

DATE ISSUED: April 14, 2005 REPORT NO. P-05-100
ATTENTION: Planning Commission, Agenda of April 21, 2005
SUBJECT: SILBERBERGER, Project No. 1641. PROCESS 4.
REFERENCE: Municipal Code Sections 125.0430, 126.0601 and 126. 0501.
OWNER/
APPLICANT: Ernest Silberberger and Marc D. Silberberger

SUMMARY

Issue(s) - Should the Planning Commission approve the Silberberger project to allow the subdivision of a ten acre site into nine lots for single family development and one lot for preservation as open space?

Staff Recommendation -

1. CERTIFY the Findings to Master EIR No. 95-0353 and ADOPT the Mitigation Monitoring and Reporting Program; and
2. APPROVE Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116.

Community Planning Group Recommendation - The Del Mar Mesa Community Planning Board, on November 13, 2003, voted 12:0:0 to recommend approval of the proposed project with conditions. See Discussion section of this report for a full discussion of their recommendation.

Environmental Impact - Findings to a Master EIR No. 95-0353, LDR No. 41 -0347, have been prepared for the project in accordance with State CEQA Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified by the environmental review process.

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

Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would provide nine market-rate housing units. The Del Mar Mesa Specific Plan permits density of up to one dwelling unit per acre, which allows up to ten dwelling units within this parcel. The North City Future Urbanizing Area (NCFUA) Framework Plan and the Del Mar Mesa Specific Plan also require new development provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Authority. The applicant has chosen the option of paying an in-lieu fee to the Housing Authority to meet their affordable housing requirement rather than provide dwelling units. The Del Mar Mesa Specific Plan allows an in-lieu fee option in the amount of money equivalent to the cost of achieving affordability levels established for housing programs within the NCFUA.

BACKGROUND

The ten acre project site is located north of Del Mar Mesa Road and west of Del Vino Court in the AR-1-2 zone of the Del Mar Mesa Specific Plan (Attachment 1). The Del Mar Mesa Specific Plan identifies this site for estate residential development. Mesa Norte Drive bisects the site separating proposed open space from proposed development. Mesa Norte Drive has been constructed by the Mesa Norteproject d eveloper.

The Silberberger project is located approximately twenty miles north of downtown San Diego and approximately five miles east of the Pacific Ocean in the Del Mar Mesa Specific Plan area in the City of San Diego (Attachment 2). The project site is generally located east of Interstate 5 and Shaw Valley and north of Los Peñasquitos Canyon Preserve. Del Mar Mesa is bordered on the north and west by the Carmel Valley, Pacific Highlands Ranch on the north, Torrey Highlands and Rancho Peñasquitos on the northeast, and the Los Peñasquitos Canyon Preserve on the south. Regional access to the Silberberger site would be from SR-56 and Carmel Country Road.

The Silberberger property consists of one, ten-acre parcel. Existing or approved housing developments are located to the west in Carmel Valley and approved projects to the north; Meadows Del Mar; Hollywood & Vine; Arroyos Del Mar and Duck Pond Ranch. The sloping property is located on a topographic feature known as Del Mar Mesa. The property also contains two small canyons draining to Los Peñasquitos Canyon on the east and south and to Shaw Valley on the west. The elevations on the property range from approximately 394 feet above mean sea level (MSL) to the lowest point on the property at 265 feet MSL. The site is currently zoned AR-1-2. The AR-1-2 zone allows residential development. The Del Mar Mesa Specific Plan allows two to five dwelling units per acre at this site.

The City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan was approved in March 1997. A primary goal of the MSCP is to conserve sensitive species and

regional biodiversity while allowing for reasonable economic growth. One of the MSCP's primary objectives is to identify and maintain a preserve system to provide habitat for both local and regional animal and plant species. This preserve system is a network composed of biological core resource areas linked by wildlife corridors. The MSCP identifies "core biological resource areas" as large blocks of native habitat having the ability to support a diversity of plant and animal life. Corridors are planned between these core areas to provide wildlife the ability to move freely within the preserve. The MSCP identifies a 56,831-acre Multiple Habitat Planning Area (MHPA) in the City for preservation of core biological resource areas and corridors targeted for preservation. Approximately 3.06 acres of the Silberberger project site are designated for preservation within the northern area of the MHPA. The northern area consists primarily of wildlife corridors providing links to the core areas of Del Mar Mesa at the eastern portion of the community, Los Peñasquitos Canyon Preserve, Los Peñasquitos Lagoon, Torrey Pines State Park, the proposed San Dieguito River Valley Regional Park, and the Black Mountain area.

DISCUSSION

Specific Plan Analysis

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

The Specific Plan designates the area within the vesting tentative map for Estate Residential development and Resource-based Open Space (Attachment 1). For parcels designated Estate Residential within the AR-1-2 zone, the Specific Plan establishes the residential density as that permitted by the zone, which is one dwelling unit per acre. The ten-acre site could accommodate up to ten residential units if developed at the maximum permitted density. With approximately one-half of the parcel being designated for conservation as open space, the reduction in the maximum allowed density is supported by staff. The proposed nine unit subdivision clusters development to preserve areas designated as open space and is consistent with the density and land use objectives of the Specific Plan.

The Specific Plan's Community Design Guidelines are intended to maintain Del Mar Mesa's rural character and include standards for grading, landscaping, fencing, lighting, and lot size, in addition to the development standards of the agricultural zones. The proposed subdivision and associated design guidelines incorporate these standards.

The Specific Plan's grading objectives recommend development be sited on flatter areas to

preserve steep slopes and preserve canyon landforms. Generally, large quantities and large areas of grading are to be avoided. Where grading is necessary, daylight grading toward the edges of the open space is preferred, and any new slopes should be contoured to blend with natural landforms. The proposed project design incorporates these goals.

For this site, residential development is permitted within the ridge landform that bisects the property. The tributary canyons on either side of the ridge are designated as open space. Daylight grading adjacent to designated open space is not practical without a significant amount of export from the site. The grading plan proposes export of approximately ten percent of the fill material to achieve the nine development pads. The largest fill slopes are proposed within the canyon landform located on the western portion of the property. Staff has worked with the applicant to reduce the height and appearance of proposed fill slopes at the open space boundary by incorporating vertical separation within each interior lot. These fill slopes would be contoured to mimic and replicate natural landforms to meet the objectives of the Specific Plan.

The project proposes a boundary adjustment to the Multi-Habitat Preservation Area (MHPA). The boundary adjustment was evaluated with respect to steep slope impacts within the preserve as well as MHPA biological criteria. The proposed preserve boundary conserves an equivalent amount of 25 percent slope area as the development footprint and MHPA boundary approved with the Specific Plan.

Multi-Habitat Preservation Area Boundary Line Adjustment

The project is proposing a Multi-Habitat Preservation Area (MHPA) Boundary Line Adjustment (BLA) which would remove 0.64 acre from the MHPA. The proposed BLA would result in a net removal of 0.34 acre of coastal sage scrub (Tier II) and 0.30 acre of mixed chaparral (Tier IIIA). In accordance with the MSCP Subarea Plan, boundary line adjustments may occur where the new MHPA boundary results in an area of equivalent or higher biological value.

The proposal was evaluated by City MSCP staff and the wildlife agencies; the Department of Fish and Game and the U.S. Fish and Wildlife Service. It was determined that an on-site boundary line adjustment would not be acceptable due to the location of the proposed addition area adjacent to Mesa Norte Road. Therefore, in lieu of an on-site boundary adjustment, it was agreed the applicant would be allowed to pay into the City's Habitat Acquisition Fund (HAF) at a 4:1 ratio for the 0.64 acres of Tier II/IIIA habitat that would be removed from the MHPA. This would result in the addition of 2.56 of land within East Elliot which has been identified as a MSCP core biological area. Additionally, the proposed BLA would result in the preservation of higher quality native habitat, increased conservation of MSCP covered species as well as increased connectivity and regional wildlife movement. The BLA was approved by the wildlife agencies on August 11, 2004.

Project Description

The Silberberger Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116 proposes to subdivide and develop a ten acre site in Del Mar Mesa with nine lots for single family estate development and one lot for dedication to the City of San Diego (Attachment 3) for inclusion into the MHPA. The project also involves a boundary line adjustment to the MHPA. The single family estate lots would require the processing of a substantial conformance review to assure consistency with the Silberberger Design Guidelines Subarea V prior to applying for any building permits.

Design Guidelines

The Silberberger Design Guidelines Subarea V (Guidelines) would guide the development of the project. The Guidelines (Attachment 4) addresses the follow categories: an Introduction; Development Standards; Site Planning; Landscape Design; and Architectural Guidelines. The Introduction section addresses Setting; Design Concept; Purpose and Intent; and Implementation Enforcement. The Development Standards section of the Guidelines includes Base Zone Requirements and Planned Development Permit Deviations. The project's proposed deviations will be discussed further in this report. The Site Planning section outlines Grading; Site Drainage; and Driveways. The Landscape Design section includes Purpose and Intent; Streetscape; Exterior Lighting; Fencing and Walls; Brush Management and Open Space; and Maintenance Responsibilities. The Architectural Guidelines section addresses Building Scale and Massing; Building Envelopes and Setbacks; Building Materials and Features; and Color and Materials Palette. Development Services and Planning Departments staff have reviewed and provided editorial comment to guide the development of the Guidelines. City staff supports the use of these Guidelines for the proposed project.

Planned Residential Development and Proposed Deviations

The proposed development complies with the Del Mar Mesa Specific Plan (Plan) and the Municipal Code, with the following four deviations (Attachment 5). In order to design a project which reflects the Plan's desired development pattern, four deviations are required and can be allowed through the Planned Residential Development application, review and approval process. The four deviations from the development regulations of the AR-1-2 zone allowed in the Del Mar Mesa Precise Plan are as follows:

- 1) Reduced minimum lot depth less than 150 feet.
- 2) Reduced minimum street frontage less than 100
- 3) Reduced lot size from 1-acre to .5-acre.
- 4) Maximum lot coverage maximum for 1-story at 40 percent and 2-story at 30 percent, where 20 percent is allowed.

The Land Development Code specifies a minimum lot depth of one hundred fifty feet and a

minimum street frontage of one hundred feet. Strict compliance with this requirement would force a standard subdivision design where the site constraints, the Del Mar Mesa Precise Plan and other applicable regulations encourage a design at this site consistent with the proposed project. The project proposes lots with less than one hundred fifty feet of lot depth and less than one hundred feet of street frontage, deviations one and two. The Del Mar Mesa Specific Plan goal of limiting disturbance of the natural open space encourages the use of lots smaller than envisioned by the agricultural zones of the Municipal Code. The project proposed would create lots smaller than the minimum one acre of the AR-1-2 zone, deviation three. The fourth, and last, deviation for the project proposes to allow a greater coverage ratio than allowed by the Land Development Code. The maximum coverage allowed by the regulations would be twenty percent. The maximum coverage proposed for one story structures would be forty percent while two story structures would be thirty percent. The Development Services and Planning Departments staff have considered and support the requested deviations to allow for greater flexibility and creativity in the siting of future structures within the guidelines of the project and the Del Mar Mesa Specific Plan. Several projects have been previously approved with similar deviations consistent with the Precise Plan.

Project Grading

The Silberberger Tentative Map would grade 5.7 acres, or 57 percent, of the ten acre site (Attachment 3). The areas of most sensitivity and habitat value would be avoided and preserved in the MHPA. The grading design implements contour grading techniques by contouring manufactured slopes in a curvilinear design and daylight cutting rather than creating slopes where feasible. The overall lot pattern terraces from the high point of the site in the southeast corner to the lower elevations in the northwest corner. Establishing grade differences between the pad elevations of the proposed lots, creating curvilinear manufactured slopes and daylight cutting at the edges of the development contribute to maximize a subdivision design which will allow for development yet retain an essential characteristic of the land.

The proposed grading will involve 38,100 cubic yards of excavation, 34,100 cubic yards of embankment. Approximately 4,100 cubic yards of excavation will be exported to a legal disposal site. The maximum excavated slope will be eighteen feet in height and the maximum embankment slope will be fifty-five feet in height. Walls will also be used to create the new landform. The total length of all walls equals 225 feet with the maximum height being eight feet. The average wall height is between four and seven feet high. All walls are interior to the development pads, are not visible from the open space or public right-of-way, and have been utilized to create a larger pad area by being placed at the toe of proposed manufactured slopes.

Mesa Norte Drive has been constructed in conformance with the approved Mesa Norte Tentative Map. The slopes along the east side of Mesa Norte Drive have been constructed by the developer of the Mesa Norte project. Del Vino Court has been constructed by the developer of the Mesa Verde Estates project. Embankment slopes onto the Silberberger property at the eastern property boundary will remain as constructed by the developer of the Mesa Verde Estates project.

Landscape Design

The landscape design for the Silberberger project utilizes both native California and ornamental plant species (Attachment 6). The street trees proposed for the project are all native California species: *Quercus agrifolia*, Coast Live Oak; *Populus fremontii*, Western Cottonwood; *Platanus racemosa*, California Sycamore. The understory to be planted beneath these trees is also composed of native California species: *Ceanothus*; *Arctostaphylos*; *Zauschneria*; and *Salvia* species.

Manufactured slopes adjacent to the undisturbed open space will be revegetated with native species. Trees selected for these areas will be native species and ornamental species similar in form, color, texture, or habit to the indigenous native species. The Strawberry Tree and Brisbane Box will not be used in Brush Management areas or within 100 feet of undisturbed open space. Manufactured slopes interior to the project will be planted with a mixture of native and non-native ornamental species appropriate for slope erosion control and stabilization purposes. All graded pads will be hydroseeded with a native seed mix.

Brush management will employ the two zone approach to lessen the possibility of wildfires from adversely impacting the new development (Attachment 7). All Zone One and Two areas will be located within private ownerships or on adjacent parcels where easements specifically for brush management are granted.

Community Planning Group Recommendation

The Del Mar Mesa Community Planning Board, on November 13, 2003, voted 12:0:0 to recommend approval of the proposed project with conditions (Attachment 8). The four conditions are as follows:

1. Approval by Board is conditioned on City findings that the project is in compliance with the required environmental regulations, and in conformance with the Specific Plan.

City staff have determined through their review of the proposed project plans and Guidelines that the project complies with all environmental regulations and with the Del Mar Mesa Specific Plan regulations and policies. City staff has prepared Findings to Master Environmental Impact Report MEIR No. 95-0353 in accordance with all California Environmental Quality Act regulations, CEQA Guidelines and City regulations for the preparation of the environmental document. The findings required to approve the Tentative Map and permits are prepared and presented as attachments 9 and 10.

2. Approval by Board is conditioned on Development conforming to current wall and fence guidelines along public thoroughfares as detailed in the Specific Plan and recent Board actions.

City staff has confirmed the Guidelines submitted for the project indicate all walls and fences constructed within the project will be consistent with the regulations and policies of the Specific Plan.

3. Approval by Board is conditioned on development allowing horse keeping on all lots that conform to horse keeping ordinance of the City and as detailed in Specific Plan and recent Board actions.

The proposed project does not preclude any property owner from maintaining equestrian facilities and horses on individual properties. Individual property owners wanting to keep horses on their properties must meet the requirements of the City's regulations and the Del Mar Mesa Specific Plan. The keeping of horses and their facilities must meet the provisions of the San Diego Municipal Code §44.0308. City staff have included a requirement for the developer to disclose to each perspective buyer that horse keeping may be allowed if in accordance with City regulations, see Attachment 10, condition 33.

4. Approval by Board is conditioned on the trail element being built concurrently with pad and road construction and to remain open and useable for users during construction of homes.

The eight foot wide trail is within the public right-of-way of Del Norte Drive. Del Norte Drive has been constructed by Mesa Norte developer. The grading of the Silberberger site and construction of homes there will not impact Del Norte Drive or the trail located there.

Water Quality

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No.92-08-DWQ (NPDES General Permit No. CAS0000002).

During construction, this project will comply with Best Management Practices (BMP's) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the adjacent canyons.

The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected and conveyed by public and private drainage systems, incorporating a combination of catch baskets with filtration devices for inlets, water quality basins, grass swales and hydrodynamic separator devices.

The post-construction BMP's detailed in the Water Quality Technical Report have been

evaluated and approved by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

CONCLUSION

The Silberberger project conforms to the land use designations and design recommendations of the Del Mar Mesa Specific Plan, the goals and policies of the Progress Guide and General Plan and the regulations of the Land Development Code. The proposed design of the project would create a development which meets all the guidelines and regulations relevant for this site. All issues identified as a result of the staff review of the project have been resolved in a manner consistent with the regulations and policies of the City of San Diego. The proposed project would fulfill a community need for additional housing. Further, the proposed project meets the density allowed by the Del Mar Mesa Specific Plan while conserving a significant amount of open space in the Multiple Habitat Preservation Area. No public correspondence was received regarding the proposed project. Draft conditions of approval have been prepared for the project (Attachments 9 & 10). Draft findings of approval have been prepared for the project (Attachments 9 and 11).

ALTERNATIVES

1. Approve Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116, with modifications.
2. Deny Tentative Map No. 10114, Planned Development Permit No. 10115 and Site Development Permit No. 10116, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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ATTACHMENTS:

1. Del Mar Mesa Precise Plan Land Use Map
2. Project Vicinity Map
3. Tentative Map

4. Silberberger Design Guidelines Subarea V
(under separate cover)
5. Site Development Plan
6. Landscape Development Plan
7. Brush Management Plan
8. Community Planning Group Recommendation
9. Draft Tentative Map Resolution
10. Draft Permit
11. Draft Permit Resolution
12. Site Sections
13. Environmentally Sensitive Lands Analysis
14. Steep Slope/Hillside Review Analysis
15. Ownership Disclosure Statement
16. Project Chronology
17. Project Data Sheet

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