

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

May 16, 2013

REPORT NO. PC-13-067

ATTENTION:

Planning Commission, Agenda of May 23, 2013

SUBJECT:

KHOULI RESIDENCES APPEAL - PROJECT NO. 210143

PROCESS 3.

REFERENCE:

HEARING OFFICER REPORT NO. HO-13-019

http://www.sandiego.gov/development-

services/pdf/hearingofficer/reports/2013/horp13018khouliresidence.pdf

OWNER:

SOLID ROCK DEVELOPERS

APPLICANT:

Will Rogers, on behalf of Solid Rock Developers

SUMMARY

<u>Issue(s)</u>: Should the Planning Commission grant or deny the appeal of the Hearing Officer's decision to approve the construction of two single-family residences on two vacant lots within the Rancho Penasquitos Community Planning area?

Staff Recommendations:

- 1. **CERTIFY** the Addendum to Mitigated Negative Declaration No. 6107; and
- 2. **DENY** the appeal and **APPROVE** Site Development Permit Nos. 747302 and 747303.

<u>Community Planning Group Recommendation</u>: On February 1, 2012, the Rancho Penasquitos Planning Board (RPPB) voted 9-4-0 to recommend denial of the project (Attachment 3).

Environmental Review: An addendum to Mitigated Negative Declaration (MND) No. 6107 was prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines Section 15164. Based on a review of the



current project, it has been determined that there are no new significant environmental impacts not considered for the previous MND in the original document, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project.

<u>Fiscal Impact Statement</u>: None with this action. The cost of processing this project is paid for through a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project site is 1.25 acres and designated as Low Density Residential with a density range of 1-5 dwelling units per developable acre pursuant to the Rancho Penasquitos Community Plan, which would allow the development of one to six dwelling units. The proposed project's two dwelling units would be within the approved density range and would not adversely affect the residential density goals of the Rancho Penasquitos Community Plan.

BACKGROUND

This item is an appeal of the Hearing Officer's March 6, 2013 decision to approve a Site Development Permit for the construction of two, five bedroom single-family residences on two vacant non-contiguous lots located at 11448 and 11480 Almazon Street. The 1.25-acre site consists of Lot 205, 0.66 acres, and Lot 208, 0.59 acres, both zoned RS-1-14 and located within the Airport Influence Area, Review Area 2 for the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP). The site is within the Glen's Neighborhood of the Rancho Penasquitos Community Plan (Reference Hearing Officer Report No. HO-13-019, Attachments 1-3). The site contains environmentally sensitive lands in the form of biological resources and steep hillsides. The project requires a Process 3 Site Development Permit for encroachment into environmentally sensitive lands (ESL).

Surrounding sites are developed with single-family residences of varying sizes and architectural styles as well as vacant properties. Adjacent to the west is a two level, single-family residence approved by the Hearing Officer on September 3, 2009 under Site Development Permit No. 562421 (Hamidy Residence Project No. 158005).

On March 6, 2013, the Hearing Officer approved the Khouli Residences project. During public testimony, one person spoke in opposition to the project, Mr. Becker, chair of the RPPB. On March 21, 2013, Mr. Becker appealed the item on behalf of the community group (Attachment 1). Subsequent to submission of the appeal application, on April 23, 2013, the appellant requested that additional information contained in an email dated February 2, 2012 from Mr. Joost, a member of the board, be included in the record to the Planning Commission. On April 26, 2013, the applicant requested that staff include his responses to the items in the email (Attachment 4).

DISCUSSION

Project Description

The project proposes to construct two, three level, five bedroom, single-family residences with attached double car garages (Lot 205 - 3,303 square feet and Lot 208 - 4,234 square feet). The lots slope upward steeply upward to approximately 60 – 65 feet above street grade at the rear. The development would be constructed within the front approximate 25 percent of the lots adjacent to the street in order to minimize impacts to environmentally sensitive lands and preserve natural hillside areas. Pursuant to the Land Development Code's Biology Guidelines, the remainder of the parcel would be placed within a covenant of easement to prohibit further development within sensitive areas.

Environmental Review

The project required the preparation of an addendum to the previously certified MND No. 6107 for the proposed Almazon Residences project (approved by the Hearing Office in 2003). Project No. 6107 permitted the construction of seven residences on seven vacant lots and required the preparation of MND No. 6107 for potential impacts to biological and paleontological resources, hydrology and water quality. The project was not constructed and the permit expired. As the MND was certified, the Khouli Residences project required the preparation of an addendum to the MND for potential impacts to biological resources. Specifically, the development of the two lots would impact an additional 0.024 acres of coastal sage scrub beyond what was originally identified. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP) requires payment into the City of San Diego's Habitat Acquisition Fund reducing impacts to biological resources to a level below significance. All applicable mitigation measures contained in MND No. 6107 have been incorporated into the addendum.

Community Planning Group Vote/Minutes: (Attachments 2 - December 2011; Attachment 3 - February 2012)

The purpose of this section is to address issues identified in the appeal relative to the RPPB's votes taken on the project and, as requested/identified in the appeal application (pages 2 of 18, 1a and 1e), to include the detailed minutes from the meetings. The RPPB met twice on the project in December 2011 and in February 2012 which included two meetings with the Land Use Committee (LUC) held on the same day. On February 1, 2012, the final vote taken on the project was 9-4-0 to recommend denial.

In summary, on December 7, 2011, the applicant presented the project to the LUC. The minutes state that the LUC did not forward a recommendation to the full board. The summarized issues of concern in the minutes were "height and size of the buildings and architecture" and "architecture did not seem to fit in the neighborhood or community plan" (Attachment 2, Page 7 of 14).

On December 7, 2011, the applicant presented the project to the full board. The minutes do not

reflect the outcome of the full board meeting (Attachment 2, Page 8 of 14). The appellant states that no vote was taken at either the LUC or the full board meeting. The applicant states that a vote was taken at the full board meeting to recommend denial. Staff is unable to confirm.

On February 1, 2012, the applicant presented a revised project to the LUC with the revision being the inclusion of architectural pop outs on the west side of the structures to provide visual interest. The minutes state that the LUC voted in favor of the project 5-2 and that the project be forwarded to the full board (Attachment 3, Page 9 of 15). Below are the motions taken on February 1, 2012.

<u>First Motion</u>: Approve as presented with condition that trees (two 24" box) of the evergreen variety be provided in the front yard of each lot including live ground cover within the hillside.

Amended Motion: Approve as presented with condition that additional trees (four total including two 24" box and two 36" box) of the evergreen variety be provided in the front yard of each lot, including live ground cover. This motion failed 6-7-1.

<u>Final Motion</u>: Deny as presented and strongly encourage the applicant to revise the project and return to the group. This motion passed 9-4-0 (Attachment 3, Page 13 of 15).

Appeal (Attachment 1)

In the appeal application, the appellant has identified "conflict with other matters" as the basis for the appeal and, in an attached 18-page correspondence dated March 14, 2013 to the Planning Commission, states that the Hearing Officer Report contains "inaccuracies and mischaracterizations."

Staff attempted to consolidate the issues where possible and concluded that the focused areas of concern are twofold. First, that the design of the single-family residences is incompatible with the surrounding neighborhood and therefore, the project is inconsistent with the community plan. Secondly, that the environmental document was inadequate due to the errors in the document. The appellant identified other areas of concern including the number of proposed bedrooms, precedence-setting issues, and errors in the Hearing Officer report. The appellant also states that the Planning Commission should direct the applicant back to the group as the project has changed significantly since their February 1, 2012 meeting. These four items are addressed under "Miscellaneous Issues" (Appeal Issue # 3 below). Following is a summary of these issues and staff's response.

Appeal Issue # 1 - Community Plan Compatibility:

The appellant's correspondence states that the RPPB disagrees with staff that the project complies with the community plan guidelines (Page 2 of 18). Further, that the RPPB disagrees in part with the following statement in draft Resolution (Hearing Officer Report Attachment 5, Resolution/Findings of Fact, page 2 of 7), in that the statement excludes older homes with less

square footage and fewer number of bedrooms: "The project proposal is compatible in that it meets the height limits of both the community plan and zoning code for single family homes and is consistent with the bulk and scale of newer homes in the area and, "surrounding developments include a variety of architectural styles including newer three level homes..." (Page 3 of 18).

The appellant states that another area of concern is the proposed Early California Ranch architectural style of the proposed structures noting that the community plan states that the "...predominant architectural styles are Spanish mission and Old West ranch style." (Page 5 of 18).

Staff Response

Staff's analysis is that the project is consistent with several goals and recommendations of the Rancho Penasquitos Community Plan. The Plan designates the site as Low Density Residential. The site is within the Glen's Neighborhood of the plan and zoned RS-1-14. The proposed development of two single-family residences on vacant lots is consistent with this designation. The Overall Community Goals section of the plan states that a diversity of housing opportunities for a variety of household types is encouraged. The development will provide additional housing stock in the community on properties that have never been developed. The project complies with all of the development regulations of the zone including height limits and floor area ratio. Due to the existence of environmentally sensitive lands on the site, the development footprint is limited to 25 percent, thereby resulting in a smaller residence with less bulk and scale than could be developed on a site without ESL. The resulting floor area ratio for both sites is 0.13 for Lot 205 and 0.16 for Lot 108 where 0.60 would be allowed. Both structures comply with the 35 foot height limit. The floor area ratio and building height regulations are intended in part, to reduce bulk and scale.

The Neighborhood Element of the community plan does not preclude other architectural styles rather it states that the existing predominant style in the Glen's Neighborhood is Spanish Mission, Old West Ranch Style and Early Californian. The Plan does not contain language that would prohibit number of stories.

In summary, staff's analysis is that the proposed development is consistent with the community plan. The Urban Design Guidelines and the Residential Element of the plan acknowledges the predominant hillside character of the properties within the community. Several recommendations and goals throughout the plan emphasize that developments should maximize the preservation of open space and hillside areas and that existing topography should be considered to minimize impacts to hillside areas. Alternative building foundations should be provided and site drainage should be directed away from hillside areas. The development implements these over-arching goals by limiting development to the front portion of the site within the least sensitive areas; by conveying the remainder to the site into a covenant of easement; and, by providing stepped footings and retaining walls to reduce impacts to hillsides and grading quantities. The design of the homes has been stepped back at each elevation to break up the bulk and scale and provide visual interest. Earth tone colors are proposed to blend into the natural hillside. The development adheres to the Land Development Code Section

143.0142 (g) in that erosion control measures including retaining walls and drainage swales would be incorporated into the design for controlling and/or minimizing erosion. Slope revegetation is consistent with all regulations including the provision for drought-tolerant, deeprooting species. Therefore, staff has determined that the proposed development is compatible with the neighborhood and consistent with the community plan.

Appeal Issue # 2 – Environmental Determination:

The appellant expressed concerns regarding the smaller size of the homes originally analyzed in MND No. 6107 as compared to the current project which proposes larger homes as noted below:

```
Lot 205 = 2,437 square feet in the MND; current proposed size = 3,907 square feet Lot 208 = 2,437 square feet in the MND; current proposed size = 4,234 square feet
```

Additionally, the appellant contends that the addendum contained substantial errors in the property description and lot numbers (Pages 1 of 18 and 6 of 18).

An addendum to MND No. 6107 was prepared for the project. Subsequently a comment letter was received from the appellant identifying similar issues as those noted in this appeal. (Please reference the addendum to MND No. 6107, 2nd comment letter and staff's response). Although typographical errors were made within the addendum, the analysis conducted compared the correct lots and proposed square footages.

Regarding the issue of the smaller size of the homes as originally analyzed in the MND versus the larger homes with the current project: Although the proposed homes are larger in square footage, the project is in conformance with the requirements of the underlying zone as it relates to setbacks, building height and floor area ratio and the proposed development is consistent with the community plan. As such, the current proposal would result in less than significant impacts to Aesthetics/Neighborhood Character as identified in the original MND. Therefore staff concludes that the addendum was the appropriate document for the project.

Appeal Issue # 3 - Miscellaneous Issues/Staff Response:

- 1. <u>Incorrect/Missing Information in the Hearing Officer Report (Page 2 of 18):</u> The appellant is correct in that the Hearing Officer Report contained typographical errors. These items were corrected in a memorandum to the Hearing Officer dated March 5, 2013 (Attachment 5). These errors did not result in a change in staff analysis.
- 2. <u>Parking (Page 4 of 18):</u> The appellant states that the parking provided for the proposed development is not sufficient due to the number of bedrooms proposed. The project requires two parking spaces for each residence. The development proposes attached double car garages for each development.
- 3. <u>Precedence (Page 4 of 18)</u>: The appellant states that approval of the Khouli Residences project sets a precedent for the future development of large homes and that this is not

acceptable in the community. Staff's response is that each discretionary permit is processed on a case by case basis and reviewed for compliance with all applicable regulations and policies in effect.

4. New Review Required by Community Group due to Significant Project Changes (Page 1 of 18): The appellant contends states that the size of the residences and the project has changed significantly since the community group's vote in February 2012 and, pursuant to Council Policy 600-24, the Planning Commission should direct the applicant back to the group due to "substantive changes." Staff's response is the project square footage has not substantially changed: Staff worked with the applicant to ensure/clarify floor area ratio calculations based upon exemptions within the Land Development Code. Project changes since February 2012 include conversion of a bedroom to a media room for structural requirements, and brush management items. There were no significant site design modifications.

Conclusion:

The proposed project complies with all of the development regulations, standards and policies in effect for the site pursuant to the Rancho Penasquitos Community Plan and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to the site. Please reference Attachment 5 of the Hearing Officer Report No. HO-13-019, the draft Findings of Fact for consideration. Staff has determined that the required findings can be supported and recommends that the Planning Commission deny the appeal and approve the project.

ALTERNATIVES:

- 1. **Deny** the appeal and **approve** Site Development Permit Nos. 747302 and 747303, with modifications.
- 2. Approve the appeal and deny Site Development Permit Nos. 747302 and 747303, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake

Assistant Deputy Director

Development Services Department

Sandra Teasley, Project Manager Development Services Department

BROUGHTON/SMT

Attachments:

- 1. Appeal Application
- 2. RPPB Minutes dated 12.7.11
- 3. RPPB Minutes dated 2.1.12
- 4. Email from Mr. Joost Bende (board member) dated 2.2.12 including applicant response
- 5. Memorandum to the Hearing Officer dated March 5, 2013
- 6. Hearing Officer Report No. 13-019 (Distributed to the Planning Commission. Hard copy available upon request and accessible on line at the Development Services Department's website referenced on page one of this report)

Maxwell, Stacie

From:

Jon Becker [rppb.chair@gmail.com]

Sent:

Friday, March 15, 2013 10:22 AM

To: Cc: DSD PlanningCommission

Cubicot:

J Politte

Subject: Attachments: Hearing Officer Appeal to PC Document #210143

Appeal Ltr (final) Mar 14 2013.pdf; Khouli Appeal Mar 11 2013 DS-3031.pdf

Dear Planning Commissioners,

On behalf of the Rancho Penasquitos Planning Board, we respectfully request the Appeal of the Hearing Officers March 6, 2013 decision on Project number 210143 Khouli Residence

Please find attached the our Community's concerns regarding projects like this setting precedence and avoiding the planning process.

Please let us know when this will be heard.

Respectfully submitted,

Jon Becker

Chair, Rancho Penasquitos Planning Board

The Rancho de los Peñasquitos Planning Board has been formed and recognized by the City of San Diego to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendments to either the General Plan or any land use plan within the Rancho Peñasquitos, Black Mountain Ranch and Torrey Highlands boundaries. The planning group also advises on other land use matters as requested by either the City or other governmental agencies.





City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210

Development Permit/ menFORMes Environmental Determination DS-3031 Appeal Application October 2012

See Information Bulletin 505, "Development Permits Appe	al Procedure," for information on	the appeal procedure.					
1. Type of Appeal: Process Two Decision - Appeal to Planning Commission Process Three Decision - Appeal to Planning Commission Process Four Decision - Appeal to City Council Appeal of a Hearing Officer Decision to revoke a permit							
2. Appellant Please check one Applicant Officially reco	Catalogous additioners Construction and Construction	erested Person" (Per M.C. Sec.					
ame: E-mail Address: ancho Penasquitos Planning Board rppb.chair@gmail.com							
Address: Cli 701 B Street, Suite 800, San D	ty: State: Zip Code:	Telephone: (619) 235-6471					
3. Applicant Name (As shown on the Permit/Approval being app	pealed). Complete if different from ap	pellant.					
Jon Becker, Chair 4. Project Information Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:					
210143	March 6, 2013	Sandra Teasley					
Decision (describe the permit/approval decision):	10	h					
Hearing Officer approved the Site Development permit to construct two houses (3,907 & 4,234 sq. ft.) with 5 + bedrooms and two car garages. The houses are 3 stories. The two lots are within sensitive lands and are addressed as 11448 & 11480 Almazon St.							
Sur garages. The houses are a stones. The two lots are within son	ionive farido difia dre addressed as 1	1440 & 11400 Allinazon ot.					
5. Grounds for Appeal (Please check all that apply) L. Factual Error Conflict with other matters City-wide Significance (Process Four decisions only) City-wide Significance (Process Four decisions only)							
Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.) Please see the attached letter.							
	Allowed the American Company of the American Company of the American Company of the Company of t						
		*					
19000							
700 (100 - 1	*						
9		Y					
399 X 300 30 1 1 1 1 2 1 3 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5 1 5							
¥							
And the state of t		0					
6. Appellant's Signature: I certify under penalty of perjury that the	ne foregoing, including all names and	l addresses, is true and correct.					
Signature:	Date: <u>March 11, 2013</u>	я					
Note: Faxed appeals are not accepted. Appeal fees are non-	refundable.						



Khouli Residences PTS Project No: 210143

Attn: San Diego Planning Commission PlanningCommission@sandiego.gov

March 14, 2013 Dear Commissioners,

This letter serves as the Rancho Peñasquitos Planning Board's (RPPB) formal appeal to the decision to approve Site Development Permit Nos. 747302 and 747303, with modifications, by the Hearing Officer on March 6, 2013.

This letter is being sent to point out inaccuracies and mischaracterizations represented in the City of San Diego Staff's Report to the Hearing Officer. The Rancho Peñasquitos Planning Board would like to request the Planning Commission deny approval of the project and send the applicant back to us for review of the proposed project based on the following information.

The size of the residences and project have changed significantly since the applicant presented to our planning board in December 2011 and February 2012. Council Policy 600-24,

- Section 2 states: "Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action."
- Section 3 states: "Insofar as the efforts of the recognized community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided under the direction of the Mayor's Office."

The applicant's representative presented the project at our Land Use Committee multiple times but the residences' size, bulk and scale, and compatibility within the Community Plan Guidelines caused great concern. After denying the project, RPPB expected the applicant to come back with modifications. Instead, a draft Addendum to the original approved MND No. 6107 was prepared for these 2 of the original 7 lots and distributed for public comment.

RPPB submitted our response which notified Associate Planner, E. Shearer-Nyuyen, of substantial errors in the draft Addendum describing the properties, lot numbers as well as our concerns over bulk and scale for the proposed homes in contrast to the original homes that were planned per MND No. 6107. As noted on the revised draft Addendum, Staff added that no additional review/comment period would be provided.

The City of San Diego Staff Report to the Hearing Officer on this project was emailed to RPPB's Chair, Jon Becker, on Monday March 4, 2013 at 1:39 pm. At Mr. Becker's



Khouli Residences PTS Project No: 210143

request, the Hearing agenda was emailed to him on March 5, 2013 at 9:27 am. Neither document was received by post mail. Time was insufficient to allow interested parties concerned with this project to attend the meeting.

Inaccuracies, mischaracterizations and missing information in the San Diego City Staff Report to the Hearing Officer:

- 1. Page 3, Community Planning Group Recommendation
 - a. The Land Use Committee did not take a vote to approve the project on December 7, 2011, as the report states. The applicant's representative presented the project to the Land Use Committee and the full RPPB board but no vote to deny or approve was taken. RPPB's December 2011 meeting minutes should be entered for the record as recommendations were provided that would have made the project a better fit per the Community Plan Guidelines.
 - b. The Land Use Committee members chose to approve the project on February 1, 2012 to put it before the whole planning board because the representative informed us that the applicant would not be making additional changes to address the community's concerns.
 - Paragraph referencing the Second Motion (Amended) misrepresents the motion ie. "and ground cover on the hillside at the rear of the sites." The failed motion read as follows: "Motion: To approve the Khouli Residences project as presented with the following landscaping conditions for each lot's front yard: 1) the addition of 2-36" boxed trees, 2) 2-24" boxed trees of evergreen variety, and 3) live ground cover (not paved) to blend into the natural hillside."
 - d. Reference to the Third Motion states that we encouraged the applicant to revise the project to address concerns discussed during the meeting. "During the meeting" was not a part of the motion and did not limit the concerns to the February 1, 2012 meeting alone.
 - e. Attachment of RPPB's February 1, 2012 approved minutes showing the motion to deny the proposed project excludes 2 pages (10 & 11) of the discussion which are pertinent to the decision made.
 - The first line of the last paragraph in this section is not complete, therefore does not explain why the applicant could not provide additional trees. As this section of the report is trying to represent RPPB's actions, there is no reference in the minutes of the applicant's representative stating they could not add the requested trees yet in Attachment 10 SDP-9 they show a single street tree in each parcel's front yard.
- 2. Page 3, Conclusion:
 - a. RPPB disagrees with the San Diego City Staff's conclusion that the proposed project complies with the Rancho Peñasquitos Community Plan Guidelines. This conclusion references Attachment 5, the draft Findings of Fact for consideration.



Khouli Residences PTS Project No: 210143

- b. Attachment 5, Findings page 2 or 7:
 - i. RPPB disagrees in part with the statements in paragraph 1, that the Glens Neighborhood Element section of the Community Plan "<u>The project proposal is compatible in that it meets the height limits of both the community plan</u> and zoning code for single family homes and is consistent with the bulk and scale of newer homes in the area." and "Surrounding developments include a variety of architectural styles including newer three level homes."
 - 1) These statements exclude all the older homes in the neighborhood which are predominantly 1,200 2,000 square feet with 3-4 bedrooms built as single and two-story homes. One and two stories are divided evenly through this neighborhood.

Almazon	Sq. Ft.	# BR	#BA	Levels
11404	1415	3	1	1
11405	1670	4	2	2
11412	1640	4	2	2
11413	2030	4	2	2
11423	1245	3	2	1
11433	1405	4	2	1
11449	1405	4	2	1
11469	1950	4	2	2
11479	1670	4	2	2
11489	1405	4	2	1
11525	1405	4	2	. 1
11526	2239	5	3	2
11535	2087	4	2	1.
11536	1822	3	3	2
11545	2323	4	2	2
11546	1438	3	2	1
11556	1626	3	3	1
AVERAGE	1693	3.76	2.05	

^{*} Data provided by Sandicor, compiled from both public & private sources.

2) The report references a new home (page 2, paragraph 2) SDP 562421, the Hamidy Residence Project No. 158005, for the construction of a two story residence with 5 bedrooms and 4 baths. RPPB approved this project with conditions; the bulk and scale was more appropriate to the neighborhood. This home was approved for 2,900 square feet and included additional off street parking with 3-car garage.



- 3) In reference to "newer three level homes in the neighborhood," the approval of these homes have been an exception, not the rule in the Glens; 3 level homes in the neighborhood are an anomaly making up less than .1% of the homes. If homes have been approved for 3 levels, the 3rd level may have been strictly for the garage with only 2 levels of living space. The Hamidy Residence is a perfect example of utilizing this design feature to stair step a home into a hillside. There is another three level home on a hilltop in a cul-de-sac a block away that did not need to cut into the hillside for home placement and it is believed that the lower level is strictly used for the garage.
- 4) Each of the two proposed homes has 6 Bedrooms, 5 ½ Baths and is exceedingly larger that the majority of homes in the neighborhood and more than double the home sizes across the street. The applicant referenced the project as being "multi-generational," while the exact definition of that is unclear it certainly fits the definition of "multi-family" which is not an intended use on a single-family residentially zoned lot or neighborhood.
- 5) The proposed onsite parking is not sufficient for a 6 bedroom home and this becomes a health and safety issue for the community. As 'multi-generational' homes, we can assume that numerous adult residents would need parking for their vehicles. Due to a steep driveway slope of one home, it can be assumed that the residents will choose to park vehicles on the street instead of the driveway and this street has limited parking due to limited street frontage for multiple vehicles. If vehicles are parked on both sides of this steep curving street, it becomes very difficult for two vehicles to pass safely.
- 6) Precedence: The Hamidy project started the ball rolling on a precedent where the houses might be reasonably bigger than the older stock of homes. However, now newer applicants are using the Hamidy project as their base line for design and now claiming even larger square footage as being reasonable in the neighborhood. The precedence has been set with Hamidy project as an example of development to follow, not to increase upon. If these two Khouli residences are approved as proposed, they become mere stepping stones for the remaining five lots yet to be developed. At this rate the community can expect homes in the 5 to 6 thousand square foot range, which equals the size



Khouli Residences PTS Project No: 210143

of the smallest allowable LOT size in Rancho Peñasquitos. This development trajectory is not acceptable and must be stopped now. If the Khouli residences matched that of the Hamidy project there would be no issue, but if this precedent is allowed, the community can expect even BIGGER homes on the other 5 lots.

- 7) Staff's statement that "Each home is cut into the hillside to reduce the bulk and scale" misrepresents the project. Three stories reaching 37' 45' is still 'in your face' bulk and scale that the neighbors will see out their front doors and from their front yards every day. Although this property site is designated Low Density Residential in the Community Plan's Residential Element section, RPPB considers the existing neighborhood and the heights of the existing homes.
- 8) Another area of contention is the architectural style of the proposed versus the Community Plan. "The predominant architectural styles are Spanish mission and Old West ranch style." A craftsman style house while not prohibited is not compatible with the existing development as defined under the Urban Design Guidelines which states "The design of any new construction should respect existing development with regard to preservation of views from public rights-of way where possible, and compatibility of scale, bulk, architectural styles, building materials, color and landscaping."
- c. Staff's Report to the Hearing Officer (or at least the copy we received) was missing Attachment 10 SDP-3, the Grading Plan for Lot 205.

Key references from the Rancho Peñasquitos Community Plan Guidelines that RPPB has looked at when reviewing this project:

Urban Design Guidelines

Compatibility with Existing Development. The design of any new construction should respect existing development with regard to preservation of views from public rights-of way where possible, and compatibility of scale, bulk, architectural styles, building materials, color and landscaping.

Neighborhoods. A harmonious appearance within neighborhoods is sought by using compatible design features; architectural styles and colors, lot sizes and setbacks, building heights, landscaping, signs and street furniture.



Khouli Residences PTS Project No: 210143

Building Design

Building Compatibility. In order to preserve existing landform, building design should reflect split-level, hillside development techniques. Structures within a development should possess similar architectural styles but also provide visual variety. Earth tones, textured materials and California ranch house and Spanish mission styles are considered appropriate in residential construction in Rancho Peñasquitos.

Massing. Special care should be taken in the massing of buildings. In the special development areas, dwellings should be low-scale in design.

Shadow Relief. All buildings should have shadow relief where pop-outs, offsetting planes, overhangs and recesses are used to produce effective visual interest. Large unbroken expanses of wall should usually be avoided.

Using the 2003 original MND No. 6107 the following tables demonstrate size comparison of what was originally planned with the lot split in 2003 to the proposed project and compares the existing and established homes on the same street to the proposed project:

2003 MND	2013	21	2003 MND Total Sq. Ft.	2013 Total Sq. Ft.	Percentage increase
Lot 205 *	Lot 205	0.66 acres	2,437 sq. ft.	3,907 sq. ft.	60.3%
Lot 208 *	Lot 208	0.59 acres	2,437 sq. ft.	4,234 sq. ft.	73.7%
Increase in size from average home in neighborhood to proposed		1,700 sq. ft. Living area	3,303 & 3,386 sq. ft. Living area	94.3% & 99.2%	
Increase in size from home to west (Hamidy Residence) to proposed		2,900 sq. ft. Living area	3,303 & 3,386 sq. ft Living area	13.9% & 16.8%	

We have included photographs of the hillside where the Khouli Residences would be located and the established homes in this neighborhood to demonstrate RPPB's concerns listed above.

Thank you in advance for this consideration.

Respectfully submitted,

Jon Becker

Chair, Rancho Peñasquitos Planning Board



Rancho Peñasquitos Planning Board APPEAL OF HEARING OFFICER'S DECISION

SITE DEVELOPMENT PERMIT Nos. 747302 & 747303

Figure 1 - Hillside looking west toward Lot 205 and existing Hamidy Residence (203). Note there is some overlap in Figures 1-5.

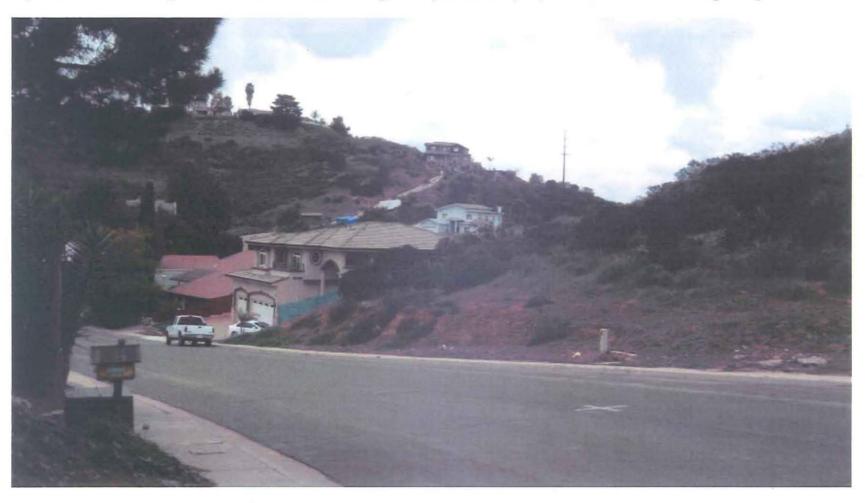




Figure 2 – East of previous picture.





Rancho Peñasquitos Planning Board APPEAL OF HEARING OFFICER'S DECISION

SITE DEVELOPMENT PERMIT Nos. 747302 & 747303

Figure 3 – Lot 208 is located to the right of the utility box.

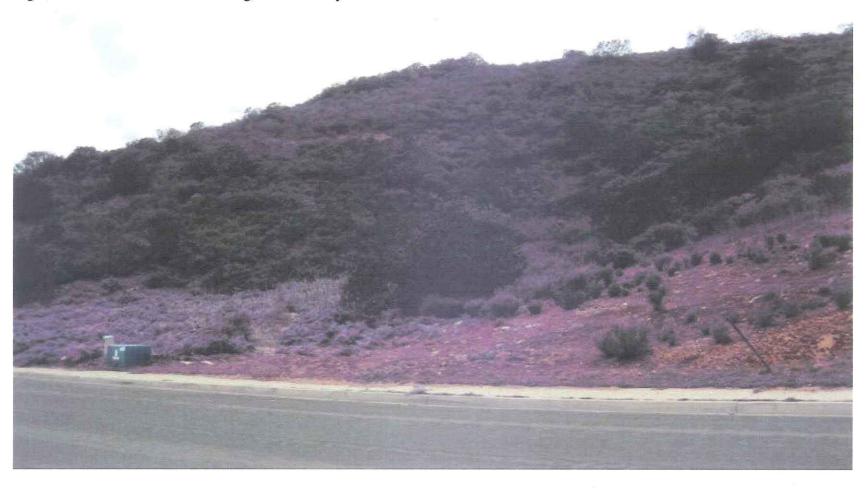




Figure 4 – East side of lot 208.





Figure 5 – Eastern lots of originally approved MND No. 6107.



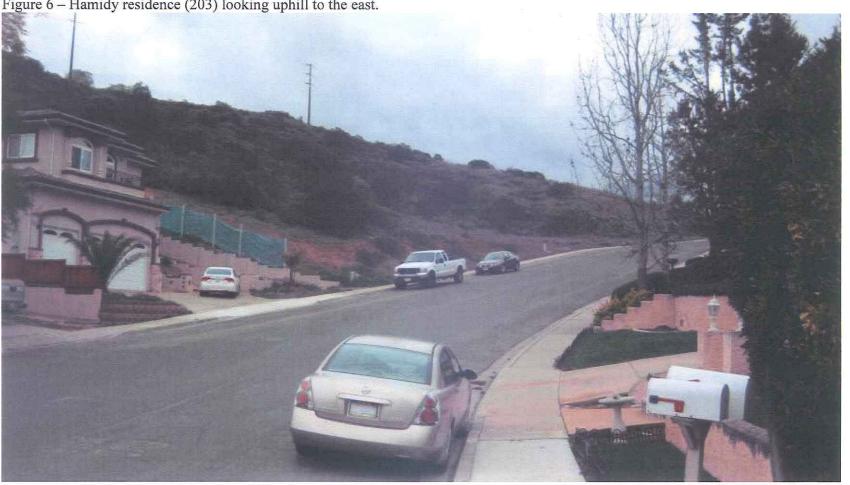


Rancho Peñasquitos Planning Board APPEAL OF HEARING OFFICER'S DECISION

SITE DEVELOPMENT PERMIT Nos. 747302 & 747303

Khouli Residences PTS Project No: 210143

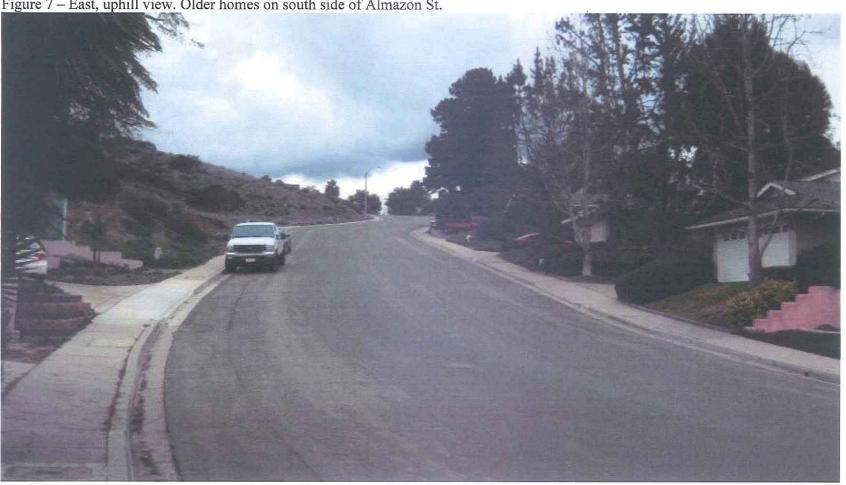
Figure 6 – Hamidy residence (203) looking uphill to the east.





Khouli Residences PTS Project No: 210143

Figure 7 – East, uphill view. Older homes on south side of Almazon St.





Rancho Peñasquitos Planning Board

APPEAL OF HEARING OFFICER'S DECISION

SITE DEVELOPMENT PERMIT Nos. 747302 & 747303

Khouli Residences PTS Project No: 210143

Figure 8 – Older homes in neighborhood opposite side of Almazon St. from Khouli residence Lot 205.





Rancho Peñasquitos Planning Board APPEAL OF HEARING OFFICER'S DECISION

SITE DEVELOPMENT PERMIT Nos. 747302 & 747303

Khouli Residences PTS Project No: 210143

Figure 9 – Older homes in neighborhood.





Figure 10 – Looking westbound downhill.







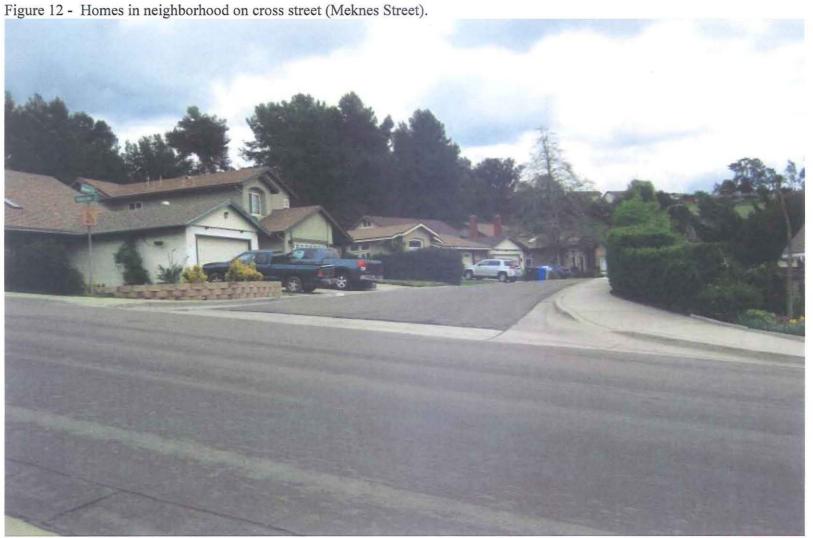
Figure 11 – Homes across street from Khouli Residence Lot 208.





Rancho Peñasquitos Planning Board

APPEAL OF HEARING OFFICER'S DECISION SITE DEVELOPMENT PERMIT Nos. 747302 & 747303



Rancho Peñasquitos Planning Board Meeting Minutes, December 7, 2011 Page 7 of 14

Becker asked if Keating was suggesting that dead fronds be added to other trees. The
City is looking for solutions so providers can add antenna to existing trees that are
less obnoxious than the giant pineapple.

Politte noted that other providers will come back with dead frond trees in future

renewals/upgrades. Is that what we want?

• Bende referencing sims, the tree to front of ATT does not include the ancillary equipment of upgraded service; good view comparison of two looks.

- Loucks asked how the tree looks to neighboring residences. Moretta noted that there are other real palms and as a nursery, lots of trees that block view.
- Spelta stated that he preferred this design to the giant pineapple that RPPB previously denied.
- Brooks asked about the total radio frequency allowance for all trees together. Moretta stated they turn on all antenna at the same time to read, each provider is required to submit a report individually and cumulative; Murphy confirmed that the City is asking for both reports.

Motion: To approve Project No. 224583 14181 Mira Zanja Corte (SD0599) with the following conditions: 1) Maximize the number of fronds, 60 fronds minimum, 2) Minimize the arm length to no more than 4', 3) Screen the chain link fencing with neutral colored mesh or slats, 4) Randomize live and dead fronds, 5) Protect fence along driveway, 6) Site Plan Sheet A1 – change reference "Existing Residential Buildings" to "Existing Buildings" on parcel drawing. M/S/C – Clark/Bende, Approved, 13 in favor – 1 against (Brooks) – 0 abstentions/recusals. Brooks voted against the motion because the site is commercial but surrounded by residential properties.

d. Khouli Properties, Almazon St. Lots 205 & 208 (Project 210143) – Will Rogers representing owner Marc Khouli (Potential Action Item)

Bende reviewed the project at LUC. LUC did not forward any recommendation on the project. Concerns at LUC included: 1) height and size of buildings, 2) architecture didn't seem to fit the neighborhood or community plan.

Rogers described the plans as 2 residences on separate lots, Craftsman style design with stepped roof lines. There are 2 vacant lots between lots 205 & 208. Khouli has opted not to do off site brush management so the plans fortify the buildings from potential fire with glass block windows, fire rated materials and use of sprinklers. One lot has the home stepped into the hillside. The lower level of each home is a 2-car garage and 1 bedroom, 2nd floor is the main living area and the other bedrooms are located on the 3rd floor. Each home has 6 bedrooms and 5½ baths to house multi- generational families. Owner will have to mitigate approx. 1,000 sq. ft. of vegetation because of stepping into hillside.

- Bende noted the lots are approx. 60' wide with 5' side setbacks and 15' 20' setback on the west side. Bende added the proposal includes rated walls on the exterior because they are choosing not to do brush management.
- Bende also noted his concern for this multigenerational design, in that parking was
 not adequate with a 2-car garage. Rogers stated it is intended to be grandparents not
 grown children. Bende stated that driveway and street parking were limited. Rogers
 said he believes there is no requirement for single family home parking.
- Becker asked if they explored including a 3-car garage; Rogers said it was possible but it was such a narrow site and they could do a tandem garage.

Rancho Peñasquitos Planning Board Meeting Minutes, December 7, 2011 Page 8 of 14

- Politte suggested the lower level bedroom be turned into the tandem garage. There is a closet on the lower level that could be converted into an elevator. Rogers noted that the lower level could be converted into a granny flat.
- Mallec asked if City staff has concerns with parking for this size home; Rogers replied, no.
- Parker noted that one home's driveway was very steep for additional parking and the
 other is more level. Rogers noted that driveway slopes met City standards and slope
 was due to tucking homes into hillside.
- Becker asked that design provide more undulation in the architecture to limit the blank façades. Roger's said that homes are tucked into hillside because of steepness.
- Loucks asked about the size of vacant lots in between and houses across the street. Rogers stated the vacant lots are of similar in size and the homes across the street are single story. Politte added that the homes in this neighborhood range in size from approx. 1200 2600 sq. ft. homes and the larger sized homes are probably due to additions. Rogers also added that homes across the street could increase in size by adding a second story to the 35' height limitation per zoning. Politte noted that the Community Plan limits height to 30'.
- Clark asked the size of home under construction right now on Almazon St.; Politte stated that without checking their approved plans, she thought the home was over 2,000 sq. ft. but didn't think it was over 3,000 sq. ft. It has a 3-car garage. Clark noted that it has similar topography to mitigate.
- Spelta asked if the homes are subject to HOA design guidelines; Rogers replied no. Politte added that there are CC&Rs in Peñasquitos Glens which Rogers was not aware of. The color is intended to be deep greens to blend in with the hillside.
- Diehl asked if the project would be coming back for approval. Becker stated that LUC did not provide a motion. Diehl didn't find any problems with the design. In his neighborhood, as homes are updated, the design and look changes.
- Keating stated that the homes were too big for the neighborhood (3-stories and 6 bedrooms); if kept to 2-stories with fewer bedrooms, they might fit better with existing homes and he'd be more in favor of the proposal.
- Bende agreed with Keating.
- Spelta asked if the project meets City requirements; Rogers stated that the plans meet all City code requirements and believed that it met the Peñasquitos Guidelines.
- Bende stated that Craftsman is not a recognized in the Community Plan and that with 6 bedrooms and only 2 car garage spacing is a problem as it puts more cars on the street. A typical 6 bedroom home has a 3 car garage.
- Politte does not like the 3 stories, 6 bedrooms is too large and the Craftsman style is not within the Community Plan Guidelines and did not believe it was acceptable in the CC&Rs. If glass block windows are being required as alternative to brush management, what's to keep owner from replacing with double pane windows down the road? Only remedy is for someone to complain, but they'd need to be aware of that requirement for these particular homes; change windows at their own liability. Rogers stated that once the vacant lots are developed, the glass block requirement goes away.
- Clark added that massing is an issue, articulation is needed, design does not match neighborhood, towers over existing homes.

Rancho Peñasquitos Planning Board Meeting Minutes, December 7, 2011 Page 9 of 14

- Rogers noted the farther they went into the slope increased the impact on the environmentally sensitive land.
- Politte recommended they step the levels and lower the home height.
- Mallec noted that as owners around the community have remodeled, architectural styles have changed from what the community originally envisioned. The graphic depiction doesn't benefit the proposed. Shelter in place with glass block and concrete/stucco is not Craftsman. Rogers added that all decorative wood is 6" timbers and cement board with grain; concrete/stucco is required for shelter in place.
- Shoecraft agreed with previous board member comments; project is too big to fit in the neighborhood.
- Parker stated his only issue was the buildings need more articulation.
- Brooks noting the placement into the hillside, what mitigation will be used to avoid erosion onto vacant lots?
- Becker stated that based on the discussion, it did not seem that RPPB was ready to approve the project as presented. The goal is to have the residences fit into the community. He asked Rogers to take RPPB's comments back to Khouli for consideration adding that our recommendations on previous projects have been consistently upheld by City Council.
- Diehl inquired about size of back yard; Rogers stated there would only be a 16' x 12' patio, no yard or grass area.
- Bende added that during the LUC meeting, concern was expressed about possible blasting needed to excavate into the hillside and the plan is to export a maximum 200 cu.yds. of material per property.
- Becker asked about the status of Cycle issues? Rogers said City Staff has been favorable of the proposed and they are only allowed to impact 25% of the slope.
- Bende restated that the square footage is very large for the neighborhood; suggested the proposed be stepped back into the hillside on each level to reduce the overall massing of the home and that the size of 3,500 sq. ft. is at least 1,000 sq. ft. over sizes in the neighborhood.
- Politte added that the homes would be overpriced for the neighborhood and suggested looking at neighborhood prices.
- Bende ultimately said he preferred they take off a level and suggested the applicant return with something that we can agree to.
- Keating added that zoning for a parcel, referencing Kilroy's Santa Fe Summit properties 10-story height request, doesn't mean it's a good fit for a community.

e. Rancho Peñasquitos, Torrey Highlands & Black Mtn. Ranch FBA Recommendations – Keith Rhodes, FBA, PFFP Prioritization Ad Hoc Committee (Potential Action Item)

Rhodes recused himself as he owns property that might benefit from changes. Dumka recused himself also.

The committee consists of Becker, Dield, Dumka & Rhodes who have worked together to review potential recommendations to the FBA/PFFP regarding Transportation and Park & Rec. The Committee brought forth recommendations in March; RPPB voted =to direct the committee to continue studying the removal of the BMR Community Park Pool and TransNet Projects (Widening of SR-56 and Northbound Connectors) listed in our FBA/PFFP and alternative uses of the funds being collected.

Rancho Peñasquitos Planning Board Meeting Minutes, February 1, 2012

Page 9 of 15

- Diehl added that the PQ Rec Council approved the use of Community Funds, 11 in favor 0 against 1abstention/recusal.
- Diehl read a proposed motion. To approve the use of Community Funds, not to exceed \$60,000, to cover the costs of installing 2 additional tennis courts at Canyonside Park; this amount is in addition to the \$330,000 that the Tennis Association provided. (Funds to be expensed from account(s) with lowest balance so that we may close account(s) with zero balance.) M/S/C Diehl/Discussion.
- Rhodes asked if Association leased the courts. Anderson stated they do not pay the
 City to use, they incur all costs to maintain, lighting and water under a special use
 agreement with the City.
- Diehl stated the City determined what percentage the courts would be available to the public. Diehl added that the City has determined that the association or even the YMCA can charge for use. (YMCA operates the community pool.)
- Rhodes asked how many dollars have been expended on this project to-date;
 Anderson was not sure.
- Diehl said the Association is on the hook for \$330,000. The request is for cost overages due to the changes.
- Bende asked about the membership. Anderson said they have 400 members and
- approx. 75-85% are Penasquitos residents; a single membership costs \$275 and a family is \$385 annually.

With no further discussion, Becker asked for a second on the motion, seconded by Spurr; and then called for a vote.

Motion: To approve the use of Community Funds, not to exceed \$60,000, to cover the costs of installing 2 additional tennis courts at Canyonside Park; this amount is in addition to the \$330,000 that the Tennis Association provided. (Funds to be expensed from account(s) with lowest balance so that we may close account(s) with zero balance.)

M/S/C – Diehl/Spurr/Approved, 11 in favor – 1 against – 0 abstentions.



d. Khouli Residences - Will Rogers (Potential Action Item)

Bende reported that the LUC reviewed the proposal, voting 5-2 in favor of the project, forwarding it to the full board. LUC concerns included bulk and scale, and the residences size are not similar to those in the neighborhood. Those in favor of the project spoke to the effect that the project does meet City land use regulations and it's the applicant right to built these homes. The community plan could be used as a double edge sword to sway a decision for or against this plan.

Becker invited Rogers to update the plan and the changes.

- Rogers stated the applicant addressed RPPB's concerns discussed at the December meeting, specifically the façade and scale. Have added anew façade on the largest elevation of the building and lifted the soil around the front of the building to reduce bulk and scale trying to depress the building into the slope. They also show 2 parking places on each driveway.
- Becker asked about the driveway slopes; one of the residences' driveway is pitched, the other is flat.
- It was noted that the properties are located on Almazon St. as lots 205 and 208.
- Clark noted that the sims now show 2 spots on each driveway. It is the same as before, just a graphic change.

Rancho Peñasquitos Planning Board Meeting Minutes, February 1, 2012 Page 10 of 15

- Rogers showed a picture of the newly constructed property on Almazon St. (Hamidy property).
- Bende asked what material the roof would be; Rogers replied dark concrete tile, imitation shake shingle. Bende added that overall architecture should not be Craftsman per the community plan which approves the use of Spanish Mission and Old West Ranch architectural styles. Shake shingles are approved in community plan, but now banned for fire safety. The overall style of the house should not be a Craftsman according to the Community Plan. Clarification: The Community Plan Neighborhood Planning Element for the Glens portion of Rancho Peñasquitos says "The predominant architectural styles are Spanish Mission and Old West Ranch style".
- Politte noted that the existing neighborhood homes were built long before the Community Plan was written.
- Rogers noted the other infill homes off Paymogo Ct and their styles are not Spanish Mission or Old West Ranch styles.
- Diehl can't personally tell the difference between the styles adding that the homes on the one side of the street could be different than the rest of the neighborhood.
- Politte added that as people have updated their facades over the years there is a mix of styles but the designs are still very similar to what was originally built; adding the size of the proposed just doesn't fit in.
- Bende read from the Urban Design Guidelines of the Community Plan: "Compatibility with Existing Development. The design of any new construction should respect existing development with regard to preservation of views from public rights-of-way where possible, and compatibility of scale, bulk, architectural styles, building materials, color and landscaping."
- Rhodes discussed the use of the word 'should' which was intended to allow latitude
 when the Community Plan was written. Rogers added the exterior is all concrete and
 will look like wood and stucco.
- Bende stated that when the original developer came before RPPB for approval, their intention was to mass grade, truck out 8,000 cy material and build. The proposed is 2 separated lots and now they have to grade each lot separately without impacting the adjacent lots. Bende added that he respects how the buildings step into the slope but is not sold on the project based on bulk and scale of the buildings.
- Sandstrom noted the accents are not Craftsman and not Mission, not dramatically
 different than the neighbor; adding that he was lukewarm to the proposal because it
 was dramatically bigger than existing. He supports the project noting the applicant
 has the right to build within the codes.
- Clark noted he understood the owner's right to build, just doesn't feel that the owner is paying attention; the residences will be an anomaly. Rogers stated that they hope the other lots will be built to provide variety to the neighborhood.
- Politte stated, if approved, it will set precedence for a whole block of monster homes on one side of the street with no front yards and back yards that are limited due to the hillside. A block of homes won't fit in.
- Clark stated that he felt insulted by the minimal changes in the articulation of the front of the homes to the previous plans presented.
- Sandstrom referenced the Barcelona development which was on one side of the street. Landscaping over time has softened the differences.

Rancho Peñasquitos Planning Board Meeting Minutes, February 1, 2012 Page 11 of 15

- Clark added that LUC requested additional street trees per their motion which will soften the structures.
- Keating stated that he drove by the existing home that was built in 2011. He added that he cannot support just a 2 car garage with a home this big. Even with a 3 car garage, you can't force people to use their garages to park cars. The multigenerational intent cannot be guaranteed if sold in the future. The proposed homes are too big for the neighborhood.
- Brooks shared her concern about erosion to the vacant lots adjacent to these parcels and what mitigation would be used to avoid future erosion.
 - Rogers stated there would be earthen colored V-ditches for drainage and the whole site would be landscaped and ground covered so there wouldn't be any erosion.
- Rhodes asked if the applicant was in agreement with the additional trees.
- Becker noted that he thought they were on board adding that RPPB could request additional trees or landscaping. Becker added that the existing home really has no landscaping, it's all driveway.
- Rhodes stated that landscaping is really important to hide the mass.
- Surban needed clarification on why the proposed might not be in compliance with the codes and the difference between land use regulations and the Community Plan Guidelines.
 - O Bende explained the Land Use Development Code, authored by the City of San Diego, guides development per City regulations. RPPB is charged with enforcing the Community Plan guidelines for development within our community. There are guidelines in the Community Plan that we can use to say that the plan does or does not comply. Bende added that he is not in favor of the project.
- Politte added that she has been reviewing the CC&Rs for the development units within the Glens. The CC&Rs are all slightly different depending on when the homes were built. Politte mentioned a few of the restrictions: 1) limits to 2 stories, 2) another states the minimum size of homes, and 3) 30' height limit. Politte added that these two homes will be 35' tall and the Community Plan limits homes to 30'. The Land Use Code says height can be 35', but our Community Plan says 30' for a reason and that is to limit height. Politte referenced RPPB's approval of the Our Lady of Mt. Carmel Catholic church project where we agreed to allow the height to exceed the Community Plan limitations in exchange for other plan modifications that would limit impacts on the neighbors. The neighbors were opposed to the plan and we came to a compromise, but there is going to be a large building on the corner where there never was one before. Existing homeowners on Almazon St. are going to be impacted by whatever gets built on those vacant lots; the less impact we allow, the happier everyone will be as neighbors. Politte added that the proposed homes are too big and she would not vote in favor of the project.
- Surban asked for confirmation in his understanding that the purpose of RPPB is to interpret the proper application of the Community Plan guidelines to projects; Bende /Becker replied yes, that a project meets the intent of the Community Plan.
- Sandstrom said this subdivision should have its own CC&Rs. Politte agreed and said that she has been gathering copies of the other surrounding subdivisions' CC&Rs.
- Becker noted that we cannot enforce CC&R's.

Rancho Peñasquitos Planning Board Meeting Minutes, February 1, 2012 Page 12 of 15

- Politte replied that we should be able to take them into consideration when reviewing the project.
- Bende asked if it would help to review the original subdivision approval. Politte reviewed RPPB's approval comments for the lot split October 3, 2003 (per the Distribution Form submitted to the City for Project 6107, named Almazon Residences, Rancho Peñasquitos JO#42-1226 Process 3 Site Development Permit for Environmentally Sensitive Lands to construct 7 single family residences at 11424-90 Almazon St. in RS-1-14 of the Rancho Peñasquitos Community Plan. Council District 1. Notice Cards=3.).
 - o Project Issues:
 - 1. Homes should appear similar to homes in the adjacent neighborhood.
 - 2. Driveways should meet requirements of City.
 - Conditions:
 - Project is hereby limited to exporting a maximum of 8,000 cubic yards of grading/excavation or over ex. from project site.
- Politte added that we already approved 1,800 CY for Hamidy's property. It was noted, that this project has zero export. Would like us to constrain all the projects so we don't go over the 8,000cy.
- Rhodes asked for clarification on the height; Rogers stated the 35' height was measured from the driveway 5' out from the building face. Rhodes said that he would leave the decision up to the community.
- Diehl added that he wouldn't be able to tell the difference between 30-35' from the street, the background is the hill, not losing an ocean view.
- Becker referenced the Glens portion of the Community Plan: "A number of single-family lots include backyard slopes in open space." and "The terrain is gently rolling, with streets climbing up, down and around hillsides. Quality views are towards the west and northwest and consist primarily of the chaparral covered slopes of Black Mountain." (page 39)
- Diehl added that maintenance of the hillside would be an improvement.

Becker asked if someone would like to propose a motion.

Motion: To approve the Khouli Residences project as presented with the following landscaping conditions for each lot's front yard: 1) the addition of 2-36" boxed trees. M/S/C – Diehl/Sandstrom/Discussion.

Becker recommended an amendment to the motion by adding 2-24" boxed trees of an
evergreen variety plus live ground cover to blend into the natural hillside on each lot
(not paved). Diehl & Sandstrom agreed to the modification.

Becker called for a vote of the motion as amended.

Motion: To approve the Khouli Residences project as presented with the following landscaping conditions for each lot's front yard: 1) the addition of 2-36" boxed trees, 2) 2-24" boxed trees of evergreen variety, and 3) live ground cover (not paved) to blend into the natural hillside. M/S/C – Diehl/Sandstrom/Motion Failed, 6 in favor – 7 against – 0 recusals – 0 abstentions.

RPPB members discussed whether it was necessary to make a motion that would specifically deny the project as presented.

Rancho Peñasquitos Planning Board Meeting Minutes, February 1, 2012 Page 13 of 15

Motion: To deny the Khouli Residences project as proposed and strongly encourage the applicant to come back with a revised proposal that addresses the concerns discussed. M/S/C – Bende/Clark/Approved, 9 in favor – 4 against – 0 recusals 0 abstentions.

• Politte will email the December 2011 meeting minutes that address architectural concerns and bulk/scale of the proposed project to Rogers once finalized.

& REPORTS.

- a. Chair Report Jon Becker
 - CPC are updating their bylaws; RPPB bylaws are tight, others are not. Politte noted that we have a copy of the City Council action that approved our Bylaws. Becker added that for communities without Rec Councils, the planning boards will become the decision making body for those activities.
 - The low bid for PQ Monument signs was \$77,250; project was estimated to cost \$76,000.
 - Speed limits on Mannix and Dormouse will get posted at 25mph; Mannix from Dormouse to Black Mtn. Rd. will changed be 40mph. Notices are going up and based on the size of the street.
 - Passed BMOSP Regional Habitat Management plan on to Clark to review; anchors the trails, trailheads, alignments and Trail For All People.
 - Taiwanese school on Azuaga is considering expansion and will be coming to RPPB, proposing to add 2 trailers (CUP).
 - March meeting agenda includes: Caltrans Update, Torrey Highlands stop signs, Camelot, SD Canyonlands and Torrey Glens Easement Vacation. He added that the Los Pen Canyon Preserve CAC has approved the SD Canyonlands proposal, City Council has adopted the dedication language and just needs parcels identified.
- b. Vice-Chair Report Charles Sellers, not present
- c. Secretary Report Jeanine Politte, no report
- d. Standing Committee Reports:
 - ➤ Land Use (Joost Bende) no report
 - > Telecomm (Charles Sellers) / not present
- e. Ad Hoc Committee Reports!
 - > FBA/PFFP Prioritization (Keith Rhodes)
 - Committee will be meeting with City Staff to discuss recommended changes. It was noted that the City added projects to the PFFP/FBA.
 - > Cresta Bella/Doubletree (Jeanine Politte) no report
 - Our Lady of Mt. Carmel (Joost Bende)
 - Building and haven't heard any more complaints about the driveway, parking or ongoing work. Spurr noted they are ready to put in the curbing, the west side of parking lot is complete.
 - Santa Fe Summit II & III (Scot Sandstrom)
 - Sandstrom reported that Kilroy is focused on their Carmel Valley project and not SFSummit.

Teasley, Sandra

From:

Jon Becker [jbecker@projectdesign.com]

Sent:

Tuesday, April 23, 2013 11:03 AM

To:

Teasley, Sandra

Cc:

Thom Clark; rppb.chair@gmail.com; jeanine@jpolitte.com; Joost H. Bende

Subject:

RE: Khouli Res

Attachments:

Appeal Ltr (final) Mar 14 2013.pdf

Sandra,

These comments should be included with our letter attached as part of our submitted appeal.

Thanks, Jon

Jon Becker, ASLA/AICP Project Design Consultants

Direct 619.881.3264 Mobile 858.231.5671 701 B Street, Ste. 800 San Diego, CA 92101 www.projectdesign.com

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please reply to the sender indicating that fact and delete the copy you received. This communication is for use by the recipient only.

From: Teasley, Sandra [mailto:STeasley@sandiego.gov]

Sent: Monday, April 22, 2013 5:09 PM

To: jbecker@projectdesign.com

Subject: FW: Khouli Res

Hi Mr. Becker-

Is this the info you wanted included in the record? (per my previous email). Thanks!

From: Jon Becker [mailto:jbecker@projectdesign.com]

Sent: Thursday, February 02, 2012 10:30 PM

To: Joost Bende

Cc: willrogers; Teasley, Sandra; rppb.chair@gmail.com; jeanine@jpolitte.com

Subject: Re: Khouli Res

Joost.

Thanks for your tactful reflection on the challenges deliberated by of RPPB.

Recognizing the build-out of this established neighborhood Will, I should hope your professional insight and your client have the community's interest in mind when developing these lots. The impact of these homes will shroud the neighbor's for the next generation within the Glens community; a legacy I hope you and your client will be proud to be apart of through the time you have invested in the project.

As Joost noted the RPPB's goals and objectives are to accept the right fit for the neighborhood and not the wrong "brand " to be associated with your project.

Bigger is not always better and values are not appraised by sq. ft. alone; our zip codes from coast to inland will reflect that.

Thanks for your consideration,

February 2, 2012 Land Use Subcommittee Chair Comments Via Email (Joost Bende) and April 26, 2013 Applicant responses in red (Will Rogers)

The project and client you are representing have brought forth a difficult project. While I respect and am a strong advocate for an individual's property rights this project has pushed the envelope too much (literally and figuratively). Last night was difficult for me in this regard as I put myself in your client's shoes and also in the shoes of the adjacent residents. I asked myself these questions.

As the property owner:

Does my project meet the intent of the community plan guidelines? – NO- Yes it does- we generally meet the intent of the Community Plan. The Community Plan was created prior to Steep Hillside and Sensitive Lands Regulations. If the Glens were to be developed today, the density and structure would look totally different.

Have I listened to and incorporated the many suggestions from the community? – NO Yes we did address the parking with four off street parking places and bulk and scale with additional landscaping.

Are there other reasonable alternate designs that would allow the above two questions to be answered in the affirmative? — YES — then a redesign or new scope should be considered. Reasonable is subjective- could we mass grade the lots to be consistent the community? No, the new regulations would provide a large enough pad, making the project not economically viable.

As the neighbors:

Does this project fit into the neighborhood and is it compatible? – NO Yes is does if you compare new buildings in the area with the same constraints.

Would I want this project built across the street from my own home? – NO-This is a personal opinion and has no place in the decision making process.

Are there changes that could be made to the design that could win my support? — YES-As a planning group member, your task is to make sure that the project before you are generally consistent with the Resident element of the community plan.

Another difficult issue is that while you are not asking for any variances and you comply (as to be determined by the city review process) with all of the Land Development Code regulations, it is not those regulations upon which we as a board form our recommendations. It is after all the Rancho Penasquitos Community Planning Board, a recognized body by the City of San Diego to review projects and forward recommendation thereto. Our board makes recommendations on a project which are then forwarded to the City and they become part of the review process and are vetted by the project manager, hearing officer, Planning Commission or City Council depending upon who the decision maker is. Our review is supposed to be strictly limited in whether the findings can be made that a project complies with the community plan.

Our recommendations have been highly weighted in the review process at Planning Commission and City Council. Ultimately none of our recommendations have been overturned by the City Council, and decisions which were overturned at Planning Commission were subsequently reinstated by the City Council. Our board has been well respected and does not make any recommendation lightly, especially those in denial and I would strongly encourage your client to reconsider the direction of the project based on our comments of last night and our meeting in December. (You must make the findings- not personal opinions).

By the way today's article in the Union Tribune might also sway your client in terms of the economic forecast and success of a future sale of one or both properties once developed. http://www.utsandiego.com/news/2012/feb/02/us-overbuilt-big-houses-planners-find/
This is not in the Planning Groups purview.

In answers to your questions:

In the "Residential Element" under "Density Ranges" in the last paragraph regarding medium density in the last sentence "Buildings heights should be limited to 30 feet in these areas." Reference is also made in the "Commercial Element" of 30 foot height limit and I believe these limits stem from the time that the Community Plan was originally written (1987)that a 30 foot height limit was a city wide height limit in the Land Development Code at that time. Due to the recent updates in the Land Development Code height limits have been raised to 35 feet but as Community Plans have not been updated there is still a reference to 30 feet. This section is referencing multi-family development and therefore, does not apply. The zone calls for a maximum of 35°. The site is within a residential zone. There is a reason for the increase in height to lessen the impact on the hillside and environment.

There are no applicable references or specifications to a two story limit, it is a design suggestion as it relates to neighborhood compatibility in terms of bulk and scale. (So, why make this a recommendation if there is no mention. Consider that the bulk and scale is reduced on all four sides by cutting the building into the hillside and lifting the earth a minimum of 4' in the front, excluding the driveway).

Other items which guided my decision last night included:

Your project is located in a neighborhood known as the Glens. Reference the "Neighborhood Planning Element" in the community plan and you have referenced the project as being "multigenerational," while the exact definition of that is unclear it certainly fits the definition of "multi-family" which is not an intended use on a SFR zoned lot or neighborhood. (This is a new term and trend in our society. There are many families that have 6 children or their grand parents living with them. This sounds too much like "NIMBYism"- not in my back yard- and has no place in the planning process. This is a single- family home-period).

Another area of contention is the architectural style. "The predominant architectural styles are Spanish mission and Old West ranch style. A craftsman style house while not prohibited is not compatible with the existing development as defined under the "Urban Design Guidelines" "The design of any new construction should respect existing development ... and compatibility

-Page 3 of 3-

of scale, bulk, architectural styles, building materials, color and landscaping. The architectural style is more "early Californian Ranch" than Craftsman. The existing homes are out dated and will eventually be remodeled.

Based on the materials presented to date we can only determine that the scale, bulk and the architectural styles are not compatible with the existing neighborhood. The existing neighborhood has single and two story homes ranging from 1,200 to 2,400 square feet. You are proposing a structure which is 3 stories well over 1000 square feet more than the predominant make-up of the neighborhood. We are unable to determine the building materials and colors. The development is well under the allowable FAR and we are using earth tone colors to blend into the hillside which was mentioned).

As the motion indicated last night we are opposed to the project as currently designed, and you have seen and heard our reasoning at the meeting and our meeting minutes. Our meeting minutes will be published once approved at our next meeting. The Board's motion did request that if the owner would consider a modified design that we would whole heartedly welcome the opportunity to review the project again, and personally I do look forward to reviewing a project more closely congruent with the community plan and the neighborhood. The subcommittee motion was 5-2 in support until the 2 opposing members interjected personal options and unfactual information to sway the other members to vote no at the regular meeting. In fact there was also talk about CCR'S placed the development across the street as if our new development had to comply with them. The negative vote has no basis in the community plan.



MEMORANDUM

DATE:

March 5, 2013

TO:

Hearing Officer, Gary Geiler

FROM:

Sandra Teasley, Development Project Manager

SUBJECT:

Khouli Residences PTS 210143

The purpose of this memorandum is to advise you of minor corrections to the documents which will be read into the record and are noted below and/or included in strikeout/underline format.

- 1. Please reference Errata Sheet from the Environmental Analysis section regarding the Addendum to Mitigated Negative Declaration No. 6107 (Enclosure 1).
- 2. Attachment 5, Mitigation Monitoring and Reporting Program Resolution, Page 2: Insert the following paragraph as item No. 7:

That pursuant to CEQA Section 21081.6, the Hearing Officer adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by the Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

3. Hearing Officer Report No. HO 13-019:

Page 1, Summary section (Community Planning Group Recommendation): Insert the word "group" between the words "Planning" and "voted".

Page 2, Discussion section, last paragraph, last 2 sentences: Revised as noted below:

Implementation of the Section V of the Mitigation, Monitoring and Reporting Program, will reduce impacts to biological <u>and paleontological</u> resources to a level below significance. <u>All</u> mitigation measures contained in MND No. 6107 <u>that are applicable to the project</u> have been incorporated into the addendum.

sentence is incomplete. Corrected (completed sentence) as noted below:

The applicant's response is that the additional trees could not be provided due to the brush management requirements.

4. **Draft Resolution**, Attachment 5 page 7 of 7, second sentence: Revised as noted below:

All applicable mitigation measures (Paleontological, <u>Biological</u>, <u>Hydrology and Water Quality</u>) contained in MND No. 6107 have been incorporated into the addendum.

Enclosure:

1. Errata Sheet March 2, 2013

ERRATA SHEET

Khouli Residences Addendum No. 210143 March 01, 2013

Subsequent to the distribution of the Revised Final Addendum (dated February 15, 2013), the General Requirements (City of San Diego's detailed standard procedures for mitigation) related to the Mitigation Monitoring and Reporting Program and the Paleontological Resources mitigation measures were determined to have been inadvertently omitted from the environmental document. In addition, due to current City of San Diego's Municipal Code requirements related to Hydrology and Water Quality, the project would be required to comply with all storm water quality standards during and after construction and appropriate Best Management Practices (BMPs) would be utilized. Implementation of these BMP, which has been reviewed and accepted by qualified City staff, would preclude any violations of existing standards and discharge regulations. Impacts would be less than significant, and no mitigation measures are required.

Mitigation measures contained within the original Mitigated Negative Declaration No. 6107 that are applicable to this project have been included within Addendum No. 210143. The following corrections to the final environmental document need to be noted for the record:

A. GENERAL REQUIREMENTS - PART I Plan Check Phase (prior to permit issuance)

- 1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
- 2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
- These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: http://www.sandiego.gov/developmentservices/industry/standtemp.shtml
- The TITLE INDEX SHEET must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

- 5. SURETY AND COST RECOVERY The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
- B. GENERAL REQUIREMENTS PART II Post Plan Check (After permit issuance/Prior to start of construction)
 - 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: Qualified archaeologist monitor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – 858-627-3200
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**
- 2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) Number 264497 and/or Environmental Document Number 264497, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: RWQCB
- 4. MONITORING EXHIBITS: All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

BIOLOGICAL RESOURCES (HABITAT ACQUISITION FUND)

Prior to a Notice to Proceed for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits, and Building Permits the owner/permittee shall contribute to the City of San Diego's Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.30-acre of coastal sage scrub (Tier II). This fee is based on mitigation ratios per the City of San Diego Biology Guidelines of 1:1 (for impacts occurring outside of the MHPA) or through the purchase of Tier II habitat within the MHPA per the City of San Diego Biology Guidelines. The payment of fees into the HAF plus a 10 percent administration fee for acquisition of in-kind habitat would mitigate for direct impacts to 0.30-acres of Tier II coastal sage scrub.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - Prior to issuance of any construction permits, including but not limited to, the
 first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a
 Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting,
 whichever is applicable, the Assistant Deputy Director (ADD) Environmental
 designee shall verify that the requirements for Paleontological Monitoring have
 been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

- 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 - The monitor shall be present full-time during grading/excavation/trenching
 activities as identified on the PME that could result in impacts to formations with
 high and moderate resource sensitivity. The Construction Manager is
 responsible for notifying the RE, PI, and MMC of changes to any construction
 activities such as in the case of a potential safety concern within the area being
 monitored. In certain circumstances OSHA safety requirements may
 necessitate modification of the PME.
 - 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or

- when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

- In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
- The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
- The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

- 1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.

- a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
- b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III During Construction.
- Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - The PI shall submit two copies of the Draft Monitoring Report (even if negative),
 prepared in accordance with the Paleontological Guidelines which describes the
 results, analysis, and conclusions of all phases of the Paleontological Monitoring
 Program (with appropriate graphics) to MMC for review and approval within 90
 days following the completion of monitoring,
 - For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

- The PI shall be responsible for ensuring that all fossil remains are analyzed to
 identify function and chronology as they relate to the geologic history of the area;
 that faunal material is identified as to species; and that specialty studies are
 completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 - The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Paleo Private 100509.doc

The revisions made to the revised Final Addendum do not affect the environmental analysis or conclusions therein. In accordance with the California Environmental Quality Act, the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation as there are no new impacts and no new mitigation identified.



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:

March 6, 2013

REPORT NO. HO 13-019

ATTENTION:

Hearing Officer

SUBJECT:

KHOULI RESIDENCES

PTS PROJECT NUMBER: 210143

LOCATION:

11448 and 11480 Almazon Street

APPLICANT/

OWNER:

Will Rogers/Solid Rock Developers Inc.

SUMMARY

<u>Issue(s)</u>: Should the Hearing Officer approve the construction of two, 3-level single-family residences on two separate lots containing environmentally sensitive lands within the Rancho Penasquitos Community Planning area?

<u>Staff Recommendation(s)</u> - **APPROVE** Site Development Permit Nos. 747302 and 747303 with conditions.

<u>Community Planning Group Recommendation</u> – On February 1, 2012 the Rancho Penasquitos Community Planning voted 9-4-0 to recommend denial of the project. Reference the Discussion section of this report (Attachment 7).

Environmental Review: An Addendum to Mitigated Negative Declaration (MND) No. 6107 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines Section 15164. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered for the previous MND, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project

BACKGROUND

The proposed project is the construction of two three-level single-family residences on two non-contiguous legal lots located at 11448 and 11480 Almazon Street. The vacant 1.25-acre site consists of Lot 205, 0.66 acres, and Lot 208, 0.59 acres located on the north side of Almazon Street. The Rancho Penasquitos Community Plan designates the site as Low Density Residential

(1-5 du/developable acre). The property is within the Glen's Neighborhood of the community plan and zoned RS-1-14 (Attachments 1-3). The property is also within the Airport Influence Area, Review Area 2 for the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP). The site contains environmentally sensitive lands in the form of sensitive biological resources and steep hillsides and requires a Process 3 Site Development Permit for encroachment into environmentally sensitive lands.

Surrounding sites are developed with single-family residences of varying sizes and architectural styles and vacant lots. Adjacent to the west is a three level, single-family residence, approved by the Hearing Officer on September 3, 2009 under Site Development Permit No. 562421, the Hamidy Residence Project No. 158005, for the construction of a two story residence containing environmentally sensitive lands (lot 203, 11490 Almazon Street).

DISCUSSION

The majority of both lots contain steep slopes. The Steep Hillside Guidelines allows a maximum 25 percent encroachment into environmentally sensitive lands containing steep slopes. The developments would be placed within the front 25 percent of the lots adjacent to the street and the remaining 75 percent of each parcel would be placed within a conservation easement to restrict further encroachment into environmentally sensitive areas.

The development would impact coastal sage scrub on both lots. The project was previously entitled under the Almazon Residences project, approved by the Hearing Officer in 2003, which permitted the construction of seven residences on seven vacant lots. That project required the preparation of Mitigated Negative Declaration (MND) No. 6107 for potential impacts to biological resources, paleontological resources and hydrology and water quality. The project was not constructed and the permit expired. As the MND was certified, the current project required the preparation of an addendum to MND No. 6107 due to potential impacts to biological resources specifically the development of the two lots would impact approximately 0.024 acres of coastal sage scrub beyond what was originally anticipated. Direct impacts would result with the construction of the project to Tier II coastal sage scrub in that .0304 acres would be disturbed or, a total of 0.024 acres beyond what was originally analyzed. Implementation of the Mitigation, Monitoring and Reporting Program, which requires payment into the City of San Diego's Habitat Acquisition Fund, would mitigate for the loss of this resource. Implementation of the Section V of the Mitigation, Monitoring and Reporting Program, will reduce impacts to biological resources to a level below significance. Mitigation measures contained in MND No. 6107 have been incorporated into the addendum.

Airport Influence Area/ Miramar Airport Land Use Compatibility Plan

The project was submitted to the San Diego County Regional Airport Authority, serving as the Airport Land Use Commission (ALUC), for a consistency determination with the adopted ALUCP. In memorandum dated April 13, 2011, the Airport Authority stated that the project does not meet any of the criteria within the ALUCP which would require a consistency determination (Attachment 10). Additionally, the project site is not located within the area

designated by the ALUCP as requiring the recordation of an over flight notification for new residential land uses. The project is located outside of the Part 77 notification area (20,000 horizontal feet (100:1 slope) from the closest runway at MCAS Miramar and the proposed structures would not exceed 200 feet above ground level; therefore, the project would be compatible with the ALUCP for airspace. Notification to the Federal Aviation Administration for a Part 77 evaluation was not required.

Community Planning Group Recommendation

The Rancho Penasquitos Community Planning Group recommended denial of the project on February, 1, 2012 (Attachment 7). In December 2011, the Land Use Committee of the planning group voted 5-2 to recommend approval of the project. On February 1, 2012, 3 motions were made by the full group as noted below:

First Motion: Approve the project as presented with the condition that 2 additional 24" box trees of an evergreen variety and live ground cover along the hillside at the rear of both lots be provided. This motion was amended.

Second Motion (Amended): Approve the project as presented with the condition of 4 additional street trees per lot, and ground cover on the hillside at the rear of the sites. This motion failed 6-7-0.

Third Motion: Deny the project and encourage the applicant to revise the project to address concerns discussed during the meeting. This motion was approved by a vote of 9-4-0.

Several members spoke in favor and in opposition to the project. Concerns were expressed regarding the bulk and scale specifically that the proposed residences are not similar in size to others in the neighborhood, building height, and that the driveways should meet the City requirements.

The applicant's response is that the additional trees could not be provided due to t. The south elevation (street) was modified to add a trellis, vines and windows above the garages to soften the bulk and scale. The buildings colors are modified to provide for natural earth tones, similar to what exists in the neighborhood. Staff analysis is that the neighborhood consists of a variety of architectural styles and sizes and the proposed development complies with all of the regulations in affect for the site, including those addressing driveway requirements and building height of 35'-0".

CONCLUSION:

The proposed project complies with the relevant development regulations, standards, and policies in effect for the project site per the Rancho Penasquitos Community Plan and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site. Please reference Attachment 5, the draft Findings of Fact for consideration. Staff has

determined that the required findings can be supported and recommends that the Hearing Officer approve the project.

ALTERNATIVES:

- 1. Approve Site Development Permit No. 747302 and 747303, with modifications.
- Deny Site Development Permit No. 747302 and 303, if the findings required to approve the project cannot be affirmed.

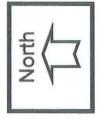
Respectfully submitted,

Sandra Teasley, Development Project Manager

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permits with Conditions (Lot 205); 6A= Draft Permits with Conditions (Lot 208)
- 7. Community Planning Group Recommendation
- 8. Environmental Resolution
- 9. San Diego County Regional Airport Authority Memorandum (April 13, 2011)
- 10. Project Site Plans

ATTACHMENT 1



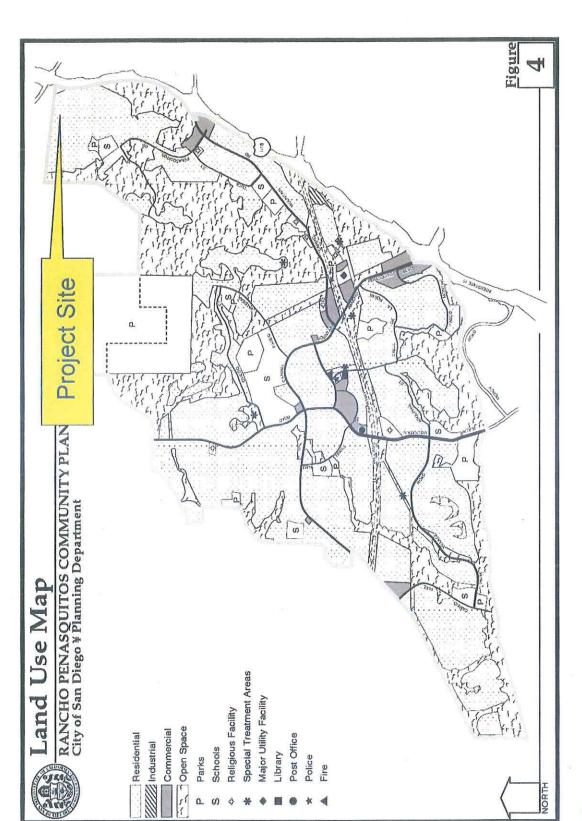




KHOULI RESIDENCE – ALMAZON STREET PROJECT NO. 210143



a a constant of the constant o







KHOULI RESIDENCE – ALMAZON STREET PROJECT NO. 210143

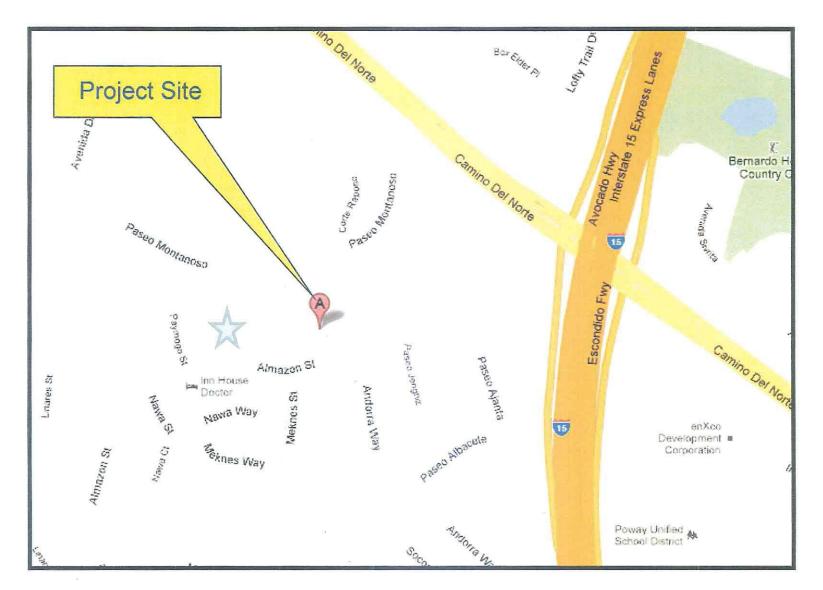




KHOULI RESIDENCE - ALMAZON STREET

PROJECT NO. 210143

ATTACHMENT





Project Location Map

KHOULI RESIDENCE – ALMAZON STREET PROJECT NO. 210143

