

DATE ISSUED: February 19, 2003 REPORT NO. 03-023

ATTENTION: Honorable Mayor and City Council
Docket of February 25, 2003

SUBJECT: **PACIFIC HIGHLANDS RANCH, UNITS 12 -1 6. PROCESS 4**

REFERENCE: Report to the Planning Commission, Report No. PC-02-222, dated
December 5, 2002

OWNER/
APPLICANT: Pardee Homes

SUMMARY

Issue(s) - Should the City Council deny the appeal and approve the Pacific Highlands Ranch Units 12-16 project?

Staff Recommendation -

1. Deny the appeal;
2. Certify the information contained in LDR No. 41-0962 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Units 12-16 Project Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) reflect the independent judgement of the City of San Diego as Lead Agency; stating for the record that said Findings to the Pacific Highlands Ranch Subarea Plan Master EIR have been reviewed and considered prior to approving the project; and, adopting the project-specific Mitigation, Monitoring and Reporting Program (MMRP); and
3. Approve the Pacific Highlands Ranch Units 12-16 project, including Vesting Tentative Map No. 1693; Planned Development Permit No. 9181; Site Development Permit No. 9182.

Community Planning Group Recommendation - There is no City Council recognized Community Planning Group for Subarea III - Pacific Highlands Ranch. For information purposes, plans for the proposed project were forwarded to the Carmel Valley community Planning Group as the adjacent community. The Carmel Valley Community Planning Board voted, on October 9, 2002, 12-0-1 and 7-4-2 on two motions. See Discussion section of this report for more information.

Environmental Impact - The City of San Diego as Lead Agency under CEQA has prepared and completed Findings to Master Environmental Impact Report (MEIR) No. 96-7918, File

No. 41-0962, dated November 27, 2001. Based on an initial study, the City of San Diego has determined that the Pacific Highlands Ranch Units 12-16 project would not cause any significant effect on the environment not examined in the previously certified MEIR.

Fiscal Impact - 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 - Pursuant to the Housing Chapter of the Pacific Highlands Ranch Subarea Plan, the proposed project will provide affordable housing units. The Housing Chapter of the Pacific Highlands Ranch Subarea Plan requires that 20-percent (20%) of the units be provided for occupancy by, and at rates affordable to, families earning no more than 65-percent (65%) of the median area income. The proposed project is consistent with the Pacific Highlands Ranch Subarea Plan Housing Chapter and more specifically, the Master Affordable Housing Program entered into by the City, the Housing Commission, and Pardee Homes. The project will include 507-market rate dwelling units (forty-seven single-family units and 460 multi-family units) and 234- affordable housing dwelling units.

Water Quality Impact - The project is required to comply with the State Water Resources Control Board Order No. 99-08-DWQ (NPDES General Permit No. CAS0000002). Conditions included in the permit and tentative map resolution further require the developer to implement construction and post-construction Best Management Practices.

Traffic Impact - The proposed Pacific Highlands Ranch Unit 12-16 project is estimated to generate approximately 15,383 average daily trips. The project is conditioned to conform to the Subarea III/Pacific Highlands Ranch approved Transportation Phasing Plan and transportation mitigation measures to the satisfaction of the City Engineer.

BACKGROUND

In October of 1992, the City Council adopted the North City Future Urbanizing Area Framework Plan. This framework plan established 5 subareas comprising 12,000 acres stretching easterly from Interstate 5 and Carmel Valley, to the Rancho Penasquitos and Rancho Bernardo communities. On July 20, 1999, the City Council adopted the Pacific Highlands Ranch Subarea III Plan.

Subarea III is located in the northwest portion of the NCFUA, and is bounded on the north by Black Mountain Ranch Subarea I to the north, Del Mar Mesa Subarea V to the south, Torrey Highlands Subarea IV lies to the east, and a portion of the developed Carmel Valley community lies to the west. The Pacific Highlands Ranch Subarea encompasses approximately 2,652 acres in the central portion of the North City Future Urbanizing Area. The Pacific Highlands Ranch Subarea land use plan includes approximately 1,300 acres (48 percent) of MHPA open space, up to 5,470 new residential units, three elementary schools, one junior high school, one senior high school, a community park, two neighborhood parks, a branch library, fire station, employment center, transit center, a private high school/church facility, and a mixed-use core (Attachment 1). Extensive multiple use, equestrian, hiking, biking and walking trails are proposed throughout the subarea to connect the neighborhoods to schools, the town center, and other regional trail systems.

The Pacific Highlands Ranch Units 12-16 project site includes 248.85-acres and is located primarily in the south-central portion of the oddly shaped Subarea III (Attachment 2). The project site is designated by the Pacific Highlands Ranch Subarea Plan for a variety of land uses including an High School, Low Density Residential, and Peripheral Residential. Elevations on-site range from approximately 306 feet above average mean sea level (AMSL) on the mesas throughout the site, to approximately 138 feet above AMSL in the southern project area, just north of Carmel Valley and McGonigle Canyon. Except for existing access roads, construction easements and off-site developed or developing areas to the west and north, the site and surrounding areas are currently being used for rural agricultural purposes. A small remnant area of native chaparral and coastal sage scrub vegetation within the MHPA open space exist in the area west of Unit 12 and Carmel Valley Road. Trails and disturbed areas are scattered throughout the site.

The proposed project implements portions of the Pacific Highlands Ranch Subarea Plan. Units 12-16 represent one phase of an on-going, long-term development effort to establish a master planned mixed-use community that emphasizes resource protection, pedestrian linkages, community facilities, and residential neighborhoods that provide a mix of housing types.

Previously approved phases include Pacific Highlands Ranch Unit 1 (97 single-family homes) approved on January 20, 2000, Pacific Highlands Ranch Units 2-4 (287 single-family homes, 92 affordable housing units, and an Elementary School site) approved on July 19, 2001 and Pacific Highlands Ranch Units 5-11 (999 single-family dwelling units, 108 affordable housing units, a 15-acre elementary school/neighborhood park site, a 2.6-acre private community recreation center) approved on September 24, 2002. Other projects previously approved by the Planning Commission include the Kasai Mondeck Property comprised of 74 dwelling units, the

Barczewski Property comprised of 132 dwelling units, and the Cathedral High School Project. Pacific Highlands Ranch Units 17-22 have been submitted and are currently being reviewed by City staff.

At the hearing of December 12, 2002, the Planning Commission certified the Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) and approved the Pacific Highlands Ranch Units 12-16 project, including Vesting Tentative Map No. 1693; Planned Development Permit No. 9181; Site Development Permit No. 9182. At that hearing several persons spoke in favor and in opposition to the project.

DISCUSSION

The appellant has several concerns. The appellant's attorney submitted the appeal citing four reasons for the appeal (Attachment 3). The appeal is based on: 1) Factual Error; 2) New Information; 3) City-wide Significance; and 4) Findings Not Supported. The attorney has presented information on the One, Two and Four reasons of the appeal. No information was presented addressing in the appeal citing reasons of City-wide Significance. The appellant's concerns as stated are noted in the underlined text below. Staff's comments on each issue follow in regular text.

I. Factual Error:

The School site lay-out accurate or complete.

Staff disagrees. The proposed project does not include or require the approval of the San Dieguito Union High School District's new Pacific Highlands Ranch High School site plan. All site plans of the Pacific Highlands Ranch High School presented during the Planning Commission hearing were for information purposes only. The San Dieguito Union High School District is not required to obtain approval by the City of San Diego for their design of the high school.

The appellant's attorney has not indicated why the school site layout is a factual error and basis for appeal if in their written materials the school site lay-out is cited as accurate or complete. No additional information has been presented.

II. New Information

Appellant did not speak in opposition to application because just before Planning Commission hearing, Applicant and its agents agreed with Appellant to hold a meeting within four business days with Appellant and Applicant's technical experts and others and consider and resolve Appellant's issues. Applicant never held the meeting and delayed further discussion.

Heavy rains after Planning Commission hearing confirm Appellant's concern with drainage issues and other water and soil issues.

The appellant filed a speaker slip in opposition to the project prior to the item being heard by the Planning Commission. When called by the Planning Commission Chairman, the appellant declined to speak. City staff cannot concur that an agreement made to meet and discuss private issues forms a valid basis for appeal. New information affecting the decision of the Planning Commission would be something of direct impact to the decisions made by the Planning Commission. For example, a City regulation which requires approval of an action not included in the Planning Commission decision, information required to be considered in the environmental document yet not analyzed, or a misrepresentation of facts which were relied upon by the decision-maker in their action. No such information has been presented as the basis for this appeal.

The appellant was sent a Notice of Application, in accordance with the regulations of the Land Development Code for public noticing, when the City's Development Services Department received the applicant's application for discretionary action. In this way the appellant was made aware that an application had been received by the City. The Development Project Manager (DPM) was identified on the notice of application as the contact for additional information should the appellant have concerns about the project. The appellant did not contact the DPM. The project application was presented to the Carmel Valley Community Planning Board (Board) several times for information and on October 9, 2002, the Board voted 12-0-1 and 7-4-2 on two motions to recommend approval of the application. The application process required a total of thirteen months, thirteen days as the City staff and the applicant resolved issues identified by staff. During this time period the appellant had not contacted City staff to make known his issues with the project or submitted any letters to that effect.

The appellant's attorney has not provided any additional detailed information to further explain why rains after the Planning Commission hearing present a basis to appeal the project. The project site is not up-stream of any of the appellant's properties. The applicant's grading and drainage design will direct all runoff into drainage facilities conveying the water safely in proposed storm drains from the northern side of State Route 56 under the freeway and into detention basins south of the freeway to be treated and released into Carmel Valley Creek. The Master Runoff Plan for Pacific Highlands Ranch has been reviewed and approved by the City Engineer with the approval of previous projects in Pacific Highlands Ranch.

III. Findings Not Supported

No graphics or other method to show how these units will be integrated into the overall plan as required by Master Plan.

Staff disagrees. City staff assigned to review the proposed project is composed of a team of disciplines. These staff members are responsible for reviewing the proposal against all applicable regulations and policies adopted by the City Council. This review includes reviewing the Pacific Highlands Ranch Subarea Plan (Plan) to assure the proposed project is consistent with the policies and direction contained in the Plan. Processing of the application included four review cycles to resolve all issues identified by staff's review. The determination of staff is the proposed project is consistent with the goals, policies and direction contained in the Plan and the proposed project will integrate with the other units being developed in the Plan area. Staff have written draft findings supporting the approval of the project.

Graphic plans were presented to the Planning Commission in Report No. PC-02-222 indicating the Plan Land Use Map (Attachment 1) and the project plans (Attachments 5-19, 23-29) are consistent with the land uses identified by the Plan. Staff has determined the proposed project will not adversely affect the applicable land use plan. Draft findings were presented to the Planning Commission as Attachments 21 and 22 supporting the approval of the project.

Planning Commission Decision

During the December 12, 2002 hearing the Planning Commission discussed the layout of the proposed Pacific Highlands Ranch High School and concerns of the integration of the proposed project to other units in the Plan area. The Commissioners considered all testimony and voted 6:0:0 to approve the project.

Public and Community Input

During the review of the submitted project, no letters were received concerning the project from interested citizens. Letters were received from the San Dieguito Union High School District and the Carmel Valley Community Planning Board.

CONCLUSION

City staff recommends the City Council deny the appeal and uphold the Planning Commission decision of certification and approval with all conditions for this project. The proposed Pacific Highlands Ranch Units 12-16 project conforms to the land use density, land use designation and design guidelines specified of the Pacific Highlands Ranch Subarea III Plan. The project provides the required pedestrian scale improvements and connections to other existing

developments, and is compatible with surrounding planned developments. Draft conditions of approval have been prepared for the project (Attachment 20 and 21). Findings required to approve the project are included in two draft resolutions (Attachment 21 and 22).

ALTERNATIVE(S)

- 1. Deny the appeal and approve the project with modifications to the planned development/site development draft permit, and/or tentative map conditions.
- 2. Approve the appeal and deny the proposed project if it is determined the required findings of fact cannot be affirmed.

Respectfully submitted,

Tina P. Christiansen, A.I.A.... Approved: P. Lamont Ewell
 Development Services Director Assistant City Manager

CHRISTIANSEN/JSF

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

ATTACHMENTS:

- 1.Pacific Highlands Ranch Subarea III Plan Land Use Map
- 2.Community Planning Group Recommendation
- 3.Development Permit Appeal Application
- 4.Project Vicinity Map
- 5.Overall Site Plan
- 6.Unit 12; Site Plan and Map
- 7.Unit 12; Architectural Elevations and Floor Plans
- 8.Unit 13; Site Plan and Map
- 9.Unit 13; Architectural Elevations
- 10.Unit 13; Floor and Roof Plans
- 11.Unit 14; Site Plan and Map
- 12.Unit 15; Site Plan and Map
- 13.Unit 16; Site Plan and Map
- 14.Unit 16; Architectural Elevations
- 15.Unit 16; Floor Plans
- 16.Unit 13; Recreation Building Architectural Elevation, Floor and Roof Plan
- 17.Unit 16; Recreation Building Architectural Elevation and Floor Plan
- 18.Street "A" alignment study
- 19.Landscape Development Plan
- 20.Draft Permit

- 21.Draft Tentative Map Resolution
- 22.Draft Permit Resolution
- 23.Site Sections
- 24.Existing Conditions and Topography
- 25.Earthwork exhibit
- 26.Slope Analysis
- 27.Unit 13; Pedestrian Circulation plan
- 28.Units 13 & 16; Pedestrian Plan
- 29.Unit 13; Open space exhibit
- 30.Ownership Disclosure Statement
- 31.Project Chronology
- 32.Project Data Sheet