

DATE ISSUED: January 23, 2002

REPORT NO.
02-020

ATTENTION: Honorable Mayor and City Council
Docket of January 29, 2002

SUBJECT: **CANONLANDS** - Tentative Map/Street Vacation/Site Development
Permit/Planned Development Permit No. 40-0219 - Council District 2 -
Process 5

REFERENCE: Planning Reports No. P-01-105 (June 8, 2002 and P-01-125 (July 13,
2001) - Memo to the Planning Commission dated October 26, 2001

OWNER/

APPLICANT: Lynn and Scott Stiers, Trish and Ned Daughtery, Jan and Able Vigil, Uilis
Volputo and Wan Lim, and Matt Wells (Attachment 15)

SUMMARY

Issues - Should the City Council approve a request to subdivide a 2.42-acre site into six parcels to construct six custom single-family residences and to vacate a street reservation on Canon Street?

Manager's Recommendation - Approve the request to subdivide a 2.42-acre site into six parcels to construct six custom single-family residences and to vacate a street reservation.

Planning Commission Recommendation - On November 1, 2001, the Planning Commission voted 5-0-1 in support of the project as proposed.

Community Planning Group Recommendation - The Peninsula Community Planning Group on February 15, 2001 voted 12-0-0 in support of the project.

Environmental Impact - A Mitigated Negative Declaration (MND) No. 40-0219 was prepared which identified Paleontology and Land Use as potential environmental impacts. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared for the project which reduces the impacts to below a level of significance.

Fiscal Impact - All costs associated with this project are paid by the applicant.

Code Enforcement Impact - None.

Housing Affordability Impact - Canonlands is a six unit custom home project on a previously vacant site. This project will have no impact on housing affordability. It will have a minor positive impact on housing supply.

Traffic Impact - This project is expected to generate approximately 60 Average Daily Trips (Attachment 14). As a feature, the project proposes to replace the existing acceleration lane

in the middle of Canon Street between Del Mar Avenue and the project driveway to a two-way left turn lane which can be used by vehicles turning left into the project site as well as traffic turning left from Del Mar Avenue to Canon Street.

BACKGROUND

Hearing Chronology

This item was first at the Planning Commission on June 14, 2001. At the public hearing residents of the Fleetridge One Architectural Review Committee requested that the matter be continued to give them time to review the proposal. The item was continued to July 19, 2001. On June 20, 2001 and July 5, 2001, representatives of the project met with representatives from the Fleetridge One Architectural Review Committee to discuss the project.

At the July 19, 2001, Planning Commission hearing the applicants requested that the item be continued until a date when the full Commission would be in attendance. Of the six Commissioners in attendance, two of the Commissioners had recused themselves. The request was approved and the item was continued until August 9, 2001.

On August 7, 2001, City staff met with representatives from the Fleetridge One Architectural Review Committee to discuss the City's enforcement of Fleetridge One's CC&R's, subdivision of the site and implementation of the Environmental Sensitive Lands Ordinance.

On August 9, 2001, the Planning Commission continued the item to October 4, 2001. At that time the Commission directed staff to further analysis traffic impacts and site visibility along Canon Street. At the October 4, 2001, hearing the Planning Commission was advised that the City has recently taken jurisdiction of State Route 209 (Canon Street) from Caltrans. Because Caltrans regulated the ingress/egress on Canon Street the Commission directed staff to review the project again to ensure that it met City standards for access. The hearing was continued to November 1, 2001.

At the November 1, 2001 hearing the issues of traffic impacts and site visibility for access on Canon Street were discussed. Based upon the Traffic and Site Visibility Study prepared for the project the Commission concluded that there was adequate site visibility at the project driveway and the 60 Average Daily Trips (ADT's) generated by the project did not require any traffic improvements on Canon Street. The Planning Commission voted 5-0-1 in support of the project as proposed.

PROJECT DESCRIPTION

Site Characteristics

The project site is a vacant, undeveloped 2.42-acre parcel located on the northeast side of Canon Street (State Route 209) between Willow Street and Del Mar Avenue in the Peninsula Community Planning Area (Attachment 2). The property is zoned RS-1-4 with a build out capacity of 10.5 units for the site. The Peninsula Community Plan's land use designation for the

site is single family residential with a maximum density of 4 dwelling units per acre. The proposed 6 single-family residences equals a residential density of 2.48 dwelling units per acre which is consistent with the community plan. Surrounding land uses are predominantly single-family residential development (Attachment 3).

The project site is largely comprised of steep south-facing hillsides. Elevations at the site range from approximately 118 feet above mean sea level in the southernmost portion of the property to 182 feet above mean sea level in the northernmost corner of the site. Vegetation on the site consists of non-native grasslands, ornamental plants, and some Western Sycamore trees which front the property along Canon Street. A portion of the site has been disturbed by off road activities, as evidenced by a dirt trail which leads to the top of the hillside and loops around the rim of the site (Attachment 4). The property is not within nor is it adjacent to the Multi-Habitat Planning Area (MHPA). The site does not support any threatened, endangered, or listed species of flora or fauna.

Project Proposal

The proposed project requires a Site Development Permit (SDP)/Planned Development Permit (PDP), a Tentative Map (TM), and a street reservation vacation to subdivide the vacant 2.42-acre site into 6 parcels to construct 6 single-family homes (Attachment 5). The proposed residences would each be custom built and range in size from 3,111 to 4,505 square feet. Lot sizes range from 11,163 to 26,478 square feet where a minimum of 10,000 square feet is required. Each house would be two-three stories, with a maximum height of 30 feet (Attachment 6). Exterior treatments would vary with individual homes, but would generally be designed with earth toned plaster finishing, matching finials, and metal roofs. Developed portions of the site would be fully landscaped with native and drought tolerant species and would adhere to the City of San Diego's Landscape Technical Manual.

A question was raised by the opposition regarding the lot size of the proposed homes in relation to the surrounding neighborhood and conformance with the Land Development Code (LDC) for "Floor Area Ratio" (FAR).

The previously developed "Fletridge" lots in the immediate area range from approximately 8,000 square feet to approximately 9,000 plus square feet. The proposed lot sizes range from 11,163 to 26,478 square feet where a minimum of 10,000 square feet is required.

The proposed floor area ratios range from 0.12 for the largest lot to 0.29 for the smaller lot where a maximum of 0.45 for the largest lot and 0.54 for the smallest lot are permitted. Therefore, the proposed FAR's are in conformance with the LDC. The requested floor area ratios range from just over 25% of what is permitted for the largest lot to just over 50% for what is permitted for the smallest lot. The philosophy behind the permitted floor area ratios in the RS zones for urbanized communities is to reduce permitted floor area ratios as lots got bigger to ensue compatibility. The applicant's requested floor area ratios is in keeping with this philosophy.

Table 131-04.J of Section 131.0446 (Maximum Floor Area Ratio in Residential Zones) Subsections (2) (A) and (2) (B) of the LDC which takes into consideration the amount of slopes

in excess of 25% the following comparisons were achieved.

Lot #	Permitted GFA (sq. ft.)	Actual GFA (sq. ft.)	Permitted FAR	Actual FAR
1	5,879	3,111	0.54	0.28
2	6,229	3,775	0.53	0.32
3	5,973	3,206	0.53	0.28
4	7,429	4,505	0.54	0.30
5	8,037	3,265	0.47	0.19
6	6,017	3,237	0.53	0.29

Environmentally Sensitive Land (ESL) Regulations

Due to the steep slope on the property, the project is subject to the Environmentally Sensitive Lands (ESL) regulations of the LDC. The ESL regulations permits a development allowance of 25% into steep hillsides by right. An additional 15% is permitted for streets, roads, and/or driveways which are necessary to access developable portions of the site, if the existing development area does not have direct access to a public right-of-way (Section 143.0142). Due to the necessity of the access road for the 6 lots adjacent to Canon Street the project qualifies for an additional 15% development area for a total development area of 40%.

The project is proposing a development area of 45.6%. The ESL regulations permit development to exceed the allowed development area through “alternative compliance”. Table 143-01A (Applicability of Environmentally Sensitive Lands Regulations) permits alternative compliance for development that involve more than one single dwelling unit on a single existing lot, with steep hillsides. Because the project is a Tentative Map, alternative compliance can be requested subject to specific findings (Attachment 10).

The intent of alternative compliance is to permit flexibility for development of steep hillsides consistent with community plans. Alternative compliance is supported because the Peninsula Community Plan's land use designation for the site is single family residential with a permitted density of 4 dwelling units per acre. This density would permit up to 10.5 dwelling units on the site and still be consistent with the Community Plan. The plan also identifies the area in which the project is located as a "transitional area, an area experiencing some type of transition or having a high potential for future transition." The Community Plan further identifies the area as vacant with development likely.

The sloping topography of the site constrains the developable area to the lower, and generally flatter portions of the property. To provide a more natural appearance with the surrounding topography, the homes are proposed to be terraced into the hillside in a staggered configuration. This element of the project design is achieved by stepping the building foundations into the hillside to mimic the site’s natural terrain. Portions of the buildings’ foundations will be partially subterranean in an effort to minimize structural bulk and scale, and to achieve an acceptable level of visual compatibility with surrounding land uses. The rear portions of the property would remain undeveloped through a conservation easement (1.13-acre) to preserve the undeveloped, existing steep slopes.

The applicant has redesigned the project four times to minimize impacts on the existing slopes. The initial scheme sited the structures on the middle and upper portions of the steep hillside which resulted in an encroachment of 59%. The structures were staggered at various heights on the hillside in order to maintain privacy between the homes and to take maximum advantage of views down the canyon. This scheme also included guest quarters for two of the homes as well as a multitude of site amenities, ultimately covering the entire site with developed area. This design resulted in excess of development area and required a large amount of grading. Furthermore, the Architectural Committee of the Peninsula Community Planning Board rejected the siting of one of the houses on the top of the slope, preferring to have the houses set into the hillside.

The second scheme was to investigate siting four of the structures at the top of the slope where there currently exists a shallow but gently sloping pad. The difficulty with this solution was that getting vehicle access up the slope would have required substantial grading effort and the pad at the top would have been occupied with the access road leaving the structures to spill out over the edge of the hillside. This scheme did not solve the issue of excess development area and was contrary to the direction of the Architectural Committee.

The third alternative considered was to line the homes along the extreme bottom of the slope creating a wall of houses. This scheme would block motorists' view of the hillside as they drive up Canon. Such a design would mar the openness of the corridor and not be in keeping with the community's design tradition.

Those portions of the site which are under 25 % slope are the lower portions of the site abutting Canon Street and the upper portions of the site abutting existing homes which access Addison and Fenelon Streets. In seeking to minimize or preclude impacts on the existing homes abutting the upper portions of the site, staff has worked with the applicant to pull development down the slope as far as possible and as close to the access lane as possible. The flatter portion of the lots directly adjacent to Canon Street were considered for the siting of the dwellings, but the applicant demonstrated that the access issues precluded that design alternative. Safety issues regarding access onto Canon Street precluded individual driveway access for each lot. Furthermore, placing the access driveway for each structure on the uphill side of the structures and moving each dwelling closer to Canon Street would require more grading and more visual impact because of the need for walls or manufactured slopes along the edge of the proposed driveway.

The fourth design, the proposed project, is based on balancing the requirements necessary for providing site access from Canon Street, fire and emergency vehicle access, required usable open space, and visual access to the natural hillside above. The two guest quarters and virtually all of the site amenities from the original scheme have been eliminated. As a result of the re-siting, all of the houses have been redesigned. The proposed structures comply with the steep hillside regulations and guidelines by designing the structures to step up the hillside with site retaining walls and stepped foundations. Staff believes, given the access and other site constraints, that the proposed design meets the environmentally sensitive lands regulations.

Alternative Compliance

Section 143.0142 (a) (3) of the LDC allows up to a 40% development area. Section 143.0151 of the LDC allows for alternative compliance for development that does not comply with the regulations of Section 143.0142 (a) if the findings embodied in Section 126.0504 (e) can be made (Attachment 16). Staff believes that the alternative compliance findings can be made to allow the additional 5.6% encroachment. The additional 5.6% is a result of the transition area between the access road and buildings. The applicant is not proposing to exceed the additional 15% encroachment allowance for the access road. Staff believes that the proposed design minimizes disturbance to environmentally sensitive lands while still affording the property owners reasonable use of their property.

Traffic and Sight Visibility

The opposition questioned whether or not there is adequate sight visibility at the project's proposed driveway. To address this a Sight Visibility Study was prepared. The study determined that adequate visibility is available at the project's driveway for both directions of traffic on Canon Street based on the criteria in Caltrans Highway Design Manual.

The posted and critical speed on Canon Street based on Caltrans records is 40 miles per hour (MPH). Based on the requirements for horizontal sight distance described in Chapter 400 of Caltrans Manual, the intersection sight distance for a facility with posted speed limit of 40 MPH is 440 feet (Attachment 7). The study also identified that a minimum of 450 feet of visibility is available north of the project driveway and a minimum of 1,400 feet of visibility is available south of project driveway.

The opposition also questioned if there is a need for a deceleration lane or right turn lane on Canon Street and the need for a left turn lane for vehicles turning left onto the project driveway. The study identified and staff's field observation confirmed that a 10-foot wide paved shoulder is available along the project frontage for the northbound traffic on Canon Street which can be used by vehicles turning right onto project driveway. This 10-foot wide paved shoulder would function as a deceleration lane or right turn lane on Canon Street.

In regard to the need for a left turn lane for vehicles turning left onto the project driveway it is estimated that the project will generate approximately 60 Average Daily Trips with 4 to 5 vehicles entering the site during peak hour. This number of vehicles has been determined not to be significant even assuming all of them turn left onto the site. The project is, however, proposing to replace the existing acceleration lane in the middle of Canon Street between Del Mar Avenue and the project driveway to a two-way left turn lane which can be used by the vehicles turning left onto the project site as well as the traffic turning left from Del Mar Avenue to Canon Street (Attachment 8).

Based upon public testimony City staff also researched both Caltrans's and City of San Diego's accident records and found that there have been no reported accidents along Canon Street in the vicinity of the project driveway and the intersection at Del Mar Avenue.

Street Reservation Vacation

Since the City of San Diego has taken over jurisdiction of Canon Street from Caltrans a vacation of a street reservation is required on portions of Lots 5 and 6 (Attachments 9 and 10). The street reservation was for future widening of Canon Street. The vacation is subject to Council Policy 600-15, "Street Vacations and Easement Abandonments". The vacation is recommended by staff because it meets the requirements of the policy, in that, there is no present or prospective use for the reservation either for the facility for which it was originally acquired or for any other public use.

Environmental Issues

The opposition asked if City staff applied alternative compliance to mitigate land use impacts in the Mitigated Negative Declaration (MND). MND 40-0219 does not mitigate impacts to land use through the application of alternative compliance. The MND, in fact, does not identify any land use impacts. In it’s analysis, the MND considered potential land use impacts associated with conflicts of any applicable land use policy, plan, or regulation. In this case, non-conformance with the Environmentally Sensitive Lands regulations are evaluated for land use impacts under the California Environmental Quality Act. However, the MND concludes that because the Land Development Code has a provision for alternative compliance to exceed encroachment into steep hillsides, and because staff has determined that the intent of alternative compliance has been met; the project does not conflict with an applicable land use policy, plan, or regulation. Therefore, no significant land use impacts would occur and no mitigation is required.

The results of the Biological Survey regarding sensitive plant habitats of non-native grasslands was questioned. The survey reported .98 acres of this sensitive plant. At one acre it would have required mitigation. The opposition questioned was it really .98 acres or 1.01 acres? The original Biological Technical Report for the Canonlands Property (February 12, 2001) concluded that mitigation was required for impacts associated with .98 acres of non-native grasslands. Upon submission of the report, staff notified the Biology Consultant that the City did not require mitigation for impacts of less than one acre of non-native grasslands that did not exhibit connectivity to larger tracts of habitat. This is a policy which was developed through consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service and implemented in November, 2000. Consequently, the Biological Technical Report was revised to not require mitigation.

The opposition also asked why the MND did not identify traffic safety as a significant issue. In response to concerns raised by both members of the public and the Planning Commission, a Sight Visibility Study was prepared to evaluate traffic safety impacts resulting from the project. The MND has been revised and includes an analysis of traffic safety that concluded that adequate sight distance is provided.

CONCLUSION

Staff recommends approval of the project because it is in conformance with the single-family

residential land use designation of the Progress Guide and General Plan and the Peninsula Community Plan, as well as, the development regulations of the RS-1-4 Zone (Attachment 11). The project is also in compliance with the Environmentally Sensitive Lands regulations of the Land Development Code through a request for alternative compliance. Staff supports the proposed development because the project has reduced hillside encroachment to the greatest extent feasible while still meeting the architectural objective of the project to blend into the existing hillside without creating an adverse visual impact. Therefore, City staff recommends approval of the project as proposed subject to the terms and conditions contained in the Permit (Attachment 12) and the Tentative Map Resolution (Attachment 10).

ALTERNATIVES

1. Approve the project with modified conditions of approval.
2. Deny the project as proposed.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: P. Lamont Ewell
Assistant City Manager

CHRISTIANSEN:PXG

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

1. Peninsula Community Plan Land Use Map
2. Location Map
3. Neighborhood Character Photos
4. Site Photographic Survey
5. Site Plan/TM
6. Elevations
7. Line of Site Plan
8. Conceptual Striping Plan
9. Street Reservation Vacation
10. Revised Tentative Map Resolution
11. Project Data Sheet
12. Draft Permit
13. Council Resolution
14. Traffic Impact Analysis

- 15. Ownership Disclosure
- 16. LDC Sections