

# AGENDA REPORT

## Meeting of the San Marcos Planning Commission

**MEETING DATE:** August 4, 2014  
**SUBJECT:** Jeff & Laura Tuller. Single-Family Residence  
**CASE:** P12-0014/ROZ 14-002

### **Recommendation**

Conditionally approve a Ridgeline Overlay Zone (ROZ) modification to allow a building footprint expansion to exceed 1,000 square feet for an existing single-family residence.

### **Introduction**

The subject site is located on a 9.07-acre lot which is accessed by a private road (Valborg Drive) off of Attebury Drive. The site has been previously developed with a 3,518 square-foot single-family residence, attached 500 square-foot carport, swimming pool, and accessory structures which have been demolished except for the basement and retaining walls. On-site elevations range from 1,347 feet above mean sea level, at the building pad for the residence, to 1,068 feet at the southeast corner of the property. The property slopes down from the west to the southeast with a slope gradient of 20 to 50 percent. West of the building pad, the terrain slopes down off site to the west. Properties within the area are large lots with estate homes or undeveloped.

The project proposes to replace the former single-family residence with a 6,692 square-foot single-family residence, attached 1,628 square-foot garage area, outdoor tennis court, swimming pool, bocce ball court, putting greens, septic system, propane and water tanks, and benched retaining walls up to fifteen (15) feet total in height. A Director's Permit is currently being processed to allow for outdoor lighting for the tennis court. The project also proposes a boundary adjustment along the western property line.

### **Discussion**

The site is zoned Agricultural (A-1) and Ridgeline Protection & Management Overlay Zone (ROZ), and is designated Agricultural/Residential (0.125-1 dwelling units per acre) per the General Plan. The properties to the north, west, and east have the same zoning and General Plan land use designation, and the property to the south is located within the County of San Diego jurisdiction and is designated as



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Rural Lands (RL-20). Adjacent properties are vacant, except for the property to the north which is developed with a single-family residence.

The purpose of the Ridgeline Protection & Management Overlay Zone (ROZ) Ordinance (SMMC Chapter 20.260) is to preserve ridgelines in their natural state and minimize visual impacts through protection of natural view sheds and unique natural resources; minimize physical impacts to ridgelines; and establish innovative site and architectural design standards. When the strict literal interpretation and/or enforcement of the provisions of the ordinance creates practical difficulties or results that are inconsistent with the goals and purposes of the ROZ, a modification of the applicable development regulations may be granted. Request for modification of the ROZ development regulations requires approval of the Planning Commission.

Even though the property is located within the Ridgeline Overlay Zone (ROZ), there are no Primary or Secondary Ridgelines located on site as identified by the Ridgeline Ordinance. The closest ridgeline is a Primary Ridgeline which slopes down westerly from Frank's Peak, through the adjacent property to the north, terminating at the northern property line of the subject site. The site is not located within the view shed of any of the City-wide "viewing platforms" as identified in the Ridgeline Ordinance, but it is visible to the southeast from the summit of San Elijo Road. The visual characteristic of the site will be altered by replacing the 1-story, 17-foot high, single-family residence with a larger 2-story, 25-foot high, single-family residence and benched retaining walls up to fifteen (15) feet total in height. However, the site has been previously developed with a residence and the property to the north is already developed with a 2-story residence. The development standards of the Ridgeline Ordinance allow for a building height up to twenty-eight (28) feet. The existing building pad will remain at the same pad elevation of 1,347 feet for the proposed new residence, and terraced pads will be graded to the east of the residence for the bocce ball court (1,340 ft.), garden (1,340 ft.), tennis court (1,333 ft.), and putting green (1,324 ft.). Also within view from San Elijo Road, there are several existing 2-story residences developed along Deadwood Drive to the south of the subject site.

The former residence and attached carport were constructed prior to adoption of the Ridgeline Ordinance, and had a building footprint area of 3,254 square feet. Per Section of 20.260.030(B)(3) of the Ridgeline Ordinance, an existing residence, located outside of a vertical ridgeline setback, is exempt from said ordinance provided a proposed expansion does not exceed 1,000 square feet of building footprint area and a total footprint area of 4,500 square feet. The proposed reconstruction of the residence will expand the existing building footprint area by 3,128 square feet to a total of 6,382 square feet of footprint area. Because the proposal exceeds the threshold, approval of a Modification of the Ridgeline Overlay Zone (ROZ) development regulations is required for this development.



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The proposed residence is consistent with the development standards of the Ridgeline Ordinance through incorporation of varied roof lines, staggered building planes, and an off-set second-story into the architectural design, and use of earth tone-colored roof material and exterior siding, including stone veneer, to blend in with the natural terrain. The proposal is architecturally compatible with the 2-story residence on the adjacent property to the north and other residences further to the south along Deadwood Drive. In addition, retaining walls will be constructed with a natural appearing block material and manufactured slopes will be landscaped to blend in with the surrounding natural vegetation.

In addition, an outdoor tennis court is proposed to be located on the east side of the residence. Per Section 20.260.050(M) of the Ridgeline Ordinance, approval of a Director's Permit, which is currently being processed separately, is required to allow for the tennis court to be lighted. Because the tennis court will be located at an elevation approximately thirteen (13) feet down slope from the residence, it will be blocked from view by the residence with no direct visibility of the tennis court nor its lighting from San Elijo Road to the northeast. The tennis court lighting will be required, under the Director's Permit, to use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare onto surrounding properties. The low intensity ambient and landscape lighting proposed for the other outdoor activity areas, such as the bocce court, putting greens, swimming pool and patio areas will also be required to use cut-off and shielded fixtures.

Given the proximity to natural habitat in the area, a biology survey has been prepared for the subject site to assess potential biological impacts associated with the proposed residence (e.g.: grading, septic system, fuel management zone, etc.). All development will occur on site, except for an off-site portion of the 150-foot fuel management zone to the west. The 9.07-acre subject site supports three native and non-native habitat types as follows: 1) Southern Mixed Chaparral (5.62 acres), 2) Urban/Developed Land (2.63 acres), and 3) Disturbed Land (ornamental/non-native plants) (0.82 acres). On the adjacent 9.30-acre property to the west, there are 1.10 acres of Disturbed Southern Mixed Chaparral within the existing fuel management zone which was used for the former residence.

The proposed single-family residence, including the tennis court and other outdoor amenities, septic system, propane and water tanks, and retaining walls, will be constructed within the already developed/disturbed land of the site. Impacts to developed/disturbed lands are not considered a significant impact per the California Environmental Quality Act (CEQA). The project does not propose to impact the 5.62 acres of Southern Mixed Chaparral on site. Numerous individuals of Wart-stemmed ceanothus (*C. verrucosus*) and Summer holly (*Comarostaphylis diversifolia*) were observed within this habitat on site. These specific plant species are considered sensitive. Prior to grading of the site, a qualified biologist will be required to delineate on site the boundary between the developed/disturbed land and Southern Mixed Chaparral habitats, and orange construction fencing will be required to be



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installed along the boundary to ensure construction activities remain outside of the Southern Mixed Chaparral.

A 150-foot fuel management zone has been maintained for the former residence, and will be continued to be utilized for the new residence. To the north and east of the residence, the existing fuel management zone is located within the already developed/disturbed land area of the property and no on-site impacts to Southern Mixed Chaparral will occur. On the west and south sides, the fuel management zone extends onto the adjacent property which is also owned by the project applicant. This 1.10-acre off-site area has already been cleared and is maintained for fuel management, and is identified as Disturbed Southern Mixed Chaparral per the biology survey. A portion of this area will be required to be expanded by 5 to 20 feet in order to achieve a distance of 150 feet from the proposed residence to the outer boundary of the zone. Expansion of this portion of the fuel management area will result in 0.09 acres of off-site impacts to Southern Mixed Chaparral. Due to the size of this impact (less than 0.10 acres), the impact of 0.09 acres of Southern Mixed Chaparral habitat is considered to be less than significant. However, the biology survey did identify six (6) individuals of Wart-stemmed ceanothus (*C. verrucosus*) and two (2) Summer holly (*Comarostaphylis diversifolia*) within this impact area, and therefore, said plants will be required to be flagged by a qualified biologist for avoidance so not to be trimmed or removed for fuel management.

The City's Conservation and Open Space Element of the General Plan identifies a wildlife movement corridor through the undeveloped area around Frank's Peak which is located to the east of the subject property. The corridor provides an avenue for wildlife to travel from areas of habitat in the north and northwest to the southeast and Escondido Creek which is approximately 1 ½ miles away. Wildlife corridors are considered to be biologically sensitive. The biology survey identifies the ravine along the eastern property line of the subject site as a likely route for wildlife movement across the property. To avoid potential impacts to the corridor, a permanent fence will be required to be installed along the eastern boundary of the development, between the developed/disturbed and Southern Mixed Chaparral habitats, in order to discourage entry by humans and domestic animals, and prevent any physical disturbance within the corridor area. In addition, run-off from the proposed development will be required to be directed to energy dissipaters and allowed to percolate into the soil in order to reduce potential erosion in the ravine, and not impact the existing drainage flows, directions, and volumes. Outdoor lighting, such as proposed for the tennis court, will be required to use cut-off fixtures and the illumination directed downward in order to prevent light spillage onto the corridor area. Also, construction activities shall be limited to daytime hours so as to avoid potential noise disturbance of wildlife movements which typically occur during the night and at dusk. Any future development or disturbance of the corridor area will require additional environmental review to identify potential impacts and mitigation measures.



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The property provides suitable habitat for nesting migratory birds protected by the Migratory Bird Treaty Act and the California Fish and Wildlife Code. Removal of vegetation should be scheduled to avoid the general bird nesting season, February 1<sup>st</sup> to September 15<sup>th</sup>. If removal of vegetation is to occur during the nesting season, a survey will be required to be conducted by a qualified biologist to determine if nesting birds are present. If active nests are encountered or suspected, an appropriate buffer will be required around each nest location. No disturbance will be permitted inside the buffer until the biologist has determined the young have fledged or the nest is no longer active.

No other sensitive, threatened, or endangered species of plants or animals were observed on the site or are considered likely to occur due to the absence of suitable habitats or soils. No jurisdictional wetlands or waters were found on site. Because of the small area of development and avoidance of the Southern Mixed Chaparral and wildlife corridor on the eastern portion of the property, and that it is located within an area of residential development, the potential impacts of biological resources can be reduced to less than significant with implementation of the mitigation measures as conditioned.

The project site is located adjacent to a wildland or fire-risk area. However, a 150-foot fuel management zone will be required to be maintained around the new residence, and the proposal will be required to comply with all applicable City Fire Code requirements such as fire resistance construction features and a fire sprinkler system. In addition, adequate emergency response capability is available from San Marcos Fire Station No. 4 which is located within a 3-mile vicinity, and the project is conditioned to provide a turn-around on site for emergency vehicles. The property will also be required to be annexed into the City's Community Facilities Districts, CFD 2001-01: Fire/Paramedic and CFD 98-01: Police.

Lastly, the project is conditioned to record a boundary adjustment with the County Recorder for the proposed relocation of a section of the western property line.

Summary of findings for the ROZ modification:

Staff recommends the Ridgeline Overlay Zone development regulations be modified, as conditioned, to allow for the building footprint expansion to exceed 1,000 square feet for the proposed single-family residence in that the visual impacts of the proposed development have been minimized by means of architectural and grading design. In addition, the proposal will be architecturally compatible with the residence on the adjacent property to the north and the residences further to the south along Deadwood Drive; and the retaining walls will be primarily benched and constructed with a natural appearing block material and manufactured slopes will be landscaped to blend with the natural terrain.



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Also, the ROZ modification will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in such vicinity in that the proposed single-family residence does not encroach into the required yard setbacks as conditioned; all manufactured slopes will be landscaped and irrigated for erosion control purposes; the lighted tennis court will incorporate cut-off fixtures and will be required to be shielded to direct illumination downward and reduce the visibility of glare; and the proposal will comply with fire code regulations, such as fire sprinklers, fire truck turn-around, and fuel management zone per the requirements of the Fire Marshal.

Additionally, the ROZ modification will not adversely affect the silhouette of the ridgeline in that no Primary or Secondary Ridgelines are located on site as identified by the Ridgeline Ordinance, and the Primary Ridgeline line on the adjacent property to the north is already developed with a residence. The site is partially backed by the higher Primary Ridgeline of Frank's Peak as viewed from San Elijo Road and the proposal would blend in with the surrounding terrain and other existing residences. As a result of these findings, the proposed residence will not adversely affect the overall goals and purposes of the Ridgeline Protection and Management Overlay Zone.

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#### Attachment(s)

Adopting Resolution

- A- Vicinity Map
- B- ROZ Map
- C- Requested Entitlement
- D- Site & Project Characteristics
- E- Negative Declaration

Prepared by:

  
Norm Pedersen  
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Reviewed by:

  
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Principal Planner



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Reviewed by:



Michael Edwards  
Public Works Director/City Engineer

Approved/Submitted by:



Jerry Backoff  
Planning Division Director

**AGENDA ITEM NO. \_\_\_\_\_**





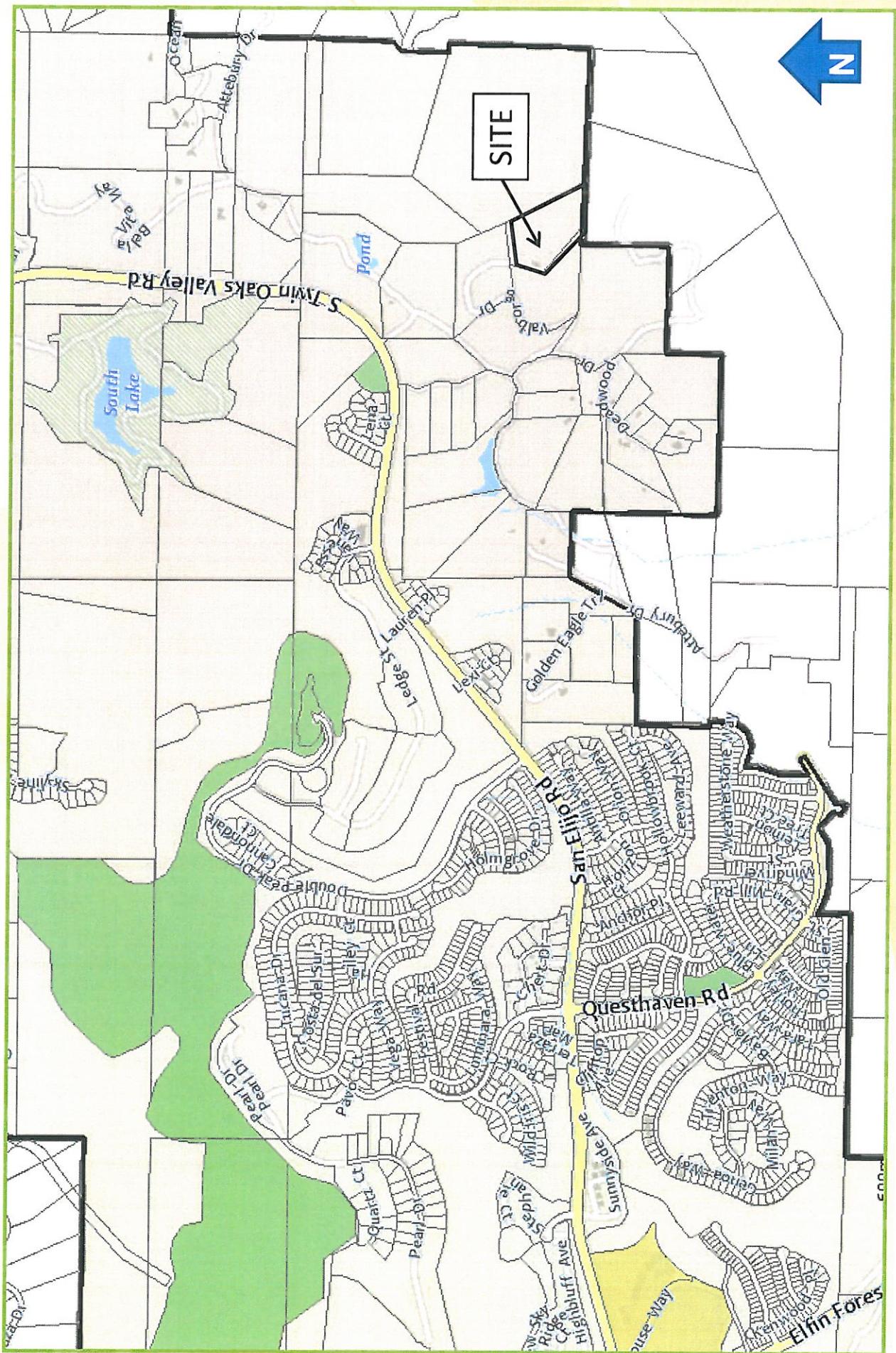
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## ATTACHMENT A

### Vicinity Map

**AGENDA ITEM NO. \_\_\_\_\_**

# Vicinity Map



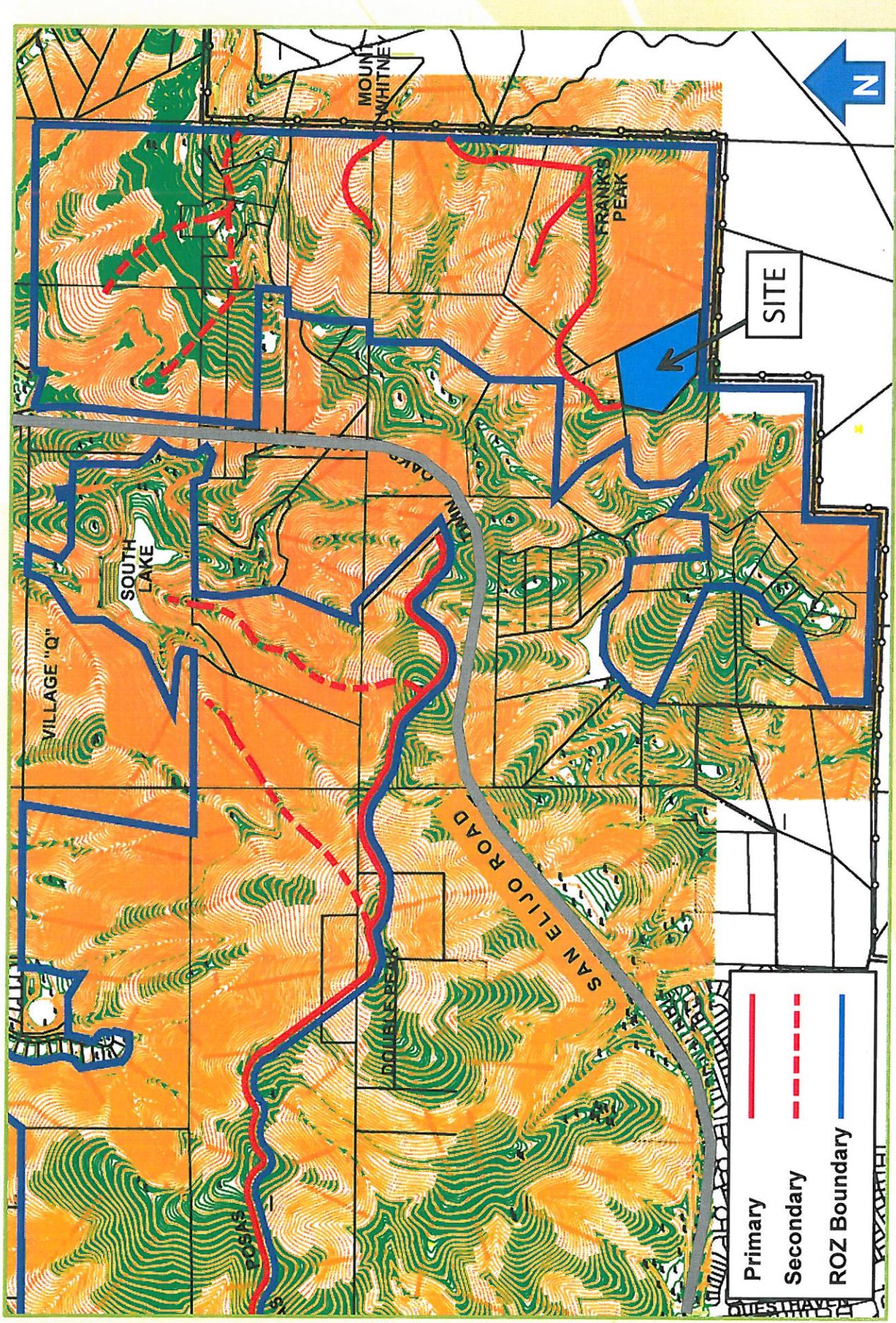


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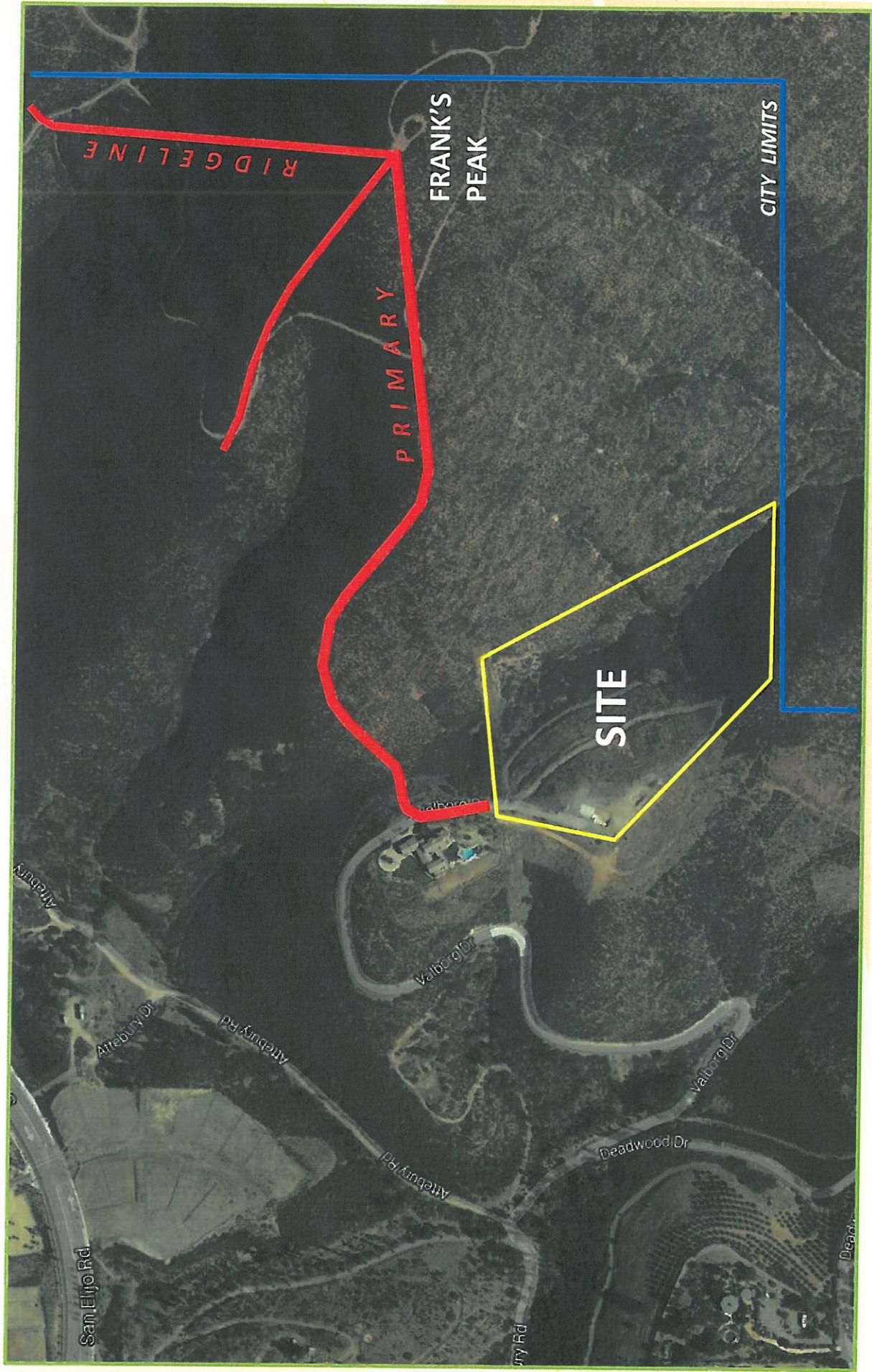
**ATTACHMENT B**  
**Ridgeline Overlay Zone Map**

**AGENDA ITEM NO. \_\_\_\_\_**

# Ridgeline Overlay Zone Map



# Primary Ridgeline





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**ATTACHMENT C**  
Requested Entitlements

- Modification of the Ridgeline Protection & Management Overlay Zone (ROZ) to allow a building footprint expansion to exceed 1,000 square feet for an existing single-family residence within the Agricultural Zone (A-1) and Ridgeline Overlay Zone (ROZ).

**AGENDA ITEM NO. \_\_\_\_\_**



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## ATTACHMENT D

### Site & Project Characteristics

<u>Property</u>	<u>Existing</u>	<u>Zoning</u>	<u>General Plan</u>
	<u>Land use</u>		<u>Designation</u>
Subject	Single-Family Res	A-1 / ROZ	Agricultural/Residential 0.125-1 du/ac
North	Single-Family Res	A-1 / ROZ	Agricultural/Residential 0.125-1 du/ac
South	Vacant	County RL-20	Rural Residential
East	Vacant	A-1 / ROZ	Agricultural/Residential 0.125-1 du/ac
West	Vacant	A-1 / ROZ	Agricultural/Residential 0.125-1 du/ac

Flood Hazard Zone	<u>      </u> yes <u>  x  </u> no
Resource Conserv. Area	<u>      </u> yes <u>  x  </u> no
Sewers	<u>      </u> yes <u>  x  </u> no
Septic	<u>  x  </u> yes <u>      </u> no
Water	<u>  x  </u> yes <u>      </u> no
Gen. Plan Conformance	<u>  x  </u> yes <u>      </u> no
Land Use Compatibility	<u>  x  </u> yes <u>      </u> no

Development Standards per the A-1 Zone & ROZ:

<u>Setbacks</u>	<u>Required</u>	<u>Proposed</u>
Front	35 ft.	145 ft.
Rear	25 ft.	505 ft.
Side	15 ft.	15 ft. (west) /450 ft. (east)
Building Height	28 ft.	25 ft.
Slope Height	20 ft.	20 ft.
Parking	3-car garage	6-car garage

\* with approval of modification of ROZ.

AGENDA ITEM NO. \_\_\_\_\_



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**ATTACHMENT E**  
Negative Declaration 14-003

**AGENDA ITEM NO. \_\_\_\_\_**