposed development.

#### Geology/Soils

According to the City of San Diego Seismic Safety Study, the site is mapped within Geologic Hazard Category 53 with level or sloping terrain, unfavorable geologic structure, and low to moderate risk. A report of Geologic Reconnaissance (Southland Geotechnical, Inc., September 12, 2002) was prepared for the proposed project and reviewed by staff. The report did not identify any geologic conditions that would preclude development and the proposed parcel split. Therefore, any geologic impacts would be less than significant and no mitigation would be required.

#### Community Planning Group Issues

The Rancho Penasquitos Planning Board (RPPB) recommended denial of the proposed project based upon community concerns. City staff has evaluated these concerns and provides the following responses:

1. *"The Board previously denied all lot-split requests."* Subdivision of any lot in the vicinity of the project site must also meet the development regulations of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428. Staff is not aware of any recent application for a lot subdivision within the Peñasquitos Bluffs East, Unit 2 Subdivision area.
2. *"Original approval showed this lot within the HR (Hillside Review) Overlay Zone."* The project site was originally graded as part of the mass grading for the Peñasquitos Bluffs East, Unit 2 development. Pursuant to As-Built Grading Plans on file with the City, the project site is developed with man made cut-slopes to the east and compacted fill material to the west. The existing slopes are not natural and would not be subject to the City's Development Regulations for Steep Hillsides (previously referred to as HR Overlay Zone prior to January 1999).

3. *“Need to research further the City and/or original consultant files as to why this lot was not originally created a buildable lot.”* Staff reviewed the Tentative Map No. 82-0083 for the previously approved and developed project and found no density limits, environmental prohibitions, or other restrictions on the project site.

4. *“Need to see site development plan with architecture.”* The proposed Tentative Map and Site Development Permit’s Exhibit “A” plan provided to staff includes all the necessary information for the subdivision of the property and the development pad footprint that would indicate grading impacts to the environmentally sensitive lands. At this time, the developer is not required to provide architectural plans for processing the tentative map or the Site Development Permit. Any future development will require construction permits, consistent with the applicable zoning regulations for the site.

5. *“Concerned with the original intent of the development where the development was for 110 single family lots with one single family home per lot and the expectations of the adjacent homeowners who bought their home with the understanding that the lot was for one single family home as shown on the Final Map.”* The proposed subdivision is consistent with the development regulations of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428 to create two legal lots. Parcel 1 for the development of a single family dwelling unit and Parcel 2 with an existing single family residence.

6. *“Concern that the removal of 800 cy from the lot will adversely affect the lots on Mediatrice Lane as their lots are currently experiencing slippage.”* The project proposes to excavate approximately 800 cubic yards (cy) of soil material on Parcel 1 to create a graded pad area and construct two retaining walls. A report of Geologic Reconnaissance (Southland Geotechnical, Inc., September 12, 2002) was prepared for the proposed project and reviewed by staff. The report did not identify any geologic conditions that would preclude development and the proposed parcel split. Specifically, the report identified no mapped or observed evidence of active or ancient landsliding, slope instability, or excessive erosion.

## **CONCLUSION**

The proposed subdivision project with the Site Development Permit will conform to the land use density and land use designation specified in the Rancho Peñasquitos Community Plan. The project will provide the required pedestrian scale improvements and design features established in the community plan for residential development. Findings required to approve the project are included in draft resolutions (Attachments 7 & 8) and draft conditions of approval have been prepared for the project (Attachment 6).

## **ALTERNATIVES**

1. Approve Tentative Map No. 7652 and Site Development Permit No. 7654, with modifications.

2. Deny Tentative Map No. 7652 and Site Development Permit No. 7654, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Attachments:

1. Community Plan Land Use Map
2. Project Vicinity Map
3. Aerial Photograph
4. Project Plans
5. Rancho Penasquitos Community Planning Group recommendation
6. Draft Permit with conditions
7. Draft Permit Resolution with Findings
8. Draft Map Conditions and Resolution
9. Project Data Sheet
10. Ownership Disclosure Statement
11. Project Chronology

Rev 06-01-05 dcj