

PLANNING COMMISSION

CASE NUMBER: PHG 13-0022
APPLICANT: Ray Kusmer, property owner
LOCATION: 3932 Tierra Vista Place (APN 272-301-23)
TYPE OF PROJECT: Grading Exemption

PROJECT DESCRIPTION: A grading exemption for combination fill slopes and terraced retaining walls ranging in height from approximately 12 feet to 24 feet generally located along the eastern portion of the subject property.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Estate 1 (E1)

ZONING: RE-40 (Residential Estate, 40,000 SF min. lot size)

BACKGROUND/SUMMARY OF ISSUES: The subject residential parcel originally contained a split-level single-family residence, but burned down in the 2007 wildfires. All of the existing structures, pool, concrete flat work and terraced landscape walls have been removed from the site. The current owners (Ray and Judy Kusmer) recently purchased the site and have submitted plans to build a new, approximately 3,926 SF single-story home on the property. The new home would be located in approximately the same location as the previous structure, but the grading design would raise the existing pad approximately eight feet from the current height. In order to raise the pad, a combination of staggered retaining walls and a fill slope is proposed along the eastern side of the site. Because the combination of these design features exceeds ten feet in height, a Grading Exemption is required in conformance with Section 33-1066 (Design Criteria) of the City's Grading Ordinance.

Staff feels that the issues are as follow:

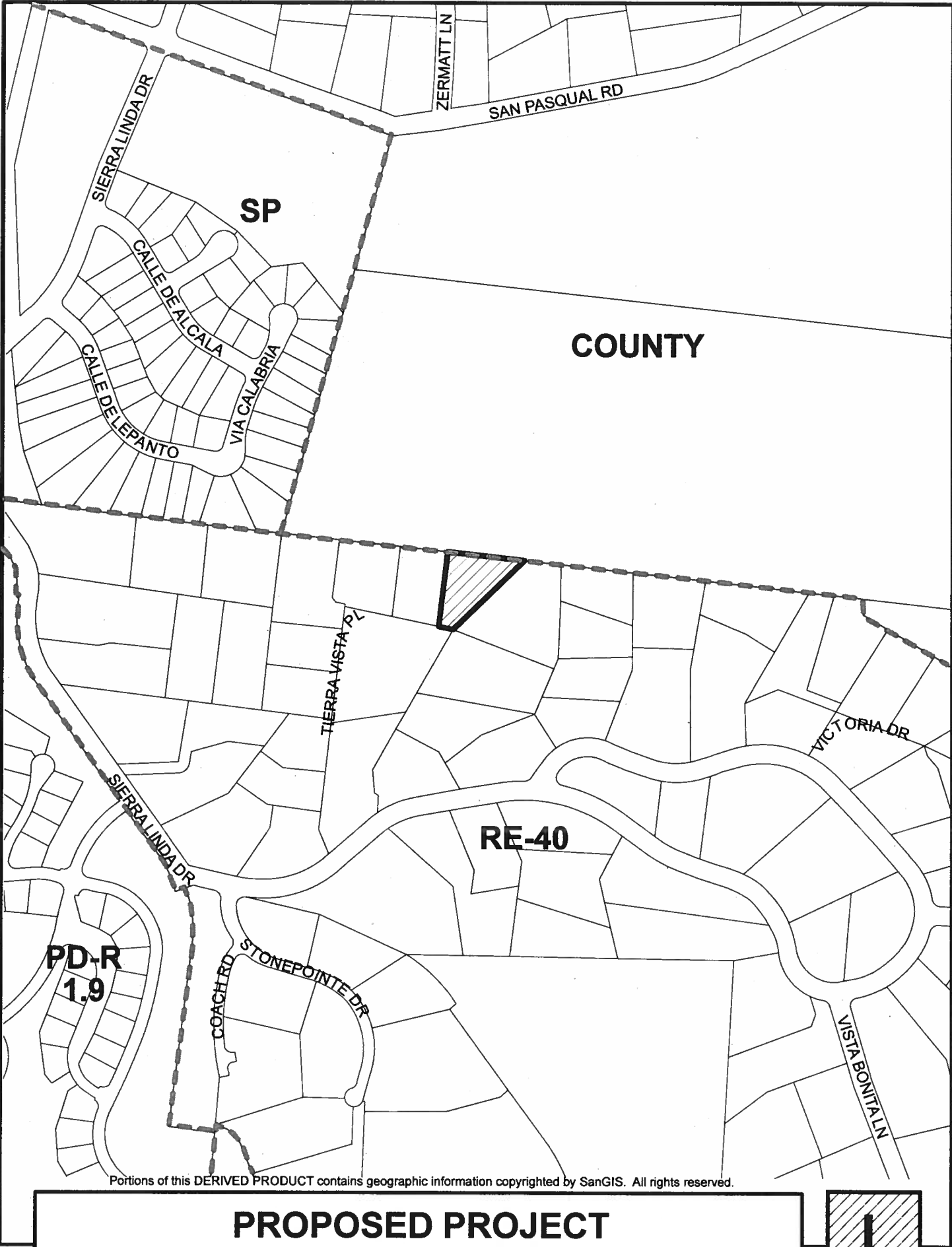
1. Whether the proposed Grading Exemption is appropriate for the site and would create a visual impact to surrounding properties.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties or the public right of way. The grading exemptions would use a combination of terraced retaining walls and a fill slope in accordance with the City's Hillside Grading Design Guidelines to reduce the visual impact and massing. These walls and slope would orient towards the adjacent golf course and slope landscaping would be incorporated to assist in softening the visual effect and wall massing. The lower portions of the property have naturally re-vegetated to some extent over the years and the property would be augmented with ornamental landscaping.

Respectfully Submitted,


Jay Paul
Associate Planner

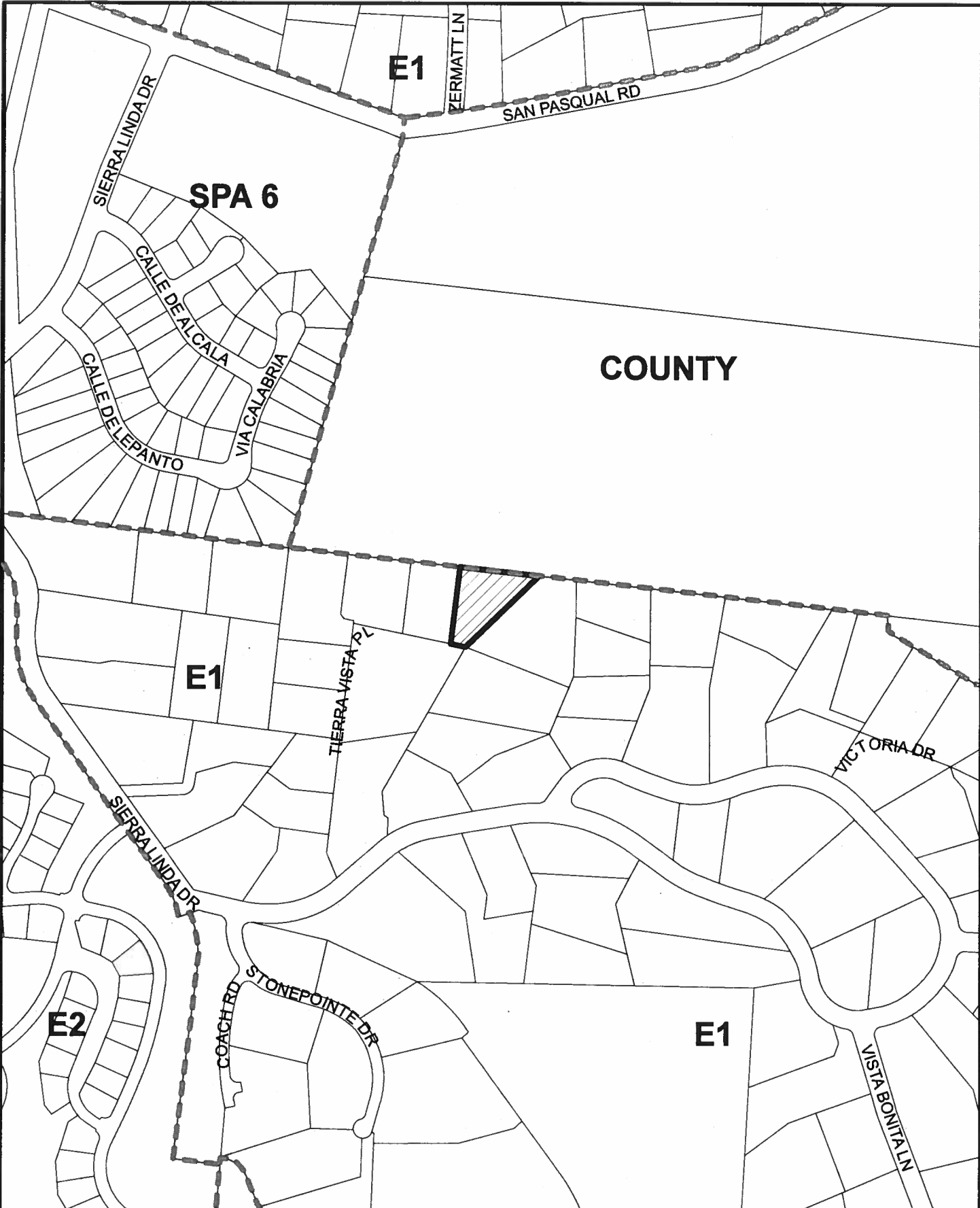


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**PROPOSED PROJECT
PHG 13-0022**



LOCATION/ZONING

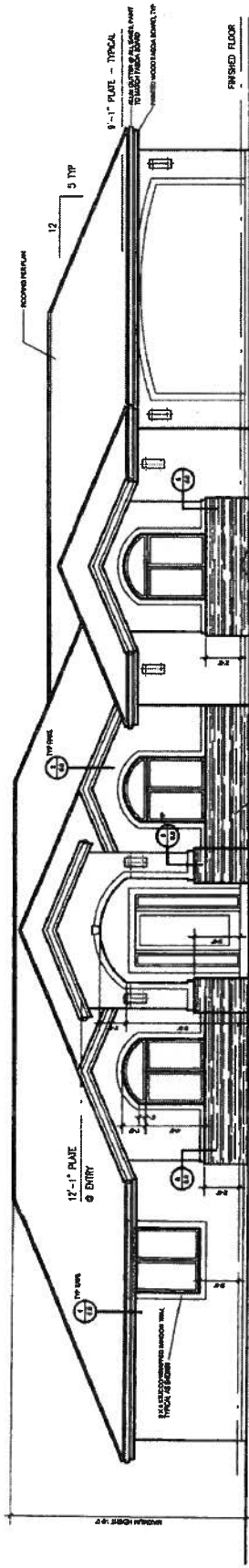


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**PROPOSED PROJECT
PHG 13-0022**

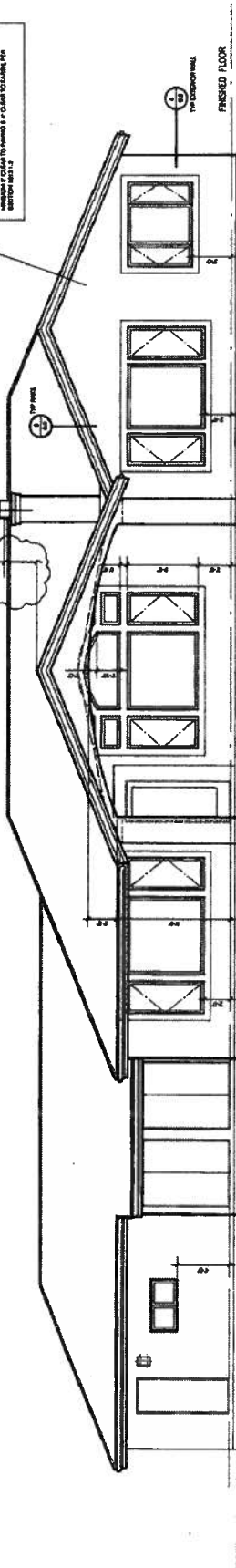


GENERAL PLAN



FRONT EXTERIOR ELEVATION

FINISH: 1/2\"/>

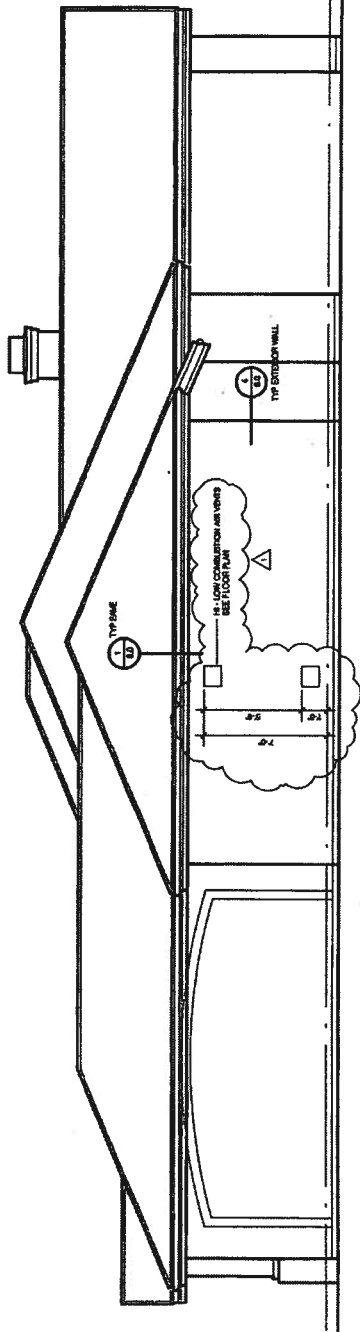


REAR EXTERIOR ELEVATION

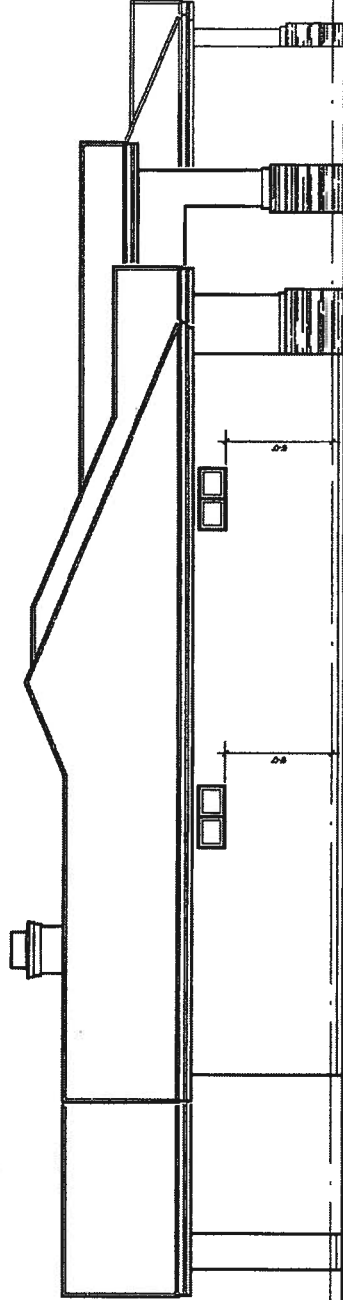
**PROPOSED PROJECT
PHG 13-0022**



ELEVATIONS



SIDE (RIGHT) EXTERIOR ELEVATION



SIDE (LEFT) EXTERIOR ELEVATION

**PROPOSED PROJECT
PHG 13-0022**



ELEVATIONS

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - City of San Diego – The Vineyard Golf Course is located immediately north and northeast of the subject site at a lower elevation. The Orfila Winery is located further to the north and northeast.

SOUTH - RE-40 zoning (Residential Estate, 40,000 SF min. lot size) Single-family homes and small stands of grove trees on large estate lots are located south of the subject site at a higher elevation.

EAST - City of San Diego and RE-40 zoning (Residential Estate, 40,000 SF min. lot size) Single-family homes on large estate lots are located to the east, generally at a higher elevation.

WEST - RE-40 zoning (Residential Estate, 40,000 SF min. lot size) A vacant lot is located immediately west of the subject site at a slightly higher elevation than the subject site. A permit to construct a home on this sloping parcel currently is being processed by the City.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 4, which is located within Kit Carson Park. The subject site is located within a Very High Fire Hazard Area and is subject to enhanced construction requirements. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service. An automatic residential fire sprinkler system would be incorporated into the structure. An on-site paved emergency vehicle turnaround area would be provided on the site.
3. Traffic – The project will take access from Tierra Vista Place which is an existing 30' private road and utility easement (approx. 16' pavement width). The Engineering Division indicated the project would not materially degrade the levels of service on the adjacent streets. Proposed import of the anticipated 3,400 CY of import materials would have a temporary impact on the adjacent private road and nearby roadways due to large haul trucks (266 truck loads or 532 trips based on 15 CY per load). However, this construction traffic would cease upon completion of the grading.
4. Utilities – The property is within the boundary of the Rincon del Diablo Municipal Water District and current water mains and existing 1-inch meter serve the parcel. The property is served by an existing septic system, which will be modified as part of the grading and building design. The final septic system requires approval and permits from the County Department of Environmental Health. A 325 gallon propane tank will provide LPS gas to the structure.
5. Drainage – The site slopes and drains to the east and southeast towards the adjacent golf course. The existing drainage pattern would not be altered as part of the grading design. Runoff from the developed project area will be directed to approved drainage facilities. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. The proposed project is exempt from the California Environmental Quality Act in accordance with CEQA Section 15302 – “Replacement or Reconstruction.” The proposed grading would be limited to an area that previously has been disturbed from past development. In staff’s opinion, no significant

issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan Land Use Designation for the project site is Estate 1, which allows for single-family residential development. No changes are proposed to the existing zoning or General Plan designations for the site. Although the size of the parcel (34,190 SF) is smaller than the minimum requirements for the underlying RE-40 zone (min. 40,000 SF), the code allows the development of a single-family residential structure on a legal lot subject to conformance with all zoning requirements, including setbacks, building height, lot coverage, etc. The proposed design of the home would be in conformance with all of the RE-40 zoning requirements.

Whether the proposed Grading Exemption is appropriate for the site and would create a visual impact to surrounding properties.

The proposed grading design for the site is requested to support a single-level home design and usable flat rear-yard area rather than the split-level design that previously was located on the site. The new home would be located in approximately the same location as the previous residence. Raising the pad approximately eight feet in height reduces the already steep inclination of the existing driveway approach in order to conform to Fire Department requirements and also helps to provide for an on-site emergency vehicle turnaround area. The on-site turnaround is necessary due to the width and length of the private access road that serves the site. The site previously contained several terrace pad areas and retaining walls located within the lower/eastern portion of the site, but were removed after the 2007 fire. The proposed fill slope located in front of the terraced retaining walls would be located in approximately the same area as the previously terraced pad areas. The grading exemptions would use a combination of terraced retaining walls and a fill slope in accordance with the City's Hillside Grading Design Guidelines to reduce the visual impact and massing. These walls and slope would orient towards the adjacent golf course and slope landscaping would be incorporated to assist in softening the visual effects. Therefore staff feels that the combination of the terraced walls and lower fill slope and orientation towards the golf course makes this slope appropriate in this location.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The site is characterized by moderate to steep hillside terrain with northeasterly trending drainages. Elevations range from 530' towards the western portion of the site (existing driveway) to 490' towards the eastern portion of the site. The site is primarily disturbed area from previous development and most of the original vegetation was burned in the 2007 wildfires. However, some native and non-native vegetation has begun to establish itself. The more native species appears towards the lower eastern elevation. A private easement road/driveway provides access to the site.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 34,190 SF (0.79 ac)
 2. Grading Exemptions: Two staggered keystone type stackable retaining walls ranging from approximately 12 feet to 24 feet in height
 3. Import/Export: 100 CY cut, 3,500 CY fill, 3,400 CY import
 4. Building Area: Single-story, approx. 18 feet in height (up to 35 feet allowed in RE-40 zone)
2,676 SF main residence
106 SF front entry porch
396 rear covered porch
1,250 SF attached garage
- Exterior Materials: Stucco exterior, pitched concrete tile roof, wood fascia, simulated stone wainscot along front elevation, stucco wrapped window trim on selected elevations
5. Landscaping: All manufactured slopes to be landscaped in accordance with Zoning Code Article 62 (Water Efficient Landscape Regulations).
- | | | |
|---------------------|------------------------|--------------------------|
| 6. Setbacks: | <u>Proposed</u> | <u>RE-40 zone</u> |
| Front: | 85'+ | 25' |
| Side" | 14' and 30' | 10' |
| Rear | 44' | 20' |
7. Lot Coverage: 13% (4,4238 SF) 30% (up to 11,396 SF)
 8. Building Height: 18'+ 35'

EXHIBIT “A”

FINDINGS OF FACT PHG 13-0022

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties and the public right of way. The grading exemptions would use a combination of terraced retaining walls and a fill slope in accordance with the City’s Hillside Grading Design Guidelines to reduce the visual impact and massing. These walls and slope would orient towards the adjacent golf course and slope landscaping would be incorporated to assist in softening any visual effects
 - b. The proposed slopes would not intrude into or disturb the use of any adjacent property because they would not adversely block the primary view of any adjacent parcels, which generally are situated at a higher elevation; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel.
 - d. The proposed design would not adversely affect the proposed on-site septic system because adequate setbacks and area would be provided for the system.
2. The proposed project is exempt from the California Environmental Quality Act in accordance with CEQA Section 15302 – “Replacement or Reconstruction.” In staff’s opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 13-0022

General

1. The grading exemption is specifically for the combination fill slope and terraced retaining walls ranging in height from approximately 12 feet to 24 feet in height. The design of the project shall conform to the exhibits and references in the staff report to the satisfaction of the Planning Division.
2. Approval by the County Department of Environmental Health shall be required for all lots proposing to utilize individual onsite wastewater treatment systems prior to issuance of a building permit.
3. The proposed residence and any accessory structures located on the site will require enhanced building construction to the satisfaction of the Fire Department.
4. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
5. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
6. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
7. All new utilities shall be underground.
9. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
10. The grading plan shall include notes to install appropriate barriers and signs not to encroach into any on-site or adjacent native habitat areas. The location of the fencing and signs shall be noted on the final grading plans. The barriers shall be installed prior to any construction and ground disturbance on the site and remain until all construction has ceased.
9. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges

to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

Landscaping

1. Prior to issuance of a certificate of occupancy for the residence and close and release of grading bonds, all required slope and site landscaping and irrigation is to be installed, to the satisfaction of the Planning and Engineering Divisions. Landscaping should be installed between the terraced retaining walls to soften the massing of these walls. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
2. Appropriate landscape and irrigation plans shall be submitted to the Engineering Division for review. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code.
3. The landscape plans shall be coordinated with the Escondido Fire Department and may require fuel modification zones where required due to the very high fire severity zone.



CITY OF ESCONDIDO
 PLANNING DIVISION
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Deputy County Clerk
 P.O. Box 121750
 San Diego, CA 92112-1750

From: City of Escondido
 201 North Broadway
 Escondido, CA 92025

Project Title/Case No.: PHG 13-0022 (Kusmer Grading Exemption)

Project Location - Specific: 3932 Tierra Vista Place (APN 272-301-23)

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A grading exemption for combination fill slopes and terraced retaining walls ranging in height from approximately 12 feet to 24 feet generally located along the eastern portion of the subject property.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name Jay Paul, City of Escondido Planning Division Telephone (760) 839-4671

Address 201 N. Broadway, Escondido, CA 92025

Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15302 "Replacement or Reconstruction"

Reasons why project is exempt:

1. The proposal involves the reconstruction of a single-family residence that was burned down in the 2007 wildfires. The proposed grading would be limited to an area that previously has been disturbed from past development on the site. The project would not result in the removal of any mapped sensitive habitat areas or species.
2. The proposed design would not adversely affect the proposed on-site septic system because adequate setbacks and area would be provided for the system.
3. The proposed slopes would not intrude into or disturb the use of any adjacent property because they would not adversely block the primary view of any adjacent parcels, which generally are situated at a higher elevation; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel. Therefore, there is no reasonable possibility the project would have a significant effect on the environment.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature:  June 10, 2013
 Jay Paul, Associate Planner Date

Signed by Lead Agency Date received for filing at OPR: N/A
 Signed by Applicant