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RESOLUTION NUMBER R- 302096

DATE OF FINAL PASSAGE NOV 14 2006

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a vesting tentative map/planned development permit/site development permit/coastal development permit and a Multiple Habitat Planning Area [MHPA] Boundary Line Adjustment to subdivide a 299.2-acre site to create 524 lots for 474 single-family dwelling units; ninety-six multi-family dwelling units, a neighborhood park site, an elementary school site, dedication of public streets, grading, landscaping and improvements in the public right-of-way and other uses generally associated with a land development, such as: homeowner association lots, open space lots and water quality basins, known as the Pacific Highlands Ranch Units 23-28 project [Project]. The project site is located generally south of Carmel Valley Road and east of Rancho Santa Fe Farms Road, and legally described as Parcel 2 of Parcel Map No. 12027 and those portions of Section 10, 11 and 15, Township 14 South, Range 3 West, San Bernardino Base Meridian as described in deed to Pardee Construction Company, a California Corporation, Recorded January 7, 1997 as Document No. 1997-0007488, O.R., the City of San Diego, County of San Diego, State of California, in the Pacific Highlands Ranch Subarea III Plan area, in the RT-1-2, RX-1-1 and RS-1-14 zones; and

WHEREAS, on August 31, 2006, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 8880/Site Development Permit [SDP] No. 8881/Coastal Development Permit [CDP] No. 8879, and MHPA Boundary Line Adjustment No. 373324, and pursuant to Resolution No. 4148-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on NOV 14 2006, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879 and MHPA Boundary Line Adjustment No. 373324:

A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604

1. Findings for all Planned Development Permits

a. The proposed development will not adversely affect the applicable land use plan. The Pacific Highlands Ranch Subarea III Plan identifies these sites for single family residential development, multi-family development, an elementary school, a neighborhood park, open space, Caltrans right-of-way, and public right-of-way. The design of the subdivision, layout of the streets, creation of manufactured slopes, management of potential fuel sources which will reduce the risks of wild fires, improvements in the public right-of-way, installation of landscape, and construction of single-family and multi-family homes including affordable housing units and an elementary school is consistent with the land use plan and other design criteria in the existing subarea plan. The proposed project is consistent with the community plan and therefore will not adversely affect the land use plan. Furthermore, the MHPA Boundary Line Adjustment will be consistent with the purpose and intent of the Multiple Species Conservation Program and will result in the greater preservation of sensitive and valuable habitat.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the

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subdivision and development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

c. The proposed development will comply with the regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879. Development of the property will meet all requirements of the regulations, except as allowed by the specific deviations approved for the project through the Planned Development Permit. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

d. The proposed development, when considered as a whole, will be beneficial to the community. The proposed development with its deviations, when considered as a whole, will be beneficial to the community. The development will: dedicate open space into the regional open space system; dedicate right-of-way for and build public streets and construct a portion of Carmel Valley Road; construct a 36-inch regional water main; construct a portion of the Subarea Plan's multi-use trail system; and provide for a detention basin capable of handling all project-related storm runoff. The proposed development will also contribute to the region's housing supply by constructing 570 residential units and pay all applicable public facilities financing and schools fees. Of the 570 residential units, this includes the development and construction of ninety-six affordable housing units, in Unit 24, which satisfy the on-site as well as off-site affordable housing needs as specified in the Pacific Highlands Ranch Subarea Plan.

Further, development of the proposed project within Pacific Highlands Ranch will include providing a graded site to the Del Mar Union School District for the construction of a new elementary school will provide ninety-six affordable housing units, 474 market rate housing units and will complete needed public improvements in the area. Taken together these features and improvements will provide significant benefit to the community and City of San Diego.

e. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development complies with the Pacific Highlands Ranch Subarea III Plan and the Land Development Code, except as noted below. All other requirements, including land use, density and parking requirements, comply with the regulations of the Pacific Highlands Ranch Subarea III Plan and the Land Development Code.

The design of the project is consistent with the Pacific Highlands Ranch Subarea Plan's desired development pattern and is requesting five deviations from the regulations of the Land Development Code. The Subarea Plan goal of fostering pedestrian activity between dwelling units and the street in Units 23, 25, 26, and 28 include deviations from the standard front-yard setback. Specifically, these Units include an option for living-area and side-loaded garages to observe a 10 foot front-yard setback where 15 feet is the required setback. This deviation would promote pedestrian activity at the street while discouraging a standard street aesthetic of garage doors facing the street.

The Pacific Highlands Ranch Subarea III Plan seeks to blend various housing options within each neighborhood. Unit 27 would implement this goal by providing an alley-loaded product within a single-family neighborhood while also being surrounded by homes with garage access directly from and to the street. The required rear-yard setback in the RS-1-14 zone is 10 feet; however, to limit the hardscape area within the alleys, the project proposes a deviation for rear-yard setbacks to be 4 feet rather than the required 10 feet. Utilizing alley-loaded dwellings allows for a more efficient use of the front yard for pedestrian activities without interruption from vehicles crossing the sidewalk as vehicles enter and exit garages. Allowing this deviation supports the Subarea Plan goal of encouraging pedestrian activity.

The Subarea Plan envisions a variety and blending of housing types within the community. To meet this goal, the proposed project will include attached and detached dwelling units on differing lot sizes. Blending housing products within the neighborhood will interject architectural variety while also breaking from a traditional subdivision design which typically segregates single- and multi-unit developments from each other. Unit 27 would be located in the single-family RS-1-14 zone which typically consists of subdivision designs dominated by garage access directly to the street and requiring minimum lot areas of 5,000 square-foot. However, Unit 27 would represent an alternative single-family design as it would provide the necessary vehicular access via alleys at the rear of the lots and include a majority of lots less than 5,000 square feet in size. Allowing this deviation will specifically implement the Subarea Plan goal of blending lot sizes, home types and orientations and encourage pedestrian activity.

The proposed design reflects the Pacific Highlands Ranch Subarea III Plan goal of providing dwelling units consistent with the Land Use Plan's pattern and numerical objectives. Implementing the Land Use Plan of the Subarea results in instances where the minimum street frontage for a limited number of lots becomes pragmatically difficult. In particular, Units 25, 26, and 27 have lots that deviate from the underlying zone requirements. In Unit 25, Lots 3, 4, 5, 33, and 75 are situated such that the design results in a street frontage which is less than the 35 feet required by the RX-1-1 zone. Lots 3 and 4 are located at the end of a street and will have 27 feet of street frontage. Lot 5 is located on the same street and has 32 feet of frontage. Lots 33 and 75 are also located at the ends of streets and have 28 feet and 32 feet of frontage, respectively. Unit 26 includes a few lots, Lots 36 through 38 and 42 through 44, with less than the 50 feet required by the RS-1-14 zone. These lots are located on curved streets yet do not qualify for the street frontage exception or as dead end streets. The smaller lots within Unit 27 are provided to achieve the Subarea Plan's goal of mixing lot sizes and dwelling unit orientation. The majority of

lots within Unit 27 have approximately 40 feet of street frontage where 50 feet is required in the RS-1-14 zone.

In keeping with the Pacific Highlands Ranch Subarea III Plan goal of providing variety within the community's housing stock, Units 23 and 24 combine alley-loaded, street-loaded, and affordable housing units. Each of the three architectural styles complies with the zoning regulation relative to structure height. Specifically, the RT-1-2 zone permits foundation on-grade constructed homes to be 21 feet in height; however, building multi-story homes or affordable housing units with flat roofs represents a significant design change from the previously approved and built dwelling units in the community. The Subarea Plan goal is to achieve a cohesive community aesthetically which, in part, is based upon providing a seamless transition from neighborhood to neighborhood. Permitting the single-family homes and the affordable housing units to reach a height of 30 feet will allow these structures to achieve the same architectural aesthetic as other neighborhoods in the community.

The proposed development with its deviations, when considered as a whole, will be beneficial to the community. The development will: dedicate open space into the regional open space system; dedicate right-of-way for and build public streets and construct a portion of Carmel Valley Road; construct a 36- inch regional water main; construct a portion of the Subarea Plan's multi-use trail system; and provide for a detention basin capable of handling all project-related storm runoff. The proposed development will also contribute to the region's housing supply by constructing 570 residential units and pay all applicable public facilities financing and schools fees. The development will also build ninety-six affordable housing units in Unit 24 which satisfy the on-site as well as off-site affordable housing needs as specified in the Pacific Highlands Ranch Subarea III Plan. When considered in total the proposed project will be beneficial to the community and City. Other than the deviations listed above, the proposed project will comply with all other regulations of the Land Development Code and all Council policies relevant to the site.

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

1. Findings for all Site Development Permits

a. The proposed development will not adversely affect the applicable land use Plan. The Pacific Highlands Ranch Subarea III Plan identifies these sites for single family residential development, multi-family development, an elementary school, a neighborhood park, open space, Caltrans right-of-way, and public right-of-way. See Finding A.1.a above of the Planned Development Permit Findings above.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the subdivision and development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. See Finding A.1.b of the Planned Development Permit Findings above.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** Development of property shall meet all requirements of the regulations and development criteria. See Finding A.1.c of the Planned Development Permit findings above.

C. **COASTAL DEVELOPMENT PERMIT – SDMC SECTION 126.0708**

1. **Findings for all Coastal Development Permits:**

a. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The project site is approximately four to five miles from any local coastal resources. The development of this site will not impact nor encroach upon any existing physical accessway identified in the Local Coastal Program land use plan. There are no views from the site to or along the ocean or any other scenic coastal areas. Without the presence of any existing public views of and or to the ocean or other scenic coastal area, no impact to any such resource will result from the approval of the project; therefore the project is consistent with the Local Coastal Program with regard to scenic coastal resources or other public views to or along the ocean.

b. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The Pacific Highlands Ranch Subarea III Plan and EIR anticipated that certain environmentally sensitive lands will be affected within the development areas defined in the Subarea III Plan. Since the Pacific Highlands Ranch Subarea III Plan was adopted under the City Council Policy 600-40, impacts to environmentally sensitive lands within the Subarea Plan's development areas have been planned and accounted for in and through the adoption of the Master Environmental Impact Report. The proposed project is consistent with the adopted Pacific Highlands Ranch Subarea III Plan and the adopted Master Environmental Impact Report.

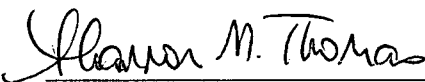
c. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The project complies with the Pacific Highlands Ranch Subarea III Plan and the relevant regulations of the Land Development Code. No deviations or variances from the certified Local Coastal Program land use plan and certified Implementation Program are required to approve the proposed project. The proposed project conforms to the certified Local Coastal Program land use plan and the regulations of the certified Implementation Program.

d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The public access and public recreation policies of Chapter 3 of the California Coastal Act do not apply at this site which is approximately four to five miles inland from the coastal resources.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879 and MHPA Boundary Line Adjustment No. 373324 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
10/10/06
Or.Dept:DSD
R-2007-398
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Passed by the Council of The City of San Diego on NOV 14 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 14 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Zamora*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>R 302096</u>