

DATE ISSUED: February 23, 2006 **REPORT NO. PC-06-082**

ATTENTION: **Planning Commission, Agenda of March 2, 2006**

SUBJECT: FAIRBANKS COUNTRY VILLAS EXTENSION OF TIME –
PROJECT NO. 85150. PROCESS 5

REFERENCE: Minutes of the Council of the City of San Diego per Item No. 333,
Subitem-A, Subitem-B, Subitem-C, Subitem-D, and Subitem-E for the
Regular Meeting of Tuesday, September 24, 2002.
Planning Commission Report No. P-02-134, dated August 8, 2002.

**OWNERS/
APPLICANT:** BMR Investors, LTD, a California limited partnership; Horseshoe
Investors, LTD, a California limited partnership; Penasquitos West, LTD,
a California limited partnership, Owners / Hunsaker & Associates,
Applicant (Attachment 11)

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of an Extension of Time and Rezone for the previously approved Fairbanks Country Villas project located south of Carmel Valley Road and north of State Route 56 in the Torrey Highlands Subarea IV Plan?

Staff Recommendation:

1. Recommend to the City Council **Approval** of Fairbanks Country Villas Extension of Time project and Rezone No. 311245.

Community Planning Group Recommendation: There is no officially recognized Community Planning Group for this area. The Rancho Penasquitos Planning Board acts in an advisory capacity for the community. The project was distributed to the Rancho Penasquitos Planning Board for their review. A recommendation was not received prior to the publication of this report.

Environmental Review: This activity is covered under Fairbanks County Villas Mitigated Negative Declaration, LDR No. 99-0329. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

Fiscal Impact Statement: None associated with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Fairbanks Country Villas project will provide a total of 95 dwelling units, 79 will be market rate, single dwelling units and 16 units will be affordable apartments. The project also includes an option that would allow 85 market rate, single dwelling units on-site, if the 16 affordable housing units are located at an off-site location within Torrey Highlands Subarea.

BACKGROUND

The project is located north of State Route 56 and Torrey Meadows Drive, south of Carmel Valley Road, east of Torrey Del Mar Drive and west of Camino Del Sur in the Torrey Highlands Subarea IV Plan (Attachment 1). The property is designated in the Subarea Plan for Low Density Residential (LD) and Resource-MSCP Preserve (R) (Attachment 2). On September 24, 2002, the City Council approved the Rezone for Fairbanks Country Villas from AR-1-1 (Agricultural/Residential) to RS-1-14 zone (Residential) and OC-1-1 zone (Open Space Conservation). The Fairbanks Country Villas project approvals by the City Council on September 24, 2002, also included an Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit and Resource Protection Ordinance Permit to provide a total of 95 dwelling units, including two parks, multi-use trails, utilities and streets on a 92.72-acre site (Attachment 4).

On August 8, 2002, the Planning Commission had voted 5-0 to recommend approval of the project to the City Council. The City Council approved the Fairbanks Country Villas project on September 24, 2002 with Ordinance Number O-19110, Resolution Numbers R-297089, R-297090, R-297091, and R-297092, filed in the Office of the City Clerk, for the Rezone, Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit, certifying Mitigation Negative Declaration LDR No. 99-0329 and adopting the Mitigation Monitoring and Reporting Program.

The Fairbanks Country Villas proposes to subdivide the site and provide a total of 95 dwelling units. Seventy-nine (79) units will be market rate, single dwelling units and 16 units will be affordable apartments. The project also includes an option that would allow 85 market rate, single dwelling units on-site, if the 16 affordable housing units are located at an off-site location

within Torrey Highlands Subarea. The design of the project is consistent with the density and development standards of the Torrey Highlands Subarea IV Plan and the RS-1-14 zone.

Prior to the expiration of the Vesting Tentative Map, the subdivider filed an application for an Extension of Time to extend the approved project to allow the Final Map to record after the original three year period. Since the City Council's adoption of the project approvals in October 2002, the grading plans and the public improvement plans have been approved and signed; however, the permits to proceed with the work have not been issued because the Final Map has not been recorded. The owner has entered into a Storm Water Management and Discharge Control Maintenance Agreement. Also an Encroachment Maintenance and Removal Agreement for the private curb medians, storm drains, D-41 Headwall, and pedestrian ramps have been signed. No permits may be issued until the Final Map is recorded. The Final Map is currently in review. The Extension of Time application would allow the subdivider to record the Final Map after the original Vesting Tentative Map expiration.

DISCUSSION

The Extension of Time application would allow the owner/developer an additional three years to record the Final Map and begin development of the Fairbanks Country Villas project. The Extension of Time would extend the approval of the Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit and Resource Protection Permit for three years and approve a new Rezone. An Extension of Time application limits the City in its review. No new condition or modification of an existing condition may be attached to the approval of an extension, unless new conditions are mandated to comply with state or federal law or are necessary to protect the health or safety of the residents of the proposed subdivision or the immediate community. The Fairbanks Country Villas Extension of Time project is the same project as approved by the City Council on September 24, 2002.

The only new conditions necessary for the Fairbanks Country Villas Extension of Time project are required to address the City's Storm Water Standards, adopted in 2002. The Storm Water Standards were adopted as part of a state mandate through the Regional Water Quality Control Board. The state mandate implements the requirements of the Federal Water Pollution Control Act and National Pollutant Discharge Elimination System to control storm water pollution. There are no modifications to other existing conditions or the design of the project.

CONCLUSION

The approval of the Extension of Time would allow the owner/developer an additional three years to develop the project. Staff has determined the required findings can be supported and the new conditions to comply with state and federal laws have been added to the resolution. Staff recommends the Planning Commission recommend approval to the City Council.

ALTERNATIVE

1. **Deny** Extension of Time for Fairbanks Country Villas Rezone No. 311245, Easement Abandonment No. 311246, Public Right-of-Way No. 311247, Vesting Tentative Map No.

269375, Planned Development Permit No. 273396, and Site Development Permit No. 273395 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeff Strohminger
Acting Deputy Director, Customer Support
Customer Support and Information Division
Development Services Department

Cherlyn Cac
Development Project Manager
Customer Support and Information Division
Development Services Department

GJH/CTC

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Vicinity Map
4. Approved Vesting Tentative Map No. 7439 and Project Plans
5. Draft Resolution with Findings
6. Draft Conditions
7. Draft Ordinance
8. Rezone – B sheet
9. Copy of Approved Vesting Tentative Map Resolution and Conditions
10. Copy of Recorded Permit
11. Ownership Disclosure Statement
12. Project Chronology