



**CITY OF ESCONDIDO**  
**Planning Commission**

Agenda Item No.: G.1  
Date: January 14, 2003

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**CASE NUMBER:** Tract 799, 2001-36-SOI, 97-20-PZ/SP/GE, 2002-07-AN, ER 97-25, ER 2001-30 Valley View Estates

**APPLICANT:** Joe Crowder, Crowder Investments

**LOCATION:** The area involves 1,150 acres, located east of Rancho San Pasqual, north of the San Diego Wild Animal Park, accessed by Rockwood Road (to be extended to the site) and Zoo Road via Highway 78 (see map).

**PROPOSED PROJECT:**

The project involves:

	Related Acreage
1) 174 Patio Homes on lots approximately 4,000 square feet	23.4
2) 229 Custom Estate Sites on minimum 20,000 square foot lots	330.0
3) 250 Room Resort Hotel including rental casitas with related ancillary commercial uses including restaurants, resort retail and meeting rooms	19.9
4) An 18-hole championship golf course	201.5
5) Club House and Tennis Facility	2.8
6) Equestrian Center	17.9
7) Specialty Use for parking, civic uses, equestrian, fire station site	7.5
8) Pocket Parks & Common Areas	21.2
9) Roads	49.6
10) Natural Areas	476.2
<b>Total Acreage:</b>	<b>1,150.0</b>

Additionally, the construction of off-site roadways, sewer and water infrastructure will be necessary to construct the project.

**REQUESTED ACTIONS**

- 1) Expand the Sphere of Influence to be co-terminus with the General Plan and property boundaries for the entire 1,150 acres (Case Number: 2001-36-SOI).
- 2) Prezone the entire project to SP "Specific Plan" and annex the property to the City (Case Number: 97-20-PZ, 2002-07-AN).
- 3) Approve a Tentative Subdivision Map to create a total of 403 residential lots, and 40 other lots that include open-space and non-residential uses. The Map proposes grading exemptions for fill slopes up to 120-feet high, cut slopes up to 231-feet high with slope inclinations of 1.5:1, and retaining walls up to 68 feet high. Off-site sewer improvements are proposed that involve enlargement of sewer lines in the area of Cloverdale/San Pasqual Roads, Via Rancho Parkway, Westfield Shoppingtown Escondido, El Ku Avenue, Escondido Boulevard, and Center City Parkway to Felicita Avenue. Off-site water improvements involve extension of a line from Reed Reservoir (within the Hidden Trails Development) through Rancho San Pasqual.

The Tentative Map includes the potential for eminent domain action to secure off-site Rockwood Road right-of-way areas beyond the existing 84-foot Irrevocable Offer of Dedication (IOD) to construct fill slopes up to 184-feet high and cut slopes up to 157-feet high. The map also proposes exceptions from normal street design criteria for vertical and horizontal curves, grades, and cul-de-sac lengths that do not meet City standards (Case Numbers Tract 799, 97-20-GE).

- 4) Adopt a Specific Plan that establishes development standards and design guidelines for Valley View Estates and proposes 174 patio homes (minimum 4,000 SF), 229 estate lots (20,000+ SF), and other uses described above. The Specific Plan also involves a density interpretation that the Valley View Estates results in an equivalent dwelling unit density of 575 units where the resort hotel, golf course and equestrian center would equate to 172 residences (Case Number 97-20-SP).
- 5) Approve a Habitat Loss Permit to remove 299 acres of coastal sage scrub that could occur through one of several procedures. Offsite biological mitigation also is proposed for 188 acres of southern mixed chaparral, 68 acres of Englemann oak/coast live oak woodland, 13 acres of oak riparian, 1 acre of riparian scrub, 1.2 acres mesic meadow, .9 acre of mule fat scrub, 2.8 acres of non-native grassland.
- 6) Certify the Final Environmental Impact Report (FEIR) and adopt the Mitigation Monitoring and Reporting Program for the EIR volumes pertinent to the proposed Valley View project.

**STAFF RECOMMENDATION:**

1. Denial of items 1-5 listed above.
2. Determine the Final Environmental Impact Report (FEIR), item 6 above, adequately assesses issues associated with Valley View Estates, its proposed sphere of influence, annexation and off-site improvements and mitigation measures. Certification of the EIR will occur after all Subareas are considered. A mitigation-monitoring program only would be adopted if items 1-5 were to be approved.

**GENERAL PLAN DESIGNATION/TIER:** The area involves a Specific Plan Area Designation in the City 's General Plan and is located within the Tier 2C (New Communities) Valley View Neighborhood Planning Area that totals 1,590 acres. The General Plan provides a range of densities and includes provisions for a resort facility based on the type of development proposed up to a maximum of 800 dwelling units for the entire SPA.

**ZONING:** The property is in the incorporated area of the County zoned (18) Multiple Rural Use (1 dwelling unit per 4, 8, 20 acres) and would allow up to 194 units on the 1,150 acres. The southern 624 acres of Valley View Estates is also included within the County's Multiple Species Conservation Program (MSCP).

**BACKGROUND/SUMMARY OF ISSUES:** The project area was included in the City's General Plan in 1990. The initial Sphere of Influence expansion request for Valley View Estates was processed 1993. The EIR performed at that time included a program level analysis since detailed project level plans were not processed at that time. The Local Agency Formation Commission (LAFCO), which oversees and approves Sphere of Influence amendments, felt it was premature and denied the request since Rancho San Pasqual had not been constructed.

The current EIR assessed two equal treatment alternatives. The second alternative included a more intense design involving multifamily units and neighborhood commercial uses. However, it is not proposed as it would require a General Plan Amendment that would be subject to public vote under Proposition S. The Valley View Project was but one related component addressed by the project EIR. It also evaluated the Rancho Vistamonte proposal (that was considered on December 10, 2002) and the Citywide Sphere of Influence Update proposal (tentatively scheduled for January 28, 2003). The EIR entails 8 volumes, and is proposed for certification by the Planning Commission after all components have been considered. The City Council will similarly be asked to certify the Final EIR, adopt a Mitigation Monitoring and Reporting Program and adopt Findings of Overriding Consideration as appropriate (Case Numbers: ER 97-25, ER 2001-30).

Topographically the site contains a lower and upper plateau with ridgelines, rugged terrain and steep valley areas with significant sensitive and cultural resources. The heights of the ridgelines qualify as "Skyline" ridges pursuant to the City's Ridgeline Criteria in Article 55, Section 33-1051 of the City's Hillside and Ridgeline Ordinance. However, an exhibit map depicts the ridgelines on-site as "Intermediate" ridges. This discrepancy is not significant since the project impacts were evaluated on their own merit. The plan organizes the specialty use site, equestrian and most of the estate lots in the lower plateau. The resort, golf, tennis, clubhouse and most of the patio homes are proposed for the upper plateau. Two roads on the east and west side of the site provide connection between the two plateaus. Pedestrian and equestrian trails extend through the site that would connect with the City's trail system. Private pocket parks and common areas are dispersed throughout the specific plan.

In order to accommodate the proposal, a total of 144 grading exemptions that exceed the City's ordinance provisions of 20 feet in height are designed into the plan, with cut slopes up to 231 feet in height (with 1.5:1 gradient requested) and fill slopes up to 120 feet in height. Retaining walls in certain areas up to 68 feet in height are proposed in conjunction with the slopes. The project proposes a comprehensive landscaping program on the most visible slopes, which would be maintained through a homeowner's association that is conditioned to serve the development. If approved, the project would be developed in phases over the course of several years. The Project's Fiscal report indicated that the timing of phases would affect the fiscal analysis. Estate lots do not propose grading at this time and would be subject to separate review and approval including potential grading exemption requests if slope designs exceed City standards.

Off-site water and sewer improvements will be required to develop the proposal. An existing 12-inch pipeline, approximately 1,500 feet in length, located in Rockwood Road is recommended to be upsized to a 16-inch pipeline. The existing 16-inch pipeline extending 1.7 miles from the Reed Reservoir to Old Ranch Road is also recommended for upsizing to a 20-inch diameter. The existing sewer facilities that were installed to serve Rancho San Pasqual cannot accommodate Valley View Estates. Offsite sewer improvements include installing a parallel line a distance of 1.7 miles along a sewer easement main from Rancho San Pasqual to an existing sewer lift station that also requires upsizing south of Old Milky Way. Additionally, a new 2.8-mile long main sewer line from Pump Station #1, south of Westfield Shoppingtown, to the intersection of Centre City Parkway and Felicita Avenue needs to be installed.

On-site water and sewer improvements include installing two water pump stations to boost water from an existing water line in Rockwood Road as well as multiple sewer lift stations. Two water reservoirs will be constructed on-site in the southern and northern portions of the project to provide capacity, storage and adequate pressure to serve the project. Although the project is higher in elevation than the adjacent Rancho San Pasqual development, there are several upper valleys and slopes that will require the installation of 10 sewer lift stations in order to pump sewage to areas where gravity flow can be achieved.

Originally, the project proposed a second, northerly access route. However, the applicant has withdrawn this alternative. Therefore, primary access would be taken from the existing 84-foot wide Irrevocable Offer of Dedication (IOD) for Rockwood Road that extends through the Rancho Vistamonte project. Off-site road improvements include constructing the segment of Rockwood Road through Rancho Vistamonte and the adjacent Ferrick and Harwood properties. Extensive retaining walls would be necessary to stay within the right-of-way. The applicant's proposal depicts fill slopes and walls that extend outside the existing right-of-way. During its consideration of the Rancho Vistamonte proposal, the Planning Commission did not preserve any slope easements beyond the 84' right of way. Since that meeting, the applicant has performed additional engineering regarding the Rockwood Road alignment that reduces the overall slope easement requirements. The details of the re-designed plan were not available at the time of staff report distribution and will be provided at the Planning Commission Hearing for Valley View Estates. The Engineering Department Conditions of Approval provide for limited slope areas beyond the existing 84-foot Rockwood Road IOD.

Due to the site's constraining topography, the Specific Plan's road design is proposed to deviate from the City's design standards pertaining to street widths, vertical and horizontal curves and inclinations, vehicle speeds and cul de sac lengths. Vertical and horizontal curves, street inclinations and widths are designed to follow topographic site constraints. Several on-site roads are designed with tighter curves, steeper inclinations and longer cul-de-sacs than the City's adopted standards. City Local Collector street grade standards call for a minimum 42-foot wide paved surface within a 66-foot wide right of way, a maximum 12% inclination, minimum 610-foot radius curves with at least 100-foot separations between curves. This standard can accommodate up to 35 mile per hour vehicle speeds. The Valley View Estates Specific Plan proposes Local Collector streets with a minimum 30-foot wide paved surface in a 38 foot-wide right of way area with up to a 20% inclination, 300-foot radius curves with no separation between curves. The proposed standard would reduce vehicle speeds in certain areas to 30 miles per hour.

City Residential Street standards call for a minimum 36-foot wide paved surface within a 56-foot wide right of way, a maximum 20% inclination, minimum 425-foot radius curves with at least 90-foot separations between curves. This standard can accommodate up to 25 mile per hour vehicle speeds. The Specific Plan requests Residential streets with a minimum 28-foot wide paved surface in a 32 foot-wide right of way area. All proposed residential streets are 20% inclination or less. However, the Specific Plan proposes residential streets with minimum 66-foot radius curves with no separation between curves. The proposed standard would reduce vehicle speeds in certain areas to 11 miles per hour. City standards also limit cul-de-sac lengths to 800 feet. The Specific Plan requests cul-de-sacs up to 2,200 feet long.

The southern 624 acres of the site is located within the County's Multiple Species Conservation Program (MSCP) and identified as a "Pre-Approved Mitigation Area" (PAMA) which establishes parameters for development as well as for preserving habitat. The northern third of the site is not within any habitat plan but is being considered by the wildlife agencies for habitat connectivity and migration through the County's Multiple Habitat Conservation Plan (MHCP). Since the entire site is proposed for annexation to the City, the County would amend its MSCP to reflect the habitat areas being removed from its plan. The City would be responsible for issuing "take" permits for vegetation within its MSCP. The applicant proposes that the City incorporate the northern area within its habitat conservation plan that is currently undergoing wildlife agency evaluation.

Since the site contains more than 1,000 acres of granite rock necessitating blasting and rock drilling in areas where deeper cuts are required, the Specific Plan provides for potential rock-crushing activities on-site as a permitted use to facilitate project construction. Though a final decision has not been made as to whether or not to include such a facility, provisions were included in the EIR to address potential impacts. If such a facility were proposed, it could be sited in the interior of the specific planning area, no closer than 800 feet from an adjacent property boundary or the Wild Animal Park. Such a facility would also require a rock-processing plan, including a noise control plan to be prepared to the satisfaction of the City Engineer. Additional criteria identified in the EIR and the Specific Plan text are delineated, which would serve as conditions of approval and include compliance with the City's noise control, limiting the hours of operation, the specific location of the crushing facility, and controlling dust, noise and erosion.

The EIR involves 8 volumes (including a volume responding to the comments received when the document was released for public review). The EIR is written so that Valley View Estates (EIR Volume 2), Rancho Vistamonte (EIR Volume 3) and the Citywide Sphere of Influence Program (EIR Volume 1) can be approved or denied in any combination. Technical studies were prepared and encompass Volumes 4-7 of the EIR. Valley View Estates and Rancho Vistamonte Specific Plans involve expanding the City's Sphere of Influence and annexing to the City. Staff prepared a single EIR that assessed the two Specific Plans at a "project" level since Valley View Estates and Rancho Vistamonte are contiguous, within the same Specific Planning Area, involve Sphere of Influence expansions and are both related to balance of the Sphere of Influence study. The single EIR document also assured the coordination of technical studies and consistent methodologies. The City's Sphere of Influence Update Program, which also includes potentially removing the Deer Springs and Harmony Grove areas from the City's Sphere of Influence, were assessed at a "program" level that includes less detailed information since development plans are not proposed at this time.

The EIR identified several direct significant unmitigable impacts associated with the Valley View Estates Proposal as well as cumulative impacts in conjunction with other pending and approved projects. Even after mitigation measures are applied for Valley View Estates, the impacts would remain significant in the opinion of the City's Environmental Consultant and staff. The California Environmental Quality Act requires the City Council to adopt overriding findings for significant unmitigable impacts that acknowledge the impacts but determine that the benefits of the project outweigh the long-term impacts. However, as noted in the staff report, subsequent approvals by LAFCO, State Department of Fish and Game, U.S. Fish and Wildlife Service, Regional Water Quality Control Board and other would also be required before project construction could commence.

**Staff feels that the issues are as follows:**

- 1) Whether the Planning Commission should grant an additional continuance requested by the applicant.
- 2) Whether Staff's interpretation of "equivalent dwelling units" and the Specific Plan's proposed amenities are appropriate based on the existing General Plan language.
- 3) Whether two points of permanent access are necessary to serve the Project.
- 4) Whether the project adequately addresses safety issues.
- 5) Whether a fire station can be reasonably assured by the project.
- 6) Whether the project would produce a significant visual impact on western residences.
- 7) Whether the project would result in a significant impact on archaeological resources.
- 8) Whether the project would result in a significant biological impact by the virtue of the amount of disturbed area and non-compliance with MSCP guidelines.
- 9) Whether the project would result in an adverse impact to the Wild Animal Park
- 10) Whether the project can be conditioned to address the identified issues.
- 11) Whether the Sphere of Influence Expansion, Rezoning and Annexation should proceed even if the project were to be denied.
- 12) Whether the FEIR should be certified in the event the Valley View Project were to be withdrawn or denied.

**REASONS FOR STAFF RECOMMENDATION:**

- 1) Further continuances would affect the schedule of other projects included in the EIR since none may proceed until all associated items are considered. The current request for continuance is the applicant's second and they maintain the ability to address the staff and consultant conclusions they are dissatisfied with.
- 2) Only a single permanent access is proposed for the project that currently serves the neighboring 580-unit Rancho San Pasqual development, San Pasqual Union School and other adjacent properties. Adding Valley View Estates to this sole access on Cloverdale and Rockwood Roads (and one gated emergency access on Zoo Road) would result in traffic levels of service to exceed desired standards. Problems have occurred in the past when Cloverdale Road was temporarily blocked, which impacted existing residents. Additionally, no formal emergency access is proposed to the north, the applicant does not propose to pave this route and during inclement weather it may be impassible, consequently it would not meet City Standards.

- 3) City standards call for an emergency access to be a minimum 24-foot wide paved roadway where the project proposes a .75-mile long emergency access with a paved 16-foot width in a 19-foot wide easement through the Wild Animal Park open space area. Widening this access is not an option until the design has been developed and undergoes environmental review.

The proposed circulation system incorporates streets that do not conform to adopted City standards and may be dangerous given the number of trips using the steep road inclinations, and sharp curves. Vehicles will be required to reduce speeds to as low as 11 miles per hour within the project area, which staff feels is an inappropriate precedent. Staff is also concerned with the precedent created by the project's Local Collector streets to be constructed with up to 20% grades. Additionally, the project proposes cul-de-sac lengths of up to 2,200 feet in length where City standards call for no more than 800 feet.


- 4) The project's ridge top development will adversely impact off-site views since units extend above ridges that have no visible backdrop as viewed from the Rancho San Pasqual area. Extensive grading is required to facilitate the proposed streets, patio homes, resort, golf and equestrian facility. Rockwood Road and Calle Las Piedras Road incorporate retaining walls up to 50 feet and 68 feet respectively in addition to extensive cut and fill slopes. Grading for the estate lots would occur along an identified ridgeline when development of individual sites are proposed and would likely involve additional impacts.
- 5) The project area contains numerous sensitive cultural sites identified during the environmental review process. The significance of two sites represent the best local example of resources found in the area in the opinion of the City's cultural consultant.
- 6) The southern two-thirds of the site is located within the County's Multiple Species Conservation Plan and identified as a Biological Resource Core Area, which is "land that qualifies as an integral component of a viable regional ecosystem..." The project impacts 60% of the site within the MSCP area. More importantly, County staff has concluded that the design fails to conform to the County's adopted preserve and corridor design criteria; which serves as the appropriate baseline to analyze the impacts of annexing into the City.

Staff believes it is an appropriate goal to ensure that the annexation does not result in any increased impacts that could potentially affect the integrity of the MSCP. The USFWS has also indicated that they would oppose inclusion of the site in the City's MHCP if impacts are greater than would result in the County. The County staff has commented that the Valley View plan would jeopardize habitat-planning efforts if approved. As part of the MSCP, the site provides connectivity to other major blocks of open space and would facilitate habitat migration. The proposed grading and extensive retaining wall system plan impedes wild life movement through the site further impacting the habitat plan.

- 7) The project cannot be simply conditioned to address the identified issues. Such a re-design would be significant in scope and, at a minimum, would require supplemental environmental review to assess biology, traffic and visual impacts. Additionally, improvements to Zoo Road to provide a second permanent access would need to evaluate necessary traffic controls and impacts to the character of the Wild Animal Park.
- 8) Blasting will be well distanced from the Wild Animal Park and shielded by intervening topography. Given that there are already residences adjacent to the Wild Animal Park, Since there are already residences in the area the additional 3-8 units will constitute an incremental impact. Additionally, the homes will be contained in a relatively small area and no development is proposed along the Wild Animal Park boundary to the west since this area is the open space designated by Rancho Vistamonte.
- 9) The Sphere of Influence Expansion, Prezoning and Annexation should not proceed if the project is denied since several project related issues remain regarding the density and land use design. Staff believes these issues should be resolved before a density is assigned through the Prezone process. Additionally, discussions with LAFCO staff have indicated that the Sphere of Influence and Annexation will not be accepted for processing without City project approval.
- 10) Staff feels that the Final EIR should still be certified in the event that the Valley View Project is withdrawn or denied. The EIR is a single document that also includes an analysis of the Rancho Vistamonte and Sphere of Influence Update Program. Approving certain projects studied the EIR while denying others does not compromise the EIR's analysis, findings or conclusions. Consequently, if Valley View Estates is denied or withdrawn, striking out all references to the project in the EIR would be inappropriate. Retaining the project analysis in the EIR allows the applicant to revise the proposal and pursue a supplemental EIR rather than commissioning a new EIR. Certifying the existing EIR with Valley View Estates included does not guarantee the applicant's right to proceed with a re-design, it merely documents work done to date and establishes conclusions.

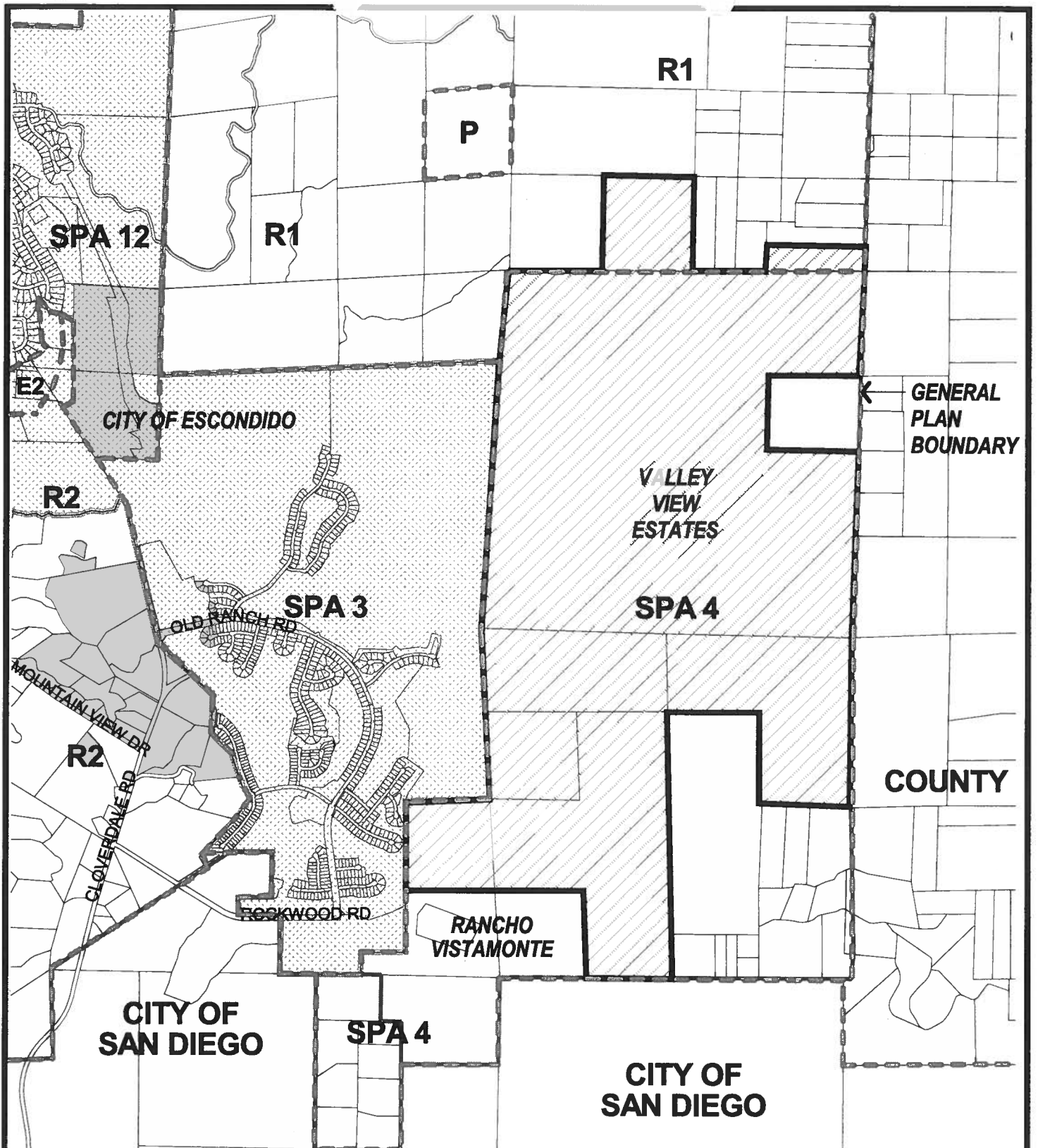
Overall, staff feels that the number of units and the type of facilities and uses proposed in the Specific Plan are appropriate for the site and are consistent with the General Plan for SPA #4. However, given the issues raised in the EIR regarding safety, traffic, aesthetics, biology, etc. staff is concerned with the design and layout of the site. If the project were revised to involve a more compact design with smaller lots and clustering development off the ridgelines (preserving more habitat and cultural resources), and incorporated a second permanent access along with a northerly emergency access to meet City standards (thus avoid extensive road grading of Calle Las Piedras along the west facing elevation) many of the significant unmitigable EIR issues would be resolved.

Respectfully submitted,

  
Jay Petrek  
Senior Planner

  
Jonathan Brindle  
Assistant Planning Director



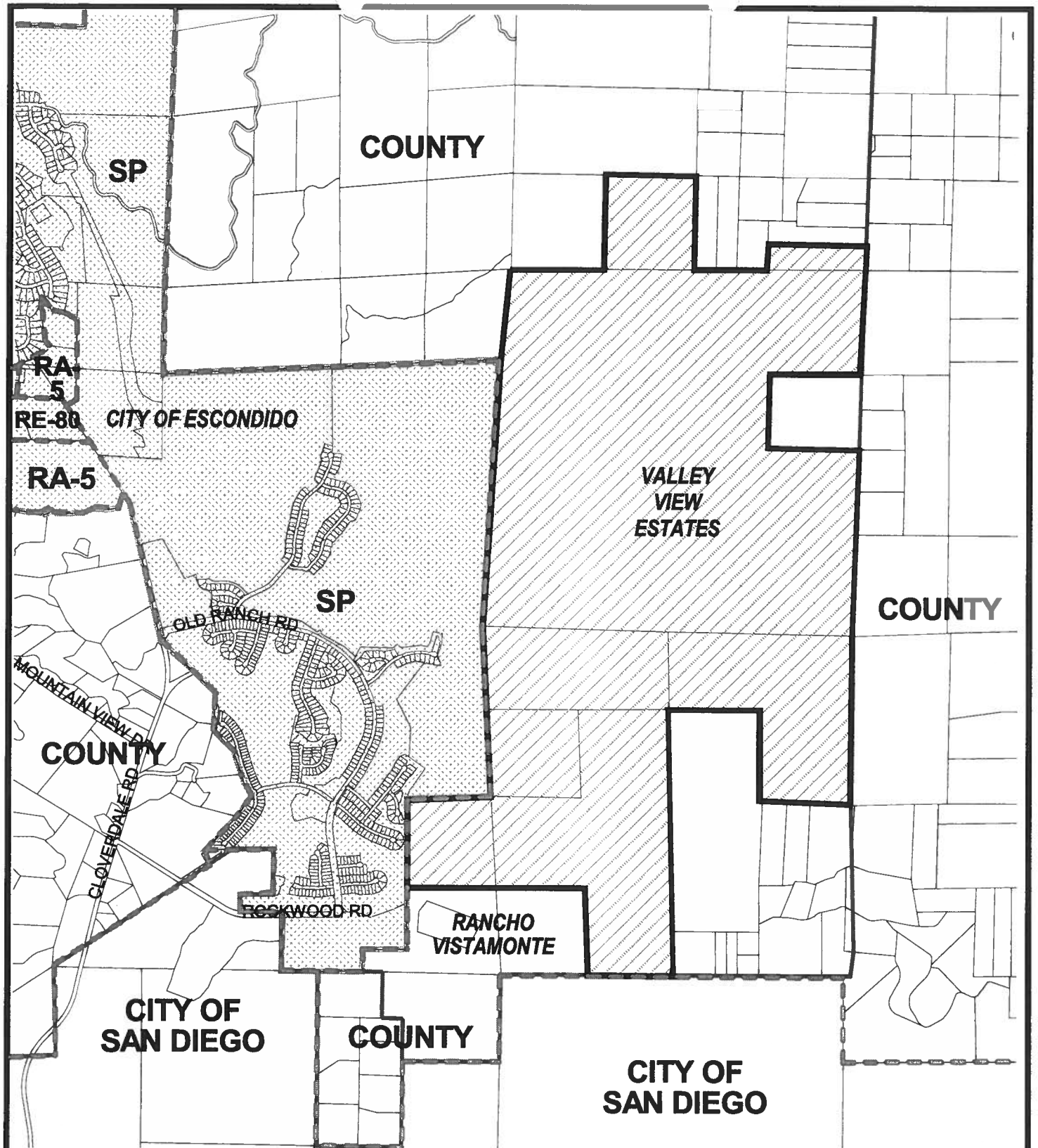


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**PROPOSED SUBDIVISION, PREZONE, SPECIFIC  
PLAN, GRADING EXEMPTION, ANNEXATION, &  
ENVIRONMENTAL REVIEW  
TR 799, 97-20-PZ/SP/GE,  
2002-07-AN, ER 2001-30 & ER 97-25**



GENERAL PLAN

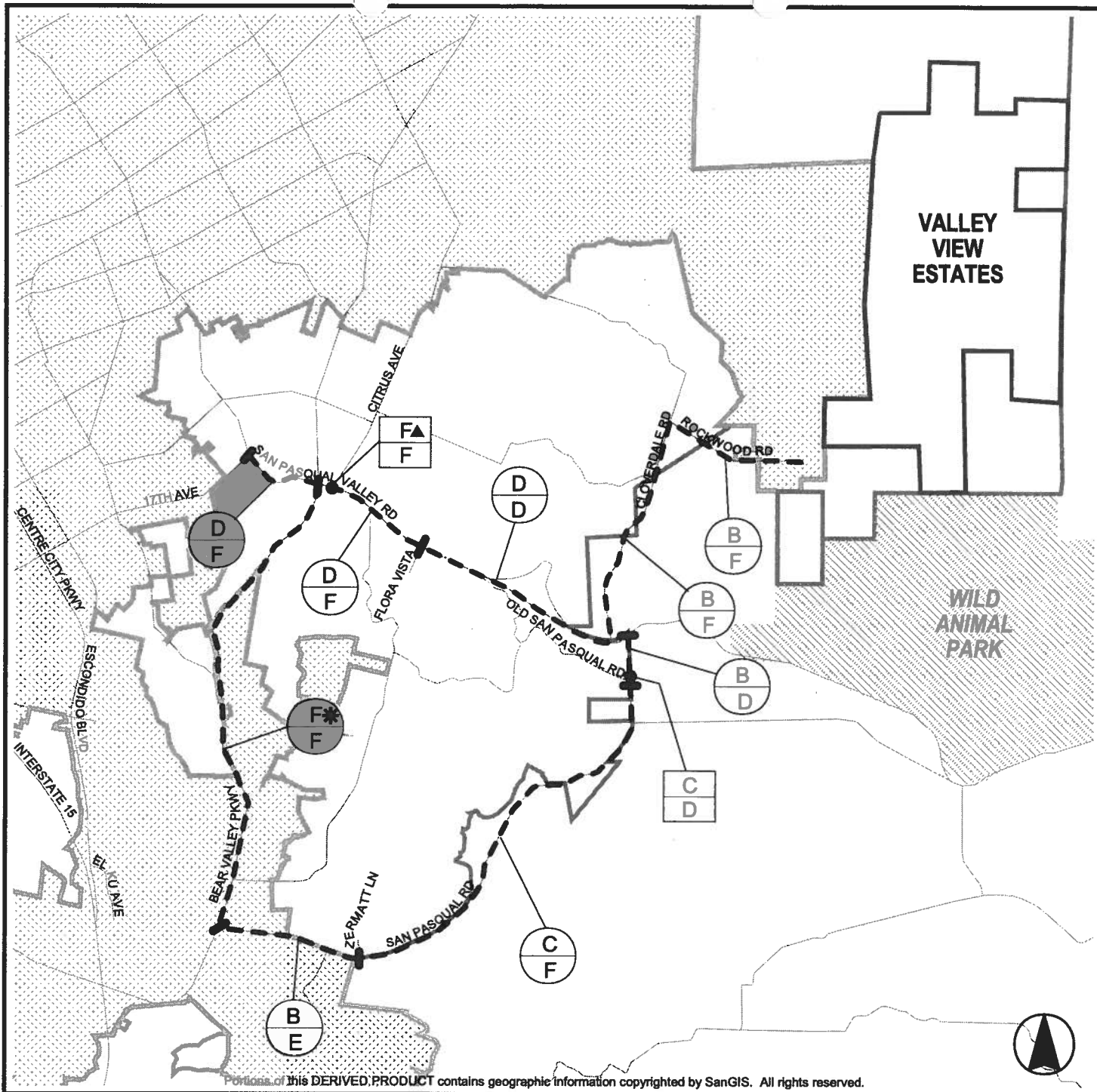


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**PROPOSED SUBDIVISION, PREZONE, SPECIFIC PLAN, GRADING EXEMPTION, ANNEXATION, & ENVIRONMENTAL REVIEW**  
**TR 799, 97-20-PZ/SP/GE,**  
**2002-07-AN, ER 2001-30 & ER 97-25**



LOCATION/ZONING



## VALLEY VIEW ESTATES

### EXISTING AND PROJECT TRAFFIC LEVELS OF SERVICE INVOLVING STREETS AND INTERSECTIONS WHERE SERVICE LEVEL DECLINES

#### STREET SEGMENT

- |   |
|---|
| C |
| F |

 - EXISTING LEVEL OF SERVICE (LOS)
- |   |
|---|
| F |
|---|

 - PROJECTED LOS WITH PROPOSAL

\* Bear Valley Parkway currently handles up to 26,600 daily trips, Valley View Estates would add approximately 630 additional daily trips.

#### STREET INTERSECTION

- |   |
|---|
| D |
| F |

 - EXISTING LEVEL OF SERVICE (LOS)
- |   |
|---|
| F |
|---|

 - PROJECTED LOS WITH PROPOSAL

▲ The intersection of Citrus Avenue and San Pasqual Valley Road currently experiences a 139 second delay. Valley View Estates would increase this delay an additional 135 seconds.

## ANALYSIS

### **A. SURROUNDING ZONING / LAND USES**

**NORTH** - *County: Multiple Rural Use 18 & 20 (Rural Residential; 4, 8 and 20 acres acre minimum lot size) / vacant and sparsely developed properties.*

**SOUTH** - *City of San Diego: Open Space / Zoological Societies Wild Animal Park.  
County: Multiple Rural Use 18 / vacant and sparsely developed properties.*

**EAST** - *County: Multiple Rural Use 18 (Rural Residential; 4, 8 and 20 acres acre minimum lot size) / vacant and sparsely developed properties.*

**WEST** - *City: SP / Rancho San Pasqual Specific Plan  
County: Multiple Rural Use 18 (Rural Residential; 4, 8 and 20 acres acre minimum lot size) / vacant and sparsely developed properties.*

### **B. FISCAL ANALYSIS**

As required by the General Plan, the applicant commissioned a fiscal study for the project to determine its financial impacts to the City. The analysis evaluated the project under two phasing scenarios including constructing the resort hotel in the first phase and during a phase closer to project build out. The study projected the average value of a 5,000 square foot estate residence to be \$1,050,000 and a 2,500 square foot patio home residence to be \$487,500. Resort room rates would average \$201 per night similar to the Rancho Bernardo Inn, Morgan Run resort and Lawrence Welk Resort and the resort would operate at 66% occupancy annually. Golf course green fees would range from \$80.00 for a weekend game to \$33.00 for a twilight Monday-Thursday game and average \$59.44 based on projected play distribution minus ten percent for resident programs, seasonal promotions and complimentary play.

The report concluded that if the resort is constructed in the first phase a fiscal benefit of \$710,000 would be realized in the first year, which grows to \$2.2 at the project's build out. If the hotel were constructed in a later phase, revenues from the project would be \$10,000 and grow to \$2.2 at project completion. Clearly the timing of the resort's construction influences the City's ability to reap a more significant financial gain from the collection of Transit Occupancy Tax (TOT). Additionally, assumptions also are dependent on housing unit costs and absorption estimates submitted by the applicant. If grading and construction costs increase, revenues and absorption rates will decrease.

During discussions with the applicant, staff has indicated that if the proposal is approved, the resort should be constructed early in the project phasing. The applicant has indicated a desire for flexibility in constructing the resort since the infrastructure must come from the south and extend to the northern portion of the site where the resort is planned. Staff is concerned that if development in the project begins in the south and progresses to the north the site could build out and never be constructed with a resort facility. Without the resort hotel constructed, the project would not be fiscally positive for the City given the fire station and sewer lift station maintenance and operation costs.

## **C. AVAILABILITY OF PUBLIC SERVICES**

### **Effect on Police Service—**

The Police Department evaluated the proposal and has expressed their ability to serve the site. Implementation of the project will not require construction of additional police facilities and no measurable impact of department overhead costs is expected. Future staffing increases and additional support equipment will be needed due to an existing shortage of staff according to the General Plan. No significant impacts are identified because the costs associated with this staffing increase, including annual salaries and equipment procurement, as well as annual maintenance, will be offset by an annual fiscal surplus for the City that will be generated by the additional project-related property sales and transient occupancy taxes.

### **Effect of Fire Service--**

The Fire Department analyzed the proposal and conclusions were included in the EIR indicating that the project would create significant unmitigable safety and fire hazards because of the substandard width of the southern emergency access road and lengths of cul-de-sacs that are up to 2,200 feet long. The project provides for a fire station in the specialty use lot at the southern portion of the site that would benefit the entire area including Rancho San Pasqual, San Diego Wild Animal Park, and the east Escondido / San Pasqual Valley. The City's Fire Department has been clear that a fire station is essential for providing adequate fire protection. At this point, no financial mechanisms have been identified that would ensure either the construction or on-going maintenance of the station. Such an arrangement could be developed as part of the required Development Agreement. In any event, a station must be constructed with the first phase of any development for Valley View Estates. Discussion of the Fire Department concerns are as follows:

#### **1) Emergency Access.**

Presently, the project connects to a northern access road that does not meet City standards. No access is provided to the east that connects with roadways meeting City standards. Other than the site's primary Rockwood Road access, a gated emergency access is provided from Zoo Road through the San Diego Wild Animal Park to the south. A .75-mile long portion of the emergency access will be paved to only 16 feet wide on a 19 foot wide graded surface. This does not conform to the City's minimum 24-foot width standard for emergency access routes. If Rockwood Road between Rancho Vistamonte and the main Valley View entrance should fail, the only way in and out of the project would be Zoo Road via the proposed inadequate emergency access posing a significant unmitigable health and safety impact.

#### **2) Length of Cul-de-Sacs.**

The City's standard for cul-de-sac lengths for residential subdivisions that do not incorporate emergency access is 800 feet. This length can be modified by the Fire Chief on a case-by-case basis pursuant to the Public Resources Code, Fire Safe Guides for Residential Development in California. This provision would permit cul de sacs up to 1,320 feet long for parcels between 1 and 4.99 acres in size. The applicant proposes several cul de sacs over 800 feet long including one approximately 2,200 feet in length that serves 20 lots. Another cul-de-sac serving 44 units is approximately 1,970 feet long. Fire Department has stated in writing their concern regarding the number of residences proposed on the cul-de-sac streets and the lack of alternative access.

*Effect on Traffic/Circulation—*

The project will take access from Rockwood Road, which would be extended past Rancho San Pasqual and through the proposed Rancho Vistamonte site. The entire gated facility, including the resort and ancillary commercial, equestrian facilities, golf and clubhouse, patio homes and estates residences will generate 7,308 Average Daily Trips (ADT), which is within the forecasted volumes planned for the site. It is estimated that 70% of the trips will include trips outside the project area or travel to the project area from the outside, impacting surrounding streets with 6,464 additional trips. The consultant evaluated the existing traffic conditions in the site vicinity, future traffic conditions, project-related traffic and potential project-related traffic impacts on the surrounding street system.

The EIR analyzed existing traffic conditions, existing conditions plus cumulative traffic conditions generated by other related projects, and General Plan build-out conditions using the adopted SANTEC/ITE guidelines for determining traffic impacts from projects for both roadway segments and intersections. In analyzing cumulative traffic effects, the EIR included anticipated projects as far away as the Northeast Gateway Specific Planning Area #5, and Sager Ranch (adjacent to Daley Ranch on Valley Center Road).

Other projects in close proximity were also considered including the San Diego Wild Animal Park, Rancho San Pasqual Development, San Pasqual Union School, Rancho Vistamonte and smaller projects in the San Pasqual Valley that impact State Route 78 (San Pasqual Valley Road), Bear Valley Parkway and other areas streets. There are four governmental jurisdictions that have responsibilities for roadway facilities within the study. Traffic associated with Valley View Estates will access roads in the County of San Diego, City of Escondido and City of San Diego. In addition, CalTrans is responsible for the operation of State Route 78 and I-15, which are also part of the regional circulation system.

The EIR also analyzed the City's ultimate build out Average Daily Trips (ADT) and Level of Service (LOS). Several streets segments and intersections in the vicinity of the proposed project are currently operating at a level of service D and F (see EIR page 2.3.13-7, Table 2.3.13-1). Street segments and intersections where the specific plan will degrade the level of service to LOS E or F have been identified on page 2.3.13-20 and 2.3.13-24 and include portions of Cloverdale Road, Rockwood Road, SR 78, and Bear Valley Parkway (also see Exhibit in Staff Report). Interstate 15 peak on-ramp metering delays are identified on page 2.3.13-27.

Measures needed to fully mitigate project impacts have been identified on page 2.3.13-34 through 2.3.13-36 but are not feasible for even a project as large as Valley View Estates. The mitigation measures would involve extensive widening along portions of roadways to their ultimate build out condition to alleviate impacts. These roadways include, Rockwood Road, Cloverdale Road, Highway 78, Bear Valley Parkway and San Pasqual Road. The widening of these roads would generate additional impacts (loss of habitat, construction related impacts, etc.) and were not included in the applicant's submittal. In addition to the infeasible costs, widening these roadways would also involve acquiring additional rights-of-way and involvement with multiple jurisdictions. Consequently, they were not included in the EIR. However, the applicant would be required to contribute his fair share for future improvements.

### Effect of Schools—

The Valley View Estates project is served by the San Pasqual Union School District for grades K-8 located on Rockwood Road. The southern portion of the project is assigned to Escondido Union High School District while the northern half of the development is served by the Valley Center High School District. The project proposes to reorganize the entire development within the Escondido High School District to attend at Orange Glen High School on Bear Valley Parkway. Based on population generation rates for comparable single-family residential development in the community, the school districts have provided information on the number of students anticipating to impact local public schools. The Valley View Estates project is anticipated to generate 158 K-8 students, and 55 high school students (213 total students).

The San Pasqual Union School District has indicated availability to serve the anticipated growth. The High School District has responded that Orange Glen High School is operating at over capacity. Although the District stated that it could not guarantee that adequate facilities to house students generated by the project would be available, the district stated that it should be able to provide interim facilities through the mechanism of enacting and collecting mitigation fee contributions currently collected directly by the school districts prior to issuing building permits. The District also reported the potential of providing space at other sites including Valley High School, Center City High School and other schools in the District.

### Effect on City's Trail System—

The Valley View Estates Specific Plan is along the City's Secondary Rural Trail system that connects the San Pasqual Valley with Lake Wohlford. The project will include multipurpose trails in conformance with the City's Master Plan along Rockwood Road and interior to the project connecting areas to the north, thus providing residents with expanded trail opportunities and recreational benefits.

### Effect on Utilities—

**Water:** Escondido purchases most of its water from the Metropolitan Water District (MWD) through the San Diego County Water Authority. Since the site is outside the City's Sphere of Influence the Valley View Estates area is not within the MWD service area and would otherwise rely upon wells to supply water demand. Through an agreement, MWD and ultimately the City will automatically serve territory that Escondido brings into its Sphere of Influence and annexes.

**Water:** A water availability study was prepared to determine the water needs of the proposed project. According to the design criteria outlined in the City's 2000 Water Master Plan, the City has sufficient supply to serve the project however, new water lines, pressure zones, storage tanks and pump stations need to be constructed to service the needs of the project from the existing Reed Zone that would be financed by the applicant. An existing 12-inch pipeline, approximately 1,500 feet in length, located in Rockwood Road is recommended to be upsized to a 16-inch pipeline. The existing 16-inch pipeline extending 1.7 miles from the Reed Reservoir to Old Ranch Road is also recommended for upsizing to a 20-inch diameter. On-site improvements include two pump stations to boost water from the City's water lines to two pressure zones within Valley View Estates. Two on-site reservoirs will be constructed at the lower and upper plateaus of the site and will provide service to the entire specific plan.

*Sewer:* The City's current treatment plant at the Hale Avenue Resource Recovery Facility (HARRF) has sufficient capacity to serve the project. Waster water service financed by the applicant will be extended into the area from off-site areas to the west. The City Council conditioned that the adjacent Rancho San Pasqual sewer system be sized to accommodate that development with limited capacity for other projects. The Valley View Estates is too large to connect with much of the existing system and will be required to install parallel line a distance of 1.7 miles along a sewer easement main from Rancho San Pasqual to an existing sewer lift station that also requires upsizing. Additionally, a new 2.8-mile long main sewer line from Pump Station #1, south of Westfield Shoppingtown, to the intersection of Centre City Parkway and Felicita Avenue needs to be installed.

Currently there are 15 sewer lift stations that serve the entire City. In order to facilitate proper sewer flow, the project proposes 10 sewer lift stations that will pump sewage to locations where gravity flow is reached. Valley View Estates proposal involves lift stations serving as few as 3 dwellings. This is a departure from the City's policy to install sewer lift stations in locations designed to serve large areas and provide maximum benefit to the community. Lift stations that serve a small number of residences tend to require higher maintenance and are prone to malfunction and require more constant service. It should be noted that the Valley View Estates contour-grading plan, which generally follows topographic features, drives the need for requiring the pump stations. A more conventional grading design would generate fewer pump stations but larger cut and fill slopes.

The municipal sewer system provides for the maintenance of all pump stations to be funded by the City. The City maintains all 15 existing sewer lift stations and spreads the cost of maintenance over the community through the collection of monthly sewer bills. Given this service, the City would be ineligible to turn the Valley View Estates' lift stations over to a private Home Owners Association or benefit assessment district. The increased cost to the City for servicing the pump stations that include staffing for inspections, electricity to run the pumps, factoring in replacement costs, etc. were not included in the Fiscal Analysis.

*Drainage:* The 1,050-acre specific plan contains several drainage courses and water falls that flow in an east-west direction toward Cloverdale Creek to the west and the San Diego Wild Animal Park to the south, ultimately draining into the San Pasqual Valley and Lake Hodges. Development of the site would result in an increase in the volume and velocity of runoff. Local detention basins are incorporated into the site design at major discharge points to reduce the peak-developed condition to levels below the existing condition peak flows consistent with National Pollution Discharge Elimination System (NPDES) standards. Maintenance of the detention basins will be the responsibility of the homeowners through a homeowner's association, which will also maintain the landscaped slope areas.

#### **D. ENVIRONMENTAL STATUS**

An Environmental Impact Report (City log no. ER 97-25 / ER 2001-30) was prepared to assess the project and was released for a 45-day public review and comment period between August 9 and September 23, 2002. In assessing the project's environmental impacts, staff utilized thresholds and standards consistent with adopted City codes, ordinances and policies in accordance with the California Environmental Quality Act (CEQA). The EIR determined that Valley View Estates would not generate impacts to agriculture, mineral resources, recreation, population and housing.



Certain impacts related to air quality, biological resources, cultural resources, geology and soils, noise, public services and utilities, transportation/traffic, hazards and hazardous materials, hydrology and water quality were determined to be significant but mitigable with conditions imposed on the project to reduce impacts to an acceptable level. The mitigation measures constitute special conditions placed on the project above and beyond typical project conditions of approval. Mitigation measures will require follow-up and in some cases long-term monitoring financed by the applicant is required to ensure that compliance is guaranteed. Compliance with the stated mitigation measures are intended to reduce the level of impact to a less than significant effect based on the CEQA definition of "significant effect."

The EIR identified significant unmitigable impacts related to aesthetics, biological resources, cultural resources, air quality, hazards and hazardous materials, land use and planning, noise, open space, traffic/transportation, public services and utilities (fire services). The EIR concludes that even after mitigation measures are established for Valley View Estates, these impacts would remain significant. Significant unmitigable cumulative impacts were identified regarding air quality, cultural resources, transportation/traffic and noise. For significant unmitigable impacts, the City Council is required to adopt overriding findings acknowledging the impacts but determining that the benefits of the project out weigh the long-term impacts.

A summary of the unmitigable impacts are discussed below:

**Aesthetics:**

Unmitigable direct aesthetic impacts will result from the extent of grading required to install the roadway network and project recreational features that will be very visible. As a case in point, the grading along Calle Las Piedras Road in one area involves a 18- to 23-foot high retaining wall at the bottom of a fill slope graded at a 2:1 gradient that removes up to a 200-foot wide swath of vegetation. In addition, there will be a 68-foot high retaining wall and a cut slope graded at a 1.5:1 gradient that removes a swath of vegetation up to 300-foot wide for the roadway. Given the magnitude of the improvements, the rocky and difficult terrain, staff does not feel that enough landscaping could be planted and maintained to mitigate these impacts.

The extent of grading, which calls for other combination cut-and-fill slopes over 250 feet in height in certain locations, will have a dramatically different appearance than the natural terrain given the extreme topography and terrain where the grading is occurring. The geotechnical report indicates that in several areas blasting and grading in solid rock will be required to install the required infrastructure. These areas will be difficult at best to landscape and will involve several years of growth to achieve coverage.

Additionally, the project incorporates ridge-top development, which the EIR concluded is a significant unmitigable impact affecting off-site views and City policies and objectives aimed a preserving natural landforms and reducing grading and visual impacts. It would be necessary to eliminate or relocate approximately 65-75 units to address these concerns. In staff's experience it is not feasible to rely on landscaping to resolve aesthetic issues (see Ridgeline Exhibit).

**Biological Resources and Open Space:**

Unmitigable direct and cumulative biological and open space impacts will result regarding Valley View Estate's departure from the adopted habitat plan. Although there are no endangered species on the site, the southern two-thirds of the site are identified as a Pre-Approved Mitigation Area (PAMA) under the County's Multiple Species Conservation Program (MSCP). Correspondence from the resource agencies indicate they have interpreted a criterion for properties within a PAMA requiring that 75% of the habitat area be preserved, allowing for 25% development of the site.

The County has indicated that it does not necessarily follow this strict 75% preservation criterion but has expressed extreme concern that the project impacts 60% of the site within the MSCP area, does not comply with MSCP design criteria and will jeopardize their regional habitat planning efforts. The County's corridor design criteria have been attached as Exhibit A. The applicant's biologist contests the County Staff's conclusions as well as the USFWS' interpretation that 75% of the area within the MSCP must be preserved. The City of Escondido does not currently have the ability to approve the removal of 299 acres of coastal sage scrub called for in the plan. Therefore, the habitat removal permit must either be approved by the County's 4(d) process, Section 7 Consultation or the 10A Habitat Conservation Plan. These processes are described further in the report. It should be noted that neither the County nor the resource agencies have expressed support for the amount of habitat removal.

The resource agencies and the County contend that the Valley View Estates' Removal of the quantity and quality of habitat to develop areas of the resort, equestrian center, and to construct the project circulation system will adversely impact wildlife movement through the area because connectivity between major blocks of open space will be broken. Specifically, the north/south and east/west habitat connections are constricted due to the development's large-lot pattern, which a more compact design would alleviate. While prescribed mitigation ratios have been incorporated into the EIR, the projects impact to the habitat plan will remain significant and unmitigable.

**Cultural Resources:**

Unmitigable individual and cumulative cultural impacts will result regarding Valley View Estates' impact to two of the 35 cultural sites and one isolate identified on the property. All other cultural sites have been found to be mitigable by a combination of mitigation measures, including avoidance within open space easements, testing and resource recovery. However, without a major realignment of the Rockwood Road and Calle Las Piedras Road, avoidance of the CA-SDI-14,770 and CA-SDI-14,081 is not feasible.

Specifically, SDI 14,770 includes 13 bedrock milling locations, containing 113 milling elements, two possible milling features, eight rock rings a rock shelter, possible architectural feature, and surface and subsurface artifacts. SDI 15,081 contains a seasonal camp, eight bedrock-milling features (containing 35 slicks, 18 mortars, 4 basins, and 15 large-size cupules), a rock enclosure, a rock alignment, and over 1,000 surface and subsurface artifacts. In the consultant's opinion, it is not often that resources of this quality are encountered. Avoidance of these resources would require significant redesigns that would likely necessitate additional environmental review.

**Air Quality:**

Unmitigable cumulative air quality impacts will result regarding the projects major contribution of the anticipated (year 2020) new airborne pollutants in the region. The project generally conforms to the growth patterns as expected for the region and as assessed in the San Diego Air Pollution Control District Regional Air Quality Strategy (RAQS). The basin is in non-attainment for ozone, and this contribution will constitute a cumulatively significant and unavoidable air quality impact. It is not unusual for projects of this scale to have significant unmitigable air quality impacts since they are based predominately on vehicle trips.

**Hazards and Hazardous Materials:**

Unmitigable wild land fire hazards will result to proposed structures, future residents, and resort users because of insufficient emergency egress/ingress to the north and east, and limited width of the southern emergency access. As proposed, the project incorporates a single access via Rockwood Road and a sole emergency access via Zoo Road, which currently serves the Rancho San Pasqual project as several other units. The emergency access road, as proposed, is a 16-foot wide paved roadway over a 19-foot wide graded easement. This access does not meet the City's minimum standard calling for a 24-foot wide paved roadway. If the segment of Rockwood Road between Calle Las Piedras Road and the entrance to the proposed Rancho Vistamonte SP development were to fail, all traffic ingressing and egressing Valley View Estates SP would be diverted to the substandard emergency alignment posing a significant unmitigable hazardous situation.

**Land Use and Planning:**

Unmitigable land use a planning impacts will occur due to the Valley View Estates' site plan that appears to depart from the County's corridor and preserve design criteria, and in turn its MSCP. The Specific Plan's internal circulation roads along the eastern boundary and across the western slope will disrupt the continuity of this open space because of the large slopes and retaining walls. The impact to biological resources within the PAMA and the disruption of connectivity to the PAMA will not be consistent with the MSCP as evidenced by correspondence from County staff and resource agencies.

**Noise:**

Unmitigable construction noise impacts will be generated by the proposed project due to the extent and duration of rock drilling on the top and west of the ridgeline for roads, resort facilities, estates lots and patio homes. Traffic noise increases generated by the project will be greater than 5 dBA over the existing levels along Rockwood Road and Cloverdale Road, along the southern border of the Rancho San Pasqual community and the elementary school, and will exceed the threshold level of increase by 5 dBA or greater discussed in General Plan Noise Policy E1.4, resulting in noise levels of 60 decibels along the backyards of residences along Rockwood Road.

Installing sound barrier walls could reduce noise levels to residences in Rancho San Pasqual. However, this mitigation measure was not evaluated since placement of such walls would need to be coordinated with road widening improvements necessary to mitigate off-site traffic impacts, which was not proposed by the applicant. Such sound attenuation walls would also affect visual aesthetics and would need to be analyzed for potential mitigation measures to screen visual impacts.

## **Traffic/Transportation**

### **SEGMENTS**

Direct unmitigable traffic/transportation impacts to street segments will occur from the development degrading existing Levels of Service (LOS) to "E" or "F" and the volume to capacity (v/c) ratio will be increased by .20 or more, substantially exceeding the 0.02-threshold. These street segment impacts will occur on:

- Cloverdale Road, between Rockwood Road and San Pasqual Valley Road
- Rockwood Road, east of Cloverdale Road
- San Pasqual Road between Bear Valley Parkway and Zermott Lane
- San Pasqual Valley Road Between Citrus Avenue and San Pasqual Road

There will be indirect and potentially significant impacts to the following roads because an increase in v/c ratios of 0.04 to 0.17 will occur to roads operating at LOS D or worse:

- Bear Valley Parkway between San Pasqual Valley Road and Sunset Drive
- Bear Valley Pkwy between Sunset Drive and Via Rancho Pkwy/San Pasqual Road
- San Pasqual Valley Road between 17<sup>th</sup> Avenue and Bear Valley Parkway
- San Pasqual Valley Road Between Bear Valley Parkway and Citrus Avenue

### **INTERSECTIONS**

The additional vehicle trips proposed by the Valley View Estates will increase the peak morning and evening hours intersection delays at San Pasqual Valley Road and Citrus Avenue. This intersection currently operates at LOS F during morning and evening peak hours and will continue to function at this level except that the project will increase the delay 135.8 seconds in the morning and 343.2 seconds in the evening. The intersection of San Pasqual Road and Old Pasqual Road will degrade from LOS D to LOS E with a 10.8 second increase in delay during the evening peak hours.

Significant right-of-way acquisitions would be required along the 8+ miles of off-site roadways to accommodate the project needs. Additionally, a significant amount of road construction would be required along these routes. This includes the .75-mile long off-site emergency access constructed to only 16 feet in width where the minimum standard is 24 feet. Several areas of acquisition involve properties owned by other public agencies, severely limiting the City's ability to condemn land for improvements.

Plans for the ultimate 8+ mile off-site road widening that would likely include graded slopes; stream crossings, retaining walls and noise berms were not designed by the applicant for evaluation. Since these improvements were clearly beyond the scope of an individual project they were not included in the project application, and recognizing that widening roadways to City standards would involve acquiring additional right-of-way and involvement with multiple jurisdictions, the improvements were not evaluated in the EIR and classified as a significant unmitigable impact.

## **E. CONFORMANCE WITH CITY POLICY**

### **1) Whether the Planning Commission should grant an additional continuance requested by the applicant.**

The Planning Commission's policy is to grant an automatic one-time continuance to applicants requesting a delay. The project was originally scheduled for the Planning Commission's meeting on November 26, 2002. In mid November staff received a letter requesting a delay in order to meet with residents of the Rancho San Pasqual area, which staff granted. A follow-up letter was mailed to the applicant informing him that the Valley View Estates proposal would be scheduled for the January 14, 2003 Planning Commission meeting. Since that time, the applicant has held two neighborhood meetings to further solicit input from residents. The issues raised at those meetings included issues raised by staff in earlier correspondence.

In late December an e-mail from the applicant's representative was sent to staff requesting a second delay. At this time no modifications have been proposed to the Valley View Estates project since the original submittal (except for abandoning the northerly Rockwood Road alignment). The applicant has not identified any details regarding other modifications. Any modifications that require a new analysis could not be performed in 30 days. Staff does not support the request for continuance.

### **2) Whether Staff's "equivalent dwelling unit" interpretation and the Specific Plan's proposed amenities are appropriate based on the existing General Plan language.**

#### **PROJECT AMENITIES & DESIGN STANDARDS**

The project proposes to cluster the development features on the flatter northern and southern plateaus of the site, which allows the steeper, more visible areas to be preserved in open space. Within the developed areas, the applicant is proposing to vary the development type (resort, equestrian, golf course, residential) and circulation system consistent with the site's topography.

The architectural styles will incorporate Spanish Mediterranean themes. Building colors for all residential and resort construction in the specific plan will include soft earth tones (beige, brown, gray and sandy hues) roofs colors will be limited to complimentary dark earth tones. Building materials will include natural elements such as stucco, rock, wood, stone, tile, and glass block. Bright colors such as white, pink and metallic will not be permitted. These development regulations will help to blend the residences in with the terrain. Provided the unit pricing parameters, resort occupancy and cost estimates are accurate, the project would be fiscally positive for the City at build out. The isolated nature of the development, with its panoramic views and dramatic topography would establish the site as an attractive destination resort with golf course amenities. While the project amenities are consistent with the General Plan language that calls out appropriate land uses for the site, the General Plan also requires that "The luxury resort, if proposed, shall fully mitigate all fiscal, environmental, and public facility impacts to the satisfaction of the City."

## EQUIVALENT DWELLING UNIT

The General Plan allows for a wide range of land uses on the site including a “golf course and luxury resort hotel with extensive amenities in exchange for residential units determined to have the same impact.” Although the General Plan limits the total build out for SPA #4 to 800 units (also with a Development Agreement), the specific “exchange rate” between residential units and a resort’s extensive amenities are not elaborated allowing latitude for interpretation. Since the entire Specific Planning Area totaled approximately 1,600 acres, the maximum 800 unit build out equated to one dwelling per two acres overall. For Valley View Estates, this allowed a maximum 575 units.

During the planning process of the project, the applicant met with staff to determine the appropriate equivalent dwelling unit exchange for the 1,150-acre site factoring in the resort (with ancillary commercial), golf and clubhouse and equestrian center. After much discussion it was decided that the residential water, sewer and traffic generation rates would be compared with resort, golf and equestrian facility’s water, sewer and traffic generation rates and then averaged. The calculations revealed that the resort, golf and equestrian uses were equal to 172 equivalent residential dwelling units, which is well within the total units allocated to the Specific Planning Area.

### **3) Whether two points of permanent access are necessary to serve the Project.**

Concerns have been raised regarding the appropriateness of providing a single permanent access for the project. Rancho San Pasqual, immediately to the west, involves 480 units and is served by a sole public access via Cloverdale and Rockwood Roads and one gated emergency access on Zoo Road. The number of units already served by this single entrance is a limiting factor in adequately accessing Valley View Estates. The ability for Cloverdale and Rockwood Roads to adequately function would be compromised, and the traffic Levels of Service would fall below acceptable standards, if a second permanent access route were not provided. Problems have occurred in the past when Cloverdale Road was temporarily blocked, which impacted existing residents.

It is unclear whether the applicant has the legal right to use Zoo Road as a second permanent access for Valley View Estates once Rockwood Road is extended to the site. The Zoological Society has indicated a willingness to allow Zoo Road only for a gated emergency access and contends that the applicant has no rights to designate Zoo Road as a second permanent access pursuant to a previously approved settlement agreement. No formal access is proposed to the north, the applicant does not propose to pave this route and during inclement weather it may be impassible, consequently it would not meet City Standards.

The project’s impacts to the surrounding street system will degrade traffic levels of service, which concerns staff. The Valley View Estates development will generate over 7,300 vehicle trips per day. The trips will include resort and equestrian oriented traffic as well as residential and school related trips. It is estimated that 70% of the trips will be external to the project, adversely impacting over 8 miles of surrounding streets with 6,464 additional trips. An analysis of the off-site impacts indicated that several arterials will experience significantly reduced levels of service that will not be mitigated. The Draft EIR identifies a wide range of traffic improvements needed to mitigate impacts associated with the proposed project.

The applicant did not propose off-site road improvements as part of the proposal (except for the extension of Rockwood Road to serve the site). The need for a second permanent access to serve Valley View Estates was identified in correspondence to the applicant on September 22, 1998 and in meetings prior. Construction of all the road improvements will be costly and may not be economically feasible when considering other extensive off-site improvements including water and sewer. Simply paying Fair Share fees would not mitigate the impacts to a less than significant level since direct development impacts exceed acceptable levels of thresholds. It is anticipated that Valley View Estates SP will be required to finance their proportionate share of the off-site improvements as a condition of approval. The funds will be held by the City and made available to agencies that will construct the improvements subject to their capital improvement plans.

While the project proponent currently has easement rights to use and improve the emergency roadway, the improved width of 16 feet on a 19 foot wide graded does not meet City standards of a 24-foot wide two-way access. Additionally, the Fire Department has indicated that an additional 30 feet along each side of the access should be cleared and thinned of vegetation to reduce fire hazards. This would necessitate additional biological mitigation. To the extent the necessary improvements were included in the project application, the EIR would have incorporated them in its analysis.

The Planning Commission and City Council still retain the ability to require easements from Rancho Vistamonte as part of their project approval for Valley View Estates to construct slopes for Rockwood Road. In other areas where Valley View Estates would need to widen roads the City would need to consider condemnation as the appropriate mechanism to acquiring right-of-way needs. Discussions with the City Engineering Department indicated that the standard application process for new development involves the applicant working out all access issues and acquisitions prior to submittal. City acquisition of right-of-way needs is not a normal method of providing roadway improvements. Furthermore, a City consideration regarding the appropriateness of condemning property for roadways is whether or not the roadway is required to satisfy an existing deficiency, not to facilitate new development.

#### **4) Whether the project adequately addresses safety issues.**

##### **EMERGENCY ACCESS**

Staff is concerned regarding the project's reliance on a sole primary access via Rockwood Road and upon an inadequate emergency access. City standards call for an emergency access to be a minimum 24-foot wide paved roadway. The project proposes a .75-mile long emergency access with a paved 16-foot width in a 19-foot wide easement through the Wild Animal Park open space area. The applicant does not have legal access to the north and existing northerly roads are a combination of paved and unpaved surfaces. Should the segment of Rockwood Road fail between Rancho Vistamonte and the main Valley View entrance, the only way in and out of the project would be via Zoo Road and the proposed inadequate emergency access posing a health and safety impact.

A four-fifths majority City Council vote would be required for approving the request to condemn property for the proposed emergency access. Historically, the City Council has carefully evaluated such requests and has not routinely approved them. Disregarding these issues, the area involved for expanding the emergency access is under the City of San Diego ownership and leased to the Zoological Society. Pursuant to California Code of Civil Procedures Section 1240.610, "Property owned by a public entity and devoted to a public use is not subject to the exercise of another entity's powers of eminent domain unless the use for which the property is sought is a more necessary public use than the existing public use." The City of San Diego has determined that the current use of the access road that was agreed upon in the settlement agreement to be appropriate for access. The applicant further stated that the EIR should be edited to reflect the comments and recirculated for public review. A full copy of the applicant's comment on the EIR is provided in Volume 8 along with staff's responses.

#### **FIRE STATION**

The Fire Department has indicated that a Fire Station facility would be required to provide adequate fire coverage to Valley View Estates. The project includes a fire station site in the southern portion of Valley View Estates on the Specialty Use parcel. The applicant has stated that since the fire station would serve an area larger than Valley View Estates, the City should include a provision to proportionately share the facility's construction and operation.

Staff is proposing to condition the project to have the fire station constructed prior to occupancy of the first dwelling unit. Further, that the Development Agreement for Valley View Estates (which is required prior to Final Map approval based on the project proposing lots less than one acre in size) would establish the financing mechanism for the Fire Station construction, maintenance and operation, which could include cost sharing measures subject to City Council approval.

#### **ON-SITE CIRCULATION**

Although the proposed street system conforms to the terrain, the project circulation design standards do not conform to adopted City standards and may be dangerous given the number of trips generated on-site and the steep road inclinations, sharp curves, narrow streets, long cul de sacs and inadequate emergency access. Vehicles will be required to reduce speeds to as low as 11, 12, 14, 15, 17 and 19 miles per hour within several areas of the project, which staff feels is an inappropriate and potentially dangerous precedent since the unusual street geometrics could create driver confusion causing them to misjudge turning movements and vertical curves. Currently public alleys are posted at 15 miles per hour and serve as the City's lowest vehicular speed travel ways. Staff is also concerned with the precedent created by the project's Local Collector streets to be constructed with up to 20% grades, which exceed the City's standard 12% grade design standard. In many situations the segments of steep inclinations are coupled with curved alignments that exceed City's standards.



**5) Whether the project would produce a significant visual impact on western residences.**

**RIDGE LINE DEVELOPMENT**

The General Plan has a goal of preserving scenic vistas and cites specific analysis as appropriate when developing in area visible from the valley floor. While the City's General Plan graphic depicts an Intermediate Ridgeline on the subject property a more detailed analysis finds the ridgeline to be more characteristic of a Skyline Ridge considering the characteristics, location, and height. On further examination of the overlay map, ridgelines that are in the Rancho San Pasqual development, west of the subject site and lower in elevation are depicted as Skyline Ridges. This appears incorrect when considering the Valley View Estates site is immediately to the east with higher ridgelines. The intent of identifying skyline ridgelines is to determine what landforms forms constitute topographic backdrops for the community.

In evaluating the ridgelines in the Valley View Estates Specific Plan, they appear to characterize a skyline ridge. Article 55 Sec.33-1051 states that:

Skyline Ridges shall be a long, narrow, conspicuous elevation identified on the hillside and ridgeline overlay map on file in the Planning Department. The precise location shall be determined during the project review process. Skyline ridges generally define the horizon and have a height over nine hundred (900) feet mean sea elevation in the south portions of the city and over one thousand five hundred (1,500) feet mean sea elevation in the north portions of the City as separated by El Norte Parkway.

While the graphic may portray an Intermediate Ridge on the site, the Ordinance appears to describe a Skyline Ridge considering the property's ridgelines are in excess of 1,600 feet mean sea level. The ordinance further allows determination of such ridges during the project review process. Additionally, The General Plan language for SPA #4 states that: "The Specific Plan shall contain development standards and guidelines to minimize grading requirements and to prohibit development on steep slopes and skyline ridges." This further substantiates that the site was perceived to contain a skyline ridge.

It should be noted however, that even if Valley View Estates were considered to contain only an Intermediate Ridge, the project also does not conform to the Intermediate Ridgeline development guidelines. Section 33-1067F (d) (2) states, "The minimum width of the lot measured parallel to the protected ridge at the proposed building site is not less than two hundred (200) feet." In evaluating the plan it appears at a minimum that lots 74-95, 144-146, 152, 264, 301-306, 322, 323, 334, 337, 347-360 are located on the ridgeline and are less than 200 feet in width.

**ON-SITE GRADING**

The specific plan proposes 144 grading exemptions to accommodate the development. Cut slopes up to 231 feet in height (including retaining walls up to 68 feet) and fill slopes up to 120 feet (including retaining walls up to 21 feet in height) are incorporated into the plan. The grading exemptions are requested for a variety of reasons depending on the location of the slope.

Grading exemptions are required under several circumstances:

1. Fill slopes within 50 of a property line that exceed 5 feet in height,
2. Fill slopes exceeding 20 feet in height in all areas of the site,
3. Fill Slopes adjacent to streets exceeding 10 feet in height,
4. Cut slopes exceeding 20 feet in height in all areas of the site,
5. Slopes steeper that 2:1 ratio in all areas of the site.

Grading exemptions are not an uncommon request and require a special level of review to ensure provisions are made to reduce the visual impact of the proposed grading.

Many of the areas requesting grading exemptions for Valley View Estates are in areas that will be highly visible from off site. All slopes will be contour graded with rounded edges and blended terrain. Many slopes are graded at a gradient of 1.5:1, which is steeper that a conventional 2:1 graded slope but given the site's steep terrain, the grading exemptions will generally follow the existing topography. All slopes will have a coordinated landscape scheme that will further lessen visual impacts, however the blasting required establishing the slopes will expose the underlying granite rock making it difficult to achieve adequate landscape coverage for several years. Slopes that are visible from off-site areas will be commonly maintained that ensures the viability of the plant material.

Staff feels that the extent of grading and blasting required to construct Valley View Estates will adversely impact the area's visual quality. The site varies in topography from 414 feet to 1810 feet above sea level. While graded slopes can be landscaped to a certain degree, the extent of grading required to install the roadway network remains significant. Extensive grading is required to facilitate the proposed streets, patio homes, resort, golf and equestrian facility.

As a case in point, the grading along Calle Las Piedras Road in one area involves a 18- to 23-foot high retaining wall at the bottom of a fill slope graded at a 2:1 gradient that removes up to a 200-foot wide swath of vegetation. In addition, there will be a 68-foot high retaining wall and a 163 foot high cut slope graded at a 1.5:1 gradient that removes a swath of vegetation up to 300-foot wide to construct the two lane 30 foot wide roadway. This 231 foot high grading exemption (68-foot high retaining wall plus 163 foot high cut slope at 1.5:1) will be the largest on record in the City and would be approximately twice as tall as Palomar Hospital's 9-story main tower if approved.

This extent of grading, which calls for other combination cut-and-fill slopes over 250 feet in height in certain locations, will have a dramatically different appearance than the natural terrain given the extreme topography where the grading is occurring. The geotechnical report indicates that in several areas blasting in solid non-rippable granite rock will be required to install the required infrastructure. These areas will be difficult at best to landscape and will involve several years of growth to achieve coverage. This not only impacts visual aesthetics but wildlife movement as well since species will not venture in areas of insufficient vegetative cover or where high walls impede passage. Grading for the estate lots would occur along an identified ridgeline when development of individual sites are proposed and would likely require additional grading exemptions on a case by case basis generating additional aesthetic impacts.

**6) Whether the project would result in a significant impact on archaeological resources.**

Unmitigable individual and cumulative cultural impacts will result regarding Valley View Estates' impact to two of the 35 cultural sites and one isolate identified on the property. All other cultural sites have been found to be mitigable by a combination of mitigation measures, including avoidance within open space easements, testing and resource recovery. However, without a major realignment of the Rockwood Road and Calle Las Piedras Road, avoidance of the CA-SDI-14,770 and CA-SDI-14,081 is not possible.

Specifically, SDI 14,770 includes 13 bedrock milling locations, containing 113 milling elements, two possible milling features, eight rock rings a rock shelter, possible architectural feature, and surface and subsurface artifacts. SDI 15,081 contains a seasonal camp, eight bedrock-milling features (containing 35 slicks, 18 mortars, 4 basins, and 15 large-size cupules), a rock enclosure, a rock alignment, and over 1,000 surface and subsurface artifacts. In the consultant's opinion, it is not often that resources of this quality are encountered. Avoidance of these resources would require significant redesigns that would likely necessitate additional environmental review.

**7) Whether the project would result in a significant biological impact.**

The southern two-thirds of the site is located within the County's Multiple Species Conservation Plan and identified as a Biological Resource Core Area and a Pre Approved Mitigation Area (PAMA), which is "land that qualifies as an integral component of a viable regional ecosystem..." The Resource Agencies have incorporated a criterion for properties classified as a PAMA that 75% of the habitat area be preserved, allowing for 25% development of the site. The County has indicated that it does not necessarily follow this strict 75% preservation criterion but has expressed extreme concern that the project impacts 60% of the site within the MSCP area, does not comply with MSCP design criteria and will jeopardize their habitat planning efforts.

The Valley View Estates SP area has been mapped as a very high, high and moderate value habitat according to the MSCP Habitat Value Biological Core and Linkage Area map and the composite North County Subarea Plan. While no listed species were found on the Valley View Estates property during general and directed biological surveys, the site contains sensitive vegetation types based on scientific evaluations as well as MSCP mapping. These vegetation types provide habitat for a number of wildlife species, including sensitive species that were identified on site. The property has been identified as part of a larger area that provides a regional linkage for wildlife through the San Pasqual Valley and proposes to eliminate 594 acres of sensitive biological habitat including 299 acres of coastal sage scrub.

The project's internal circulation roads will disrupt the continuity of open space, especially when considering the amount and extent of grading required for installing the circulation system. The grading required to "notch" Calle Las Piedras Road into the west facing ridge between the lower and upper plateaus of the site entailing removing a 500 foot wide swath of protective vegetation in certain locations, installing large retaining walls and extensive slopes as previously described would dramatically limit the effectiveness of any proposed wildlife underpass. This will disrupt habitat migration since protective vegetative cover will be eliminated requiring years for landscaping to be re-established given the extensive rocky terrain. Additionally, Calle Las Piedras Road and Rockwood Road will generate over 4,700 to approximately 7,000 trips per day through open space areas that will further disrupt habitat migration. On a 24-hour basis, this equates to 3 to 5 cars per minute. While late night and early morning traffic will be less, there will a greater number of cars per minute the remainder of the time, including evening and early night time dark hours.

Although there are several processes available to the applicant for seeking a vegetation removal permit if the project was to be approved, whether the vegetation removal permit can or would be granted remains doubtful. If the project is approved and annexed into the City, the area would be detached from the County's MSCP. The applicant would then apply to the City for a vegetation removal permit. Since the site contains coastal sage scrub and other sensitive habitats, the State Department of Fish and Game and U.S. Fish and Wildlife Service (Resource Agencies) would be involved in the process. Briefly, the type of permits available to the applicant for removing habitat and their likelihood of approval are:

#### **THE INTERIM 4(d). APPLICATION PROCESS:**

Since the City is in the process of developing its habitat Subarea Plan under the MHCP, all requests for sage scrub removal are processed through an interim habitat loss permit called the "interim 4(d) habitat loss permit", named after a section in the Natural Communities Conservation Planning (NCCP) guidelines established in 1993. While the plan is being prepared, the City is allowed to remove up to 5% of the existing sage scrub habitat within its boundaries totaling 102 acres. Once the Subarea Plan is adopted, the 5% limitation is no longer applicable. Over the past decade all of Escondido's 5% allocation has been processed or allocated for removal; consequently processing future interim 4(d) interim habitat loss permits through the City will necessitate using some of the County's allocation.

The County of San Diego still retains over 2,000 acres of it's 5% sage scrub allocation and subject to approval by the Board of Supervisors has made these reserves available on a case by case basis to jurisdictions who have depleted their allocation, subject to compensation. Staff contacted the County to inquire the likelihood of the granting a request to use 299 acres of the County's sage scrub allocation required to develop Valley View Estates. County staff indicated that the request would most likely not be approved since the proposed allocation would be for a project that the County has gone on record expressing concern regarding significant conflicts with the preserve design anticipated in its adopted MSCP. Further, since a finding for granting interim 4(d) requests is that the project does not preclude long term preserve design, the interim 4(d) process would not be appropriate.

## **THE SECTION 7 CONSULTATION**

The project impacts on-site stream courses, consequently the applicant is required to obtain an Army Corps of Engineers 404 permit. Since this is a federal permit, the Army Corps of Engineers consults with other federal agencies to insure that their action is not jeopardizing the continued existence of a listed species or adversely affecting its habitat. Upon consultation, the resource agencies make the determination whether there is a connection between the wetlands and other on-site habitats that drain into the stream courses as a criterion to require the applicant to prepare the habitat preservation plan that would include sage scrub removal in conjunction with obtaining the 404 permit. Staff contacted the resource agencies to inquire the likelihood of the applicant obtaining permits to remove sage scrub through the Section 7 Consultation process. Absent an application in hand, the resource agencies were hesitant to provide definitive information, but indicated that since the existing MSCP already includes their 75% habitat preservation criterion, the Valley View Estate's proposal to preserve only 40% of the on-site habitat and would substantially undermine the current habitat planning effort.

## **THE 10A HABITAT CONSERVATION PLAN**

Another alternative would direct the applicant to prepare a separate 10A Habitat Conservation Plan through the federal government. This Plan would establish parameters for preservation and habitat removal as well as guidelines for development. In effect, the 10A Habitat Conservation Plan is likened to a "miniature MSCP" in that most the components of the MSCP are included as well as the site's interrelation and connectivity with adjacent properties that would remain in the MSCP. Staff contacted the resource agencies to inquire the likelihood of the applicant removing sage scrub through obtaining a 10A Habitat Conservation Plan. As with the Section 7 Consultation process, the resource agencies indicated that since the MSCP already includes their 75% habitat preservation criterion, there is no rationale for approving a 10A Habitat Conservation Plan with markedly reduced preservation ratios, particularly when the plan would also adversely impact the adjacent MSCP.

## **APPROVAL THROUGH THE CITY'S SUBAREA PLAN**

The City has been working with the resource agencies to prepare its own Habitat Subarea Plan. Since the Valley View Estates has been only considered a "pending project" and not within the City limits, the boundaries of the City's Draft Subarea Plan involves the current corporate boundaries of Escondido. Upon approval and annexation, the Valley View property could be included in the City's Habitat Subarea Plan as a future amendment area. Staff has contacted the resource agencies regarding the ability to amend Escondido's Habitat Subarea Plan to include Valley View Estates if the project is approved. The resource agencies have gone on record to express concerns regarding the proposal's adverse impact to preservation anticipated in the adopted MSCP. Staff has also been informed that amending the City's Subarea Plan to include Valley View as currently designed could jeopardize future resource agency decisions on the City's Subarea Plan. Since the southern two-thirds of Valley View Estates is located in the MSCP with the resource agencies' 75% habitat preservation criterion, the agencies feel that whether the area stays in the MSCP or is transferred to the City's Habitat Subarea Plan, the preservation ratios and development standards should remain consistent.

## **8) Whether the project would result in an adverse impact to the Wild Animal Park**

The San Diego Zoological Society submitted a letter citing concerns with the City's response to their comment regarding the EIR's impact to the Wild Animal Park operations. One issue is the blasting anticipated to construct the Valley View Estates project and the effect on animal reproductive efforts. In reviewing the Valley View Estates plan, the area likely to experience blasting would be the Rockwood Road segment through Rancho Vistamonte and Calle Las Piedras along the western side of the Valley View Estates site. These areas are well distanced from the Wild Animal Park and shielded by intervening topography. Areas closest to the Wild Animal Park are not anticipated to require blasting since the depth of cut is not extreme.

It should be noted that the consultant who prepared the Valley View Estates EIR also prepared the Wild Animal Park Master Plan EIR. In that document, several facilities requiring grading and construction are proposed on the Wild Animal Park site. The consultant anticipates the more-distanced construction noise from the Valley View Estates project at the property line to be less than the Wild Animal Park's future construction activities, which will be generally closer to animal activities. Additionally the EIR was modified to include the Wild Animal Park as a Sensitive Noise Receptor and Noise Mitigation Measure 2-1 was amended to require all rock crushing equipment and operations to locate no closer than 800 feet from the Wild Animal Park Boundaries.

Another concern cited by the Zoological Society is the impact of residences constructed near the California Condor Recovery Program facilities. Along Valley View Estates' southern boundary three residential lots are proposed along the boundary that is co-terminus with the Wild Animal Park northern boundary. A total of eight lots are proposed south of the Rockwood Road alignment. There are other off-site residences north of the Wild Animal Park in close proximity to this area. The proposed 100-foot brush management clearance zone would place homes well distanced from adjacent properties. Additionally, since the Specific Plan is not proposing a new use but a continuation of existing uses in the area, impacts are anticipated to be incremental. Given that areas to the west will remain undeveloped as part of Rancho Vistamonte's open space area, the amount of residential development will be contained in this area.

## **9) Whether the project can be conditioned to address the identified issues.**

The applicant has questioned why the project cannot be approved and simply conditioned to address the areas of issue allowing additional time to make necessary modifications. Modifications may be conditioned when they address a minor specific issue that is adequately covered by the environmental analysis. In Valley View Estates' situation, the number of issues and concerns are beyond what could be addressed through minor plan changes. The changes required to address staff concerns would constitute a major re-design of the proposal. Such a re-design of the project would be significant in scope and, at a minimum, would require supplemental environmental review to assess biology, traffic and visual impacts. Additionally, improvements to Zoo Road to provide a second permanent access would need to evaluate necessary traffic controls and impacts to the character of the Wild Animal Park.

**10) Whether the Sphere of Influence Expansion, Rezoning and Annexation should proceed even if the project were to be denied.**

The Valley View Estates proposal involves a Sphere of Influence Expansion as well as Rezoning and Annexation. A Sphere of Influence is a boundary established by the Local Agency Formation Commission (LAFCO) that defines a jurisdiction's ultimate corporate boundaries. Escondido's Sphere of Influence is currently co-terminus with its City Limits along the western boundary of Valley View Estates and includes the Rancho San Pasqual development. LAFCO reviews and updates cities' Sphere of Influence approximately every 5-10 years. During Escondido's last Sphere of Influence update in 1993, the Valley View Estates project was proposed for inclusion to the City. At that time, the Rancho San Pasqual had not commenced construction and LAFCO felt it was premature to expand the City's Sphere since there was sufficient vacant territory (including Rancho San Pasqual) to defer further expansion until a later date.

It should be noted that when the Sphere of Influence was processed in 1993 that staff supported inclusion of Valley View Estates. At the time, information regarding the project was conducted at a more program level, and did not include the project level details and environmental analysis available with the current EIR. Additionally, the County's Multiple Species Habitat Program (MSCP) (that includes the Valley View site) was not adopted until late 1997; consequently the site's importance in the regional habitat-planning context was unknown and therefore not considered. These factors have contributed to staff altering its recommendation regarding the Valley View Estates proposal.

A consideration is whether the Valley View Estates site should be considered for inclusion to the City's Sphere of Influence in the event the project is denied. Given that several project related issues have raised sufficient concerns, staff feels that all actions should be considered together since the Rezoning assigns a specific density and that the Sphere of Influence Expansion, Rezoning and Annexation should not proceed if the project is denied. Additionally, discussions with LAFCO staff have indicated that the Sphere of Influence and Annexation will not be accepted for processing without City project approval.

Over the years since the applicant has been designing and planning the site, questions have arisen as to whether development on the scale called for in the General Plan may be too intense given the topography, biological and cultural resources and remote location. In the unincorporated county, outside the City's Sphere of Influence, the site has been integrated into County's MSCP as a significant resource for habitat preservation with prescribed design criteria for development that would incorporate more on-site preservation. To the extent that the Planning Commission feels the Valley View Estates' remote location, biological, cultural and scenic resources, the significant environmental impacts associated with developing a project the scale identified in the General Plan make it appropriate for removing from the General Plan, staff could carry a recommendation to the City Council to terminate further efforts to include the site in the City's Sphere of Influence and City limits.

## **F. APPLICANT'S PERSPECTIVE AND ISSUES:**

Prior to the development of Rancho San Pasqual the applicant has been working with private engineers and planners for several years in the development of his application. Over the course of time meetings have been held with staff to review the project prior to the application being formally submitted. During these meetings staff voiced concerns regarding various aspects of the project. The applicant also has met with the County of San Diego and Resource Agencies regarding the plan. After the site was incorporated into the County's MSCP it was clear that the applicant's concept for development differed greatly from the MSCP design criteria. The applicant has made several revisions to his plan to increase habitat corridors, decrease the number of estate lots, amend street alignments and incorporate a more "compact" design theme. The applicant feels that the design now meets the MSCP requirements and that the County staff is not accurately conveying the Board of Supervisor's position when expressing concerns about the proposal. Several other applicant issues have arisen regarding the development:

### **1. The applicant's request for slope easements along Rockwood Road**

An 84-foot wide Irrevocable Offer of Dedication (IOD) for Rockwood Road was placed on the adjacent Rancho Vistamonte property, which is insufficient when considering the slopes needed to construct the road. The applicant has mapped Rockwood Road through the Rancho Vistamonte site, has indicated maximum slopes needed to construct the site involve a 50-foot high retaining wall at the bottom of a 134-foot high 2:1 fill slope along with a 38-foot high retaining wall and a 1.5:1 cut slope graded 119 feet high. At the Rancho Vistamonte public hearing, the Planning Commission discussed the Rockwood Road alignment and the Valley View applicant's request to retain at least minimal provisions for slope easements. Since that meeting, the applicant has performed additional engineering regarding the Rockwood Road alignment reducing the overall slope easement requirements. The details of the re-designed plan were not available at the time of staff report distribution and will be provided at the Planning Commission Hearing.

### **2. The applicant's disagreement with the EIR Findings**

In the applicant's comment regarding the EIR during the public review period, several points were raised disputing the number of significant unmitigable EIR findings. The applicant contests the EIR approach, methodology, conclusions and mitigation measures rendered regarding Visual Aesthetics, Biology and Open Space, Wildlife Corridors, Cultural Resources, Hazardous Materials, Land Use, Noise, Public Services and Traffic. The applicant felt that the General Plan's characterization of Valley View Estates' ridgelines as "intermediate" should be utilized rather than interpreting them as "skyline ridges." Further, that additional mitigation measures such as terracing plantable keystone walls and incorporating retaining walls with variations in material, color and surface treatment would fully mitigate visual impacts. The applicant feels that the visual simulation prepared in the EIR distorts and exaggerates the actual visual impacts. It should be noted that all two dimensional visual simulations are not completely precise. However, conversations with the consultant who prepared the graphic indicated that the simulation assumes units to be constructed in the center of each lot and incorporates premature landscaping to provide a "short term" perspective on the development.



The applicant disputes the methodology utilized in applying the MSCP criteria and feels that by purchasing replacement sensitive habitat off-site and preserving remaining habitat on-site, the overall biological impacts will be mitigated. The applicant disagrees with the conclusions regarding the cultural and feels that more conventional mitigation such as cataloging and recovery or capping the sites should be incorporated into the EIR. Regarding traffic and noise the applicant felt that incorrect data was utilized and that mitigation measures for noise impacts should have included sound walls. Overall the applicant feels that the EIR inaccurately interprets City's ordinances, resolutions and procedures dealing with hillside regulations and archaeological procedures and that "a re-evaluation of a substantial number of topical areas can and probably will result in a logical change in various conclusions in terms of severity of impacts, the intensity and variety of mitigations, as well as the scope of reasonable alternatives."

### **3. The applicant's need for a Development Agreement**

The General Plan requires that development within SPA #4 be limited to one-acre minimum lot size unless a Development Agreement is approved. The Valley View Estates project includes 4,000 square foot patio homes, consequently a Development Agreement would be required to activate the plan. Subject to approval of the project, the applicant would be required to return to the Planning Commission with a Development Agreement proposal. Terms for the agreement would not include physical improvements unless an environmental analysis is performed. The applicant has begun preliminary discussions with the City regarding the Development Agreement in anticipation of project approval

### **4. The applicant's need to phase the project, potentially constructing the resort toward the end of the project phasing**

The applicant has expressed concern regarding constructing the resort early in the phasing because it would entail installing expensive infrastructure all the way to the northern portion of the site without developing most of the southern area of the site where a return on the applicant's investment could be more quickly generated. If the project is approved, the Development Agreement process may be the appropriate mechanism to determining appropriate project phasing.

## **E. PUBLIC COMMENTS:**

During the EIR's public review period the U.S. Department of Fish and Wildlife Service (USFWS) and the County of San Diego expressed concern regarding the project's impacts to the MSCP. Both agencies felt that the EIR should be recirculated because the analysis did not accurately address all impacts associated with the project and that additional analysis would result in more impacts than those identified in the EIR. The County of San Diego has expressed extreme concern both verbally and in writing regarding Valley View Estates impact on their adopted MSCP Program. Concern has been raised that the amount of habitat removed will not only impact wild life migration on-site, but also will significantly impact off-site migration through the site since the property is a major block of habitat that interrelates with adjacent areas. For this reason the project was cited with significant unmitigable Land Use and Planning impacts.

Staff has responded to these comments and other regarding the EIR in the EIR Volume 8 and feels that all issues were adequately assessed and that recirculation of the EIR is not necessary.

Staff has held three public workshops and the applicant has held two additional workshops in the Rancho San Pasqual neighborhood. All neighborhood meetings were well attended by the surrounding residents. Comments submitted during the Environmental Impact Report's public review are included in Volume 8 are highlighted below and were echoed at all neighborhood meetings:

1. Streets and circulation in the area being inadequate to accommodate the project.
2. The project will increase noise in the area.
3. The project will create a loss of privacy and reduced quality of life.
4. The project will adversely impact wildlife and cultural resources.
5. The project will adversely impact visual resources.
6. The project will cause surrounding property values to be adversely affected.

## SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

### A. Physical Characteristics:

The site is moderately to steeply sloping with a ridge line plateau bisecting the site from north to south. Stream courses flow from the site to the east and to the west. The site contains significant areas in excess of 35% primarily in the eastern and southern portion of the specific plan. The property is currently vacant with limited undisturbed areas. Vegetation on the site consists of native habitat including, oak woodlands, wetlands, sage scrub chaparral, and non-native grasses.

### B. Supplemental Details of Request:

1. **Project Size:** 1,150 acres
2. **Number of residential lots:** 174 patio homes (4,000 square foot minimum lot size)  
229 estate lots (20,000 square foot minimum lot size)
3. **Overall Density:** 2.0 units per acre (including 172 equivalent dwelling units attributed to the resort, golf course, club house and equestrian center)
4. **Details of Villages:**

#### Northern Upper Plateau: TM Units 1 & 2

Use	Dwelling Units	Acreage
Hotel (250 Rental Units)		19.9 Ac.
Estate Lots	29	38.5 Ac.
Patio Homes	30	3.5 Ac.
Golf Course		201.5 Ac.
Resort (Tennis and Clubhouse)		2.8 Ac.
Natural Open Space		113.7 Ac.
Common Open Space		1.7 Ac.
Roads		8.6 Ac.
<b>Neighborhood Total</b>	<b>59</b>	<b>390.2 Ac.</b>

#### Southern Upper Plateau: TM Units 3 & 4

Use	Dwelling Units	Acreage
Estate Lots	38	51.5 Ac.
Patio Homes	110	15.9 Ac.
Natural Open Space		151.9 Ac.
Common Open Space		14.2 Ac.
Roads		16.6 Ac.
<b>Neighborhood Total</b>	<b>148</b>	<b>250.1 Ac.</b>

#### Southeast Highlands: TM Units 5 & 6

Use	Dwelling Units	Acreage
Estate Lots	65	91.5 Ac.
Natural Open Space		151.9 Ac.
Roads		16.6 Ac.
<b>Neighborhood Total</b>	<b>65</b>	<b>146.3 Ac.</b>

#### Southwest Valley: TM Units 7 & 8

Use	Dwelling Units	Acreage
Estate Lots	50	69.5 Ac.
Patio Homes	34	4.0 Ac.
Specialty Use (Fire Station, Community Use)	7.5 Ac.	
Natural Open Space		58.8 Ac.
Common Open Space		5.3 Ac.
Equestrian Center		17.9 Ac.
Roads		8.0 Ac.

*Neighborhood Total* 84 171.0 Ac.

**Southcrest: TM Unit 9**

Use	Dwelling Units	Acreage
Estate Lots	22	40.7 Ac.
Natural Open Space		6.1 Ac.
Roads		5.7 Ac.
<i>Neighborhood Total</i>	22	52.5 Ac.

**Westcentral Mesa: TM Unit 10**

Use	Dwelling Units	Acreage
Estate Lots	25	38.3 Ac.
Natural Open Space		100.0 Ac.
Roads		1.6 Ac.
<i>Neighborhood Total</i>	25	139.9 Ac.

**5. Details of Site Acreages:**

<u>Land Use</u>	<u>Total Acreage</u>	<u>Percent of Site</u>
<b>Residential:</b>		
174 Patio Homes	23.40	
229 Estate Lots	330.00	
403 Total Dwellings	353.40	30.73%
Hotel (Including Casitas)	19.90	1.73%
Specialty Use	7.5	.65%
<b>Open Space:</b>		
Natural Areas	476.20	
Golf Course	201.50	
Club House, Tennis	2.80	
Equestrian Center	17.90	
Pocket Parks / Common Areas	21.20	
Subtotal	719.60	62.58%
Roads	49.60	4.31%
<b>TOTAL:</b>	<b>1,550.00</b>	<b>100.00%</b>

**6. Public Open Space:**

A system of multipurpose trails through the property would be constructed beginning from Rockwood Road and extending to the equestrian center and around the perimeter of the site connecting to the City's Master Plan of Trails.

**7. Building Development Standards:**

<u>Lot Size:</u>	<u>4,000-8,000</u>	<u>8,000-9,999</u>	<u>10,000-19,000</u>	<u>20,000-85,000</u>	<u>85,000+</u>
<b>Lot Width</b>	45-foot min.	45-foot min.	50-foot min.	70-foot min.	110-foot min.
<b>Setbacks:</b>					
<b>Front:</b>	20 feet	20 feet	25 feet	25 feet	30 feet
<b>Side:</b>	5 feet	5 feet	6.5 feet	7.5 feet	10 feet
<b>Street side:</b>	10 feet	10 feet	15 feet	15 feet	20 feet
<b>Rear:</b>	20 feet	20 feet	20 feet	20 feet	20 feet

**b. Building Architecture,  
Colors and Materials:**

It is intended that the themes reflect the characteristics of the California Mediterranean Style. Wide, horizontal facades, low pitch, subdued colors (beige, sand, brown) and natural- building materials (tile, rock, stone, wood, glass block etc.) shall be incorporated into the designs. (see architectural concept plans in the Specific Plan text). The project is conditioned to incorporate single story units in all villages.

**c. Roof Treatment:**

Typical colors should be in the medium to dark earth tone range. Roof styles should be limited to traditional forms including gable, hip or shed styles. Roof tiles are to be comprised of low profile curved or flat styles; Barrel tiles and wood shingles as well as bright colored (Orange, Red, Blue, Reflective etc.) tiles shall be prohibited.

**d. Fencing:**

Solid walls and fences comprised of wood, masonry, stucco and or stone are proposed where privacy is a concern. View fencing of tubular steel, low masonry, stone or stucco walls with tubular steel or tempered glass is proposed.

**e. Landscaping**

The overall objective of the landscape design concept is to promote a high quality aesthetic design through out the community. Landscaping is intended to focus on the relationship with the environment, with the open space hillsides providing the community backdrop. Drought tolerant "xeriscape" type plant materials are proposed to provide consistency with existing habitat types.

**Exhibit "A"**  
**FACTORS TO BE CONSIDERED/FINDINGS OF FACT**  
**Tract 799, 2001-36-SOI, 97-20-PZ/SP/GE, 2002-07-AN,**  
**ER 97-25, ER 2001-30 Valley View Estates**

**SPECIFIC PLAN**

1. The intensity of the applicant's design and the impacts associated with developing the proposal would adversely impact the area. While the site may be appropriate for a specific plan development, staff is concerned regarding the intensity of the Specific Plan design.
2. Approving the project would not be based on sound principles of land use since the proposed location incorporates units on a ridgeline, the streets do not meet City standards, and the project is served by only one point of access and includes a substandard emergency access. The proposal involves an inappropriate number of sewer lift stations that would make the project difficult to serve since the project would not be eligible for a maintenance district or homeowners association for maintenance. The proposed grading exemptions will be highly visible from off site areas incorporating retaining walls up to 68 feet high and cut and fill slopes over 300 feet in height adversely impact views of the property. Grading for the estate lots would occur along an identified ridgeline where no backdrop is visible where development of individual sites are proposed and would likely require additional grading exemptions on a case by case basis generating additional aesthetic impacts.
3. The proposed specific plan will cause significant unmitigable traffic impacts on over 8 miles of roads from vehicle trips generated by the development with several street segments reduced to level of service "F" The proposed on-site circulation design standards incorporate a street system that does not conform to adopted City standards with steep road inclinations, sharp curves, narrow streets, long cul de sacs and inadequate emergency access. Vehicles will be required to reduce speeds to as low as 11 miles per hour within the project area, which is an inappropriate precedent given that public alleys are posted at 15 mile per hour and serve as the City's lowest vehicular speed travel ways. The project's Local Collector streets to be constructed with up to 20% grades create an unacceptable precedent. In many situations the segments of steep inclinations are coupled with curved alignments that exceed City's standards.
4. Based on reports from the City Fire Department, the project location and design will not allow residents to be adequately served by the proposed emergency access. The project's relies upon a yet to be developed finance plan for constructing a fire station and involves a sole primary access via Rockwood Road and an emergency access involving a .75-mile long 16-foot wide paved road in a 19-foot wide easement where City standards require a minimum 24-foot wide paved roadway. Should the segment of Rockwood Road fail between Rancho Vistamonte and the main Valley View entrance, the only way in and out of the project would be via Zoo Road and the proposed inadequate emergency access posing a significant unmitigable health and safety impact.
5. The overall design of the proposed development will not produce an attractive, efficient and stable environment for living since the project's extent of ridge top development will adversely impact off-site views. Development is prohibited on ridges of specified elevations and shape where there is no visible backdrop. Intermediate ridgelines have strict design standards for development. However, even if the Valley View Estates ridgeline is considered an intermediate ridge, the project does not conform to the intermediate ridgeline development guidelines. The project generates biological impacts and concerns have been expressed by the resource agencies and County of San Diego who oversee the habitat planning efforts in this area.
6. The development does not create an environment of sustained desirability and stability since the proposal has been identified in the EIR as generating significant unmitigable impacts related to aesthetics, biological resources, cultural resources, air quality, hazards and hazardous materials, land use and planning, noise, open space, traffic/transportation, public services and utilities (fire services). The EIR concludes that even after mitigation measures are established for Valley View Estates, these impacts would exceed adopted community thresholds. When considering other projects in the area and their impacts with Valley View Estates significant unmitigable cumulative impacts were identified regarding air quality, cultural resources, transportation/traffic and noise. .

7. The development will not be well integrated with its setting and is not consistent with adopted habitat planning efforts as evidenced by correspondence from the County and resource agencies. The southern two-thirds of the site is located within the County's Multiple Species Conservation Plan and identified as a Biological Resource Core Area, which is "land that qualifies as an integral component of a viable regional ecosystem..." Criteria for the property requires that significant portions of habitat area be preserved and configured to meet preserve and habitat design guidelines. The project impacts 60% of the site within the MSCP area, which exceeds the 25% allowable for development identified as the threshold for attaining consistency with the Plan.
8. The uses will have a beneficial effect not obtainable under existing zoning regulations that would allow development on the steeper more visible areas of the site.

### **TENTATIVE SUBDIVISION MAP TRACT 799**

1. The proposed map is consistent with the guidelines of the Specific Plan that allows up to 800 units for the entire SPA. The equivalent dwelling units established for the resort, golf, clubhouse and equestrian center are appropriate given the number of vehicle trips, water usage and sewer requirements for these facilities.
2. The design and improvements of the proposed subdivision are not consistent with the General Plan since the project does not mitigate significant unmitigable environmental impacts related to aesthetics, biological resources, cultural resources, air quality, hazards and hazardous materials, land use and planning, noise, open space, traffic/transportation, public services and utilities (fire services). The EIR concludes that even after mitigation measures are established for Valley View Estates, these impacts would exceed adopted community thresholds.
3. The site is not suitable for this residential type of development proposed since the project is too remote to be efficiently served from a practical planning perspective. The streets do not meet City standards, and the project is served by only one point of access and includes a substandard emergency access. The proposal involves an inappropriate number of sewer lift stations that would make the project difficult to serve since the project would not be eligible for a maintenance district or homeowners association for maintenance.
4. The site is not physically suitable for the proposed density since extensive grading exemptions are required that will visually impact surrounding properties. The proposed grading exemptions will be highly visible from off site areas incorporating retaining walls up to 68 feet high and cut and fill slopes over 300 feet in height adversely impact views of the property. Grading for the estate lots would occur along an identified ridgeline where no backdrop is visible where development of individual sites are proposed and would likely require additional grading exemptions on a case by case basis generating additional aesthetic impacts.
5. The design of the map and the type of improvements are likely to cause serious public health problems since inadequate emergency is provided that will not properly function in the case of closure of the main access route or the need to quickly evacuate residents and resort guests. The proposed on-site circulation design standards incorporate a street system that does not conform to adopted City standards with steep road inclinations, sharp curves, narrow streets, long cul de sacs and inadequate emergency access. Vehicles will be required to reduce speeds to as low as 11 miles per hour within the project area, which is an inappropriate precedent given that public alleys are posted at 15 mile per hour and serve as the City's lowest vehicular speed travel ways. The project's Local Collector streets to be constructed with up to 20% grades create an unacceptable precedent. In many situations the segments of steep inclinations are coupled with curved alignments that exceed City's standards.
6. It is unclear whether the design of the map and the type of improvements will not conflict with any easements of record, of easements established through court judgments, or acquired by the population at large, for access through, or for use of the property within the proposed map since the applicant has not provided staff with sufficient information regarding the ability to use roads proposed emergency access.

7. All of the requirements of the California Environmental Quality Act have been met with a determination that the proposal generates a significant amount of unmitigable impacts related to aesthetics, biological resources, cultural resources, air quality, hazards and hazardous materials, land use and planning, noise, open space, traffic/transportation, public services and utilities (fire services). The EIR concludes that even after mitigation measures are established for Valley View Estates, these impacts would exceed adopted community thresholds.
8. The design of the map had provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Landscaping would provide passive cooling opportunities via shading of each unit.
9. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to recordation of the map.
10. All parcels not associated with the Tentative Map shall be labeled "Not a Part."



**NOTE:**

The proposed Valley View Estates project is recommended for denial by staff. The attached conditions are included in the event the Planning Commission overrides staff recommendation and determines the project is appropriate and approves the project.

**EXHIBIT "B"**  
**Conditions of Approval**  
**Valley View Estates and Tract 799**

**VALLEY VIEW ESTATES SPECIFIC PLAN CONDITIONS**

1. Any fencing proposed on individual lots shall be generally located at the top of slopes to the satisfaction of the Planning Division to ensure that no views will be obstructed. Fence materials shall comply with plans described in the Specific Plan document to the satisfaction of the Planning Division.
2. No street names are part of this approval. A separate request shall be submitted prior to Final Map.
2. This Specific Plan is subject to the conditions placed on Tract 799.
3. Architectural styles and materials shall be consistent with those identified in the Architectural Design Guidelines of the Specific Plan text including the use of subdued colors and natural materials consistent with the rural ranch theme, limiting enhancing rear elevation of highly visible units, varying roof treatment, incorporating side entry garages, minimizing front garage door exposures, etc.
4. All provisions, standards, regulations and procedures detailed in the Valley View Estates Specific Plan text shall apply to the proposed project.
5. Prior to final map recordation the Specific Plan, Mitigation Measures #1 - #9 of the Mitigation, Monitoring and Reporting Program shall be completed to the satisfaction of the City.
6. Prior to approval of each Final Subdivision Map, Mitigation Measure #10 - #12 of the Mitigation, Monitoring and Reporting Program shall be completed to the satisfaction of the City.
7. Prior to or as a condition of Final Subdivision Map, Grading Permit and/or Improvement Plan approvals, Mitigation Measures #13, - #61, #63 of the Mitigation, Monitoring and Reporting Program shall be completed to the satisfaction of the City.
8. Prior to or upon approval of the first Building Permit issuance, Mitigation Measure #62 of the Mitigation, Monitoring and Reporting Program shall be completed to the satisfaction of the City.
9. During grading of the site Mitigation Measures #63 - #73 of the Mitigation, Monitoring and Reporting Program shall be completed to the satisfaction of the City.

10. Prior to occupancy of the first residence On Going Mitigation Measures #74 - #75 of the Mitigation, Monitoring and Reporting Program shall be undertaken to the satisfaction of the City.
11. No grading shall occur on-site until proper permits have been obtained.
12. The sewer pump station shall be constructed in a manner consistent with Zoning Code requirements and shall utilize materials and colors that are similar to and compatible with the approved residences. Architectural plans and samples of materials and colors shall be submitted to the Planning Department and Design Review Board for review and approval prior to obtaining a building permit.

### **LANDSCAPING**

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of Grading or Building permits, and shall be equivalent or superior to the concept plan attached as Specific Plan exhibit(s) to the satisfaction of the Planning Division. The plan shall also include the clean-up, preservation and landscaping of all open space areas. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Ordinance 93-12. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
3. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
4. Prior to occupancy of future units, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Any existing trees to remain in open-space areas shall be identified on the landscape and grading plans.
6. All grading-exempted slopes shall be heavily landscaped to reduce potential visual impacts. All manufactured cut and fill slopes over 3 feet in height shall have a minimum of four (4) trees, 25% 5-gallon, 50% 15 gallon, 25% 24" box in size; and ten (10) shrubs, 75% 1-gallon, 25% 5-gallon in size per 1,000 square feet of slope area plus ground cover. Additional groundcover planting shall provide one hundred percent coverage within one year of installation. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Division consistent with the selection provided in the Specific Plan text. In particular, the ground cover shall be a fast-growing species that establishes quickly and is capable of choking out weeds.

7. One 15-gallon street tree per 30 feet of linear frontage shall be provided in, or adjacent to this subdivision in conformance with the Specific Plan. The type and location of trees shall be identified in the landscape plans provided for each phase.
8. Details of the retaining wall design including material, color, construction, planting scheme shall be approved by the City prior to grading permit issuance. All retaining walls shall be constructed out of decorative-block material to the satisfaction of the Planning Division. The materials of the wall(s) shall be identified on the grading plans.
9. The maintenance of all slopes and open space/common areas shall be identified in each phase and shall be subject to approval by the Public Works Department.
10. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

#### **PLANNING DIVISION SUBDIVISION MAP CONDITIONS TR 799**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.
2. The applicant has provided the legal description attached to the application and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. All required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
4. The applicant shall comply with the Escondido Fair Housing Marketing Plan in accordance with Resolution No. 80-176. Evidence of compliance shall be submitted prior to issuance of building permits.
5. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).

7. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
8. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
9. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$875.00 for a project with an EIR. In addition, these fees include an additional authorized County administrative handling fee of \$25.00. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.
10. Prior to final map approval, a note shall be included on the final map, or other documents provided, stating that grading shall conform to the submitted conceptual design.
11. Three (3) copies of a revised tentative map, reflecting all modifications and any required changes shall be submitted the Planning Division for certification prior to submittal of grading and landscape plans and the final map.
12. All parcels not associated with this Tentative Map shall be labeled "Not a Part."
13. The Police and Fire Departments shall review all phases of development to ensure adequate measures are taken for public safety, access, radio communication, etc. to the satisfaction of the City.
14. Prior to Final Map the financing mechanism for the on-site fire station shall be approved to the City's satisfaction.
15. All necessary details of the emergency access gate including its location, construction, electronic opening device, maintenance shall be approved by the Fire Department prior to Final Map.

16. Prior to Final Map approval all required MSCP approvals shall be obtained from the County for habitat removal, or necessary amendments to the MSCP boundary shall be performed with appropriate habitat preservation measures included to the satisfaction of the City, County and resource agencies.

17. The San Diego Wild Animal Park Executive Director shall be notified prior to any blasting occurring on-site or any road construction activities occurring south of Rockwood Road.

### **GENERAL ENGINEERING CONDITIONS OF APPROVAL TRACT 799**

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of this Subdivision.
4. The developer shall be responsible to make his/her best efforts to acquire adequate off-site land, easements or rights-of-way in order to construct required improvements. Upon a satisfactory showing that the developer's attempts have failed, but in no event later than thirty (30) days prior to the filing of the final map for approval, the developer shall submit all property appraisals and other documentation necessary for the City to begin eminent domain proceedings to acquire the needed interest. Appraisals shall be in a form acceptable to the City Engineer and shall be done by an experienced condemnation appraiser who is competent and able to defend his/her work in any court proceedings.

The developer shall be financially responsible for the entire cost to the City of acquiring the needed interest including but not limited to: the amount of the court award, court fees and costs, all trial costs (including attorney fees), all administrative, engineering and other incidental costs incurred. At the time the Final Subdivision Map is filed, the developer must deposit:

- a) An agreement in the form supplied by the City Attorney signed by the developer that provides that the developer shall be responsible for any and all costs associated with the acquisition of the needed interest: and
- b) Cash, in the amount of 125% of the appraised value of the property interest to be acquired; or
- c) A combination of cash and alternate security totaling 125% of the appraisal amount as required by the City Engineer and City Attorney; but in no event shall the cash portion be less than 25% of the appraisal amount.

5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
  - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
  - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
8. The engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.
9. If multiple Final Maps are to be recorded for this project, the City Engineer will determine the extent of public and private improvements to be constructed with each Final Map.

**STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. Private Street improvements shall be constructed in accordance with the Specific Alignment Plan For the project and to the satisfaction of the City Engineer.

**STREET**

**CLASSIFICATION**

Rockwood Road(Public)  
Interior Streets (Private)

Local Collector  
Residential (Specific Alignment Plan)

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The developer shall construct Rockwood Road, from Old Ranch Road to project boundary, to a Local Collector Street, within the existing dedicated right-of-way or obtain additional off-site right-of-way and slope easements for the construction of improvements, to the satisfaction of the City Engineer.

4. The developer shall provide the City with cash contribution for the acquisition of off-site right-of-ways and construction of Rockwood Road (Cloverdale Road to Old Ranch Road) and Cloverdale Road (Rockwood Road to San Pasqual Valley Road) to Collector Streets, to the satisfaction of the City Engineer, City of San Diego and County of San Diego.
5. The developer shall provide the City with fair share cash contribution towards preparation of a Specific Alignment Plan for Bear Valley Parkway from San Pasqual Valley Road to Las Palmas Avenue. The developer shall also provide the City with fair share cash contribution towards future right-of-way acquisition and construction costs for the future improvement of Bear Valley Parkway, to the satisfaction of the City Engineer.
6. The developer shall construct a new traffic signal at the intersection of Rockwood Road and Old Ranch Road to the satisfaction of the City Engineer.
7. The developer shall provide the City with fair share contribution towards future improvement of San Pasqual Road (San Pasqual Valley Road to Bear Valley Parkway) to a four-lane Major Road, as determined by the City Engineer and City of San Diego.
8. The developer shall provide the City with fair share cash contribution for the future improvement of San Pasqual Valley Road (Cloverdale Road to 17<sup>th</sup> Avenue) to a four lane Major Road, as determined by the City Engineer and Caltrans.
9. The developer shall provide the City with fair share contribution towards future improvement of the intersection of San Pasqual Valley Road and Citrus Avenue, as determined by the City Engineer and Caltrans.
10. The developer shall install a new traffic signal at the intersection of San Pasqual Road and Old San Pasqual Road or provide fair share contribution towards the future improvement of the intersection, as determined by the City Engineer and City of San Diego.
11. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
12. All cul-de-sacs shall conform to the current Escondido Design Standards.
13. The developer will be required to provide a street design study to determine appropriate ultimate grades, alignment and sight distance (as necessary) for Interior Streets. Final street improvements shall be to the satisfaction of the City Engineer and shall be based on the study.
14. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.



15. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
16. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
17. The developer shall be required to construct all on-site emergency access roads to the satisfaction of the City Engineer and City Fire Marshal.
18. The maximum grade of intersecting streets is 6% per the Escondido Design Standards.
19. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
20. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
21. All gated entrances shall be designed and improved to the satisfaction of the City Engineer and Fire Marshall.

## **GRADING**

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
4. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of five (5) or more acres.

5. Lot drainage shall meet the requirements of current Escondido Design Standards and the City Engineer and shall include the construction of necessary brow ditches.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
7. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.
8. Cross-lot drainage may be allowed in rural estate zones on a case-by-case basis, to be approved by the City Engineer.
9. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
10. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards and Storm Water Management Requirements.
2. All on-site storm drain system and detention & filtering basins are private. The responsibility for maintenance of these storm drains shall be that of the property owner's association. Provisions stating this shall be included in the CC&R'S.
3. Drainage facilities shall be provided at the toe of all commonly maintained large slope areas to intercept irrigation runoff approaching the individual lots.

## **WATER SUPPLY**

1. A hydraulic analysis of the onsite water demands and proposed water improvements will be required to determine water main sizes and water system looping necessary to provide adequate domestic service and fire protection as required by the City Engineer and Fire Marshal.
2. The developer shall provide the City with an off-site water system analysis study to determine the impact on the existing Reed Reservoir and the supply lines and the extent of improvements required to provide for adequate water supply to serve the project. The extent of off-site improvements may consist of but not limited to the modifications to the Reed Reservoir, upsizing of the existing off-site 16" water supply line, from the Reed Reservoir to Old Ranch Road, and upsizing of the existing 12" water line on Rockwood

Road. The developer shall construct all required on-site and off-site water system improvements to the satisfaction of the City Engineer.

**SEWER**

1. A sewer study in conformance with the Design Standards and Wastewater Master Plan shall be prepared by the owner’s engineer to verify proposed onsite/offsite sewer improvements. The sewer design for the project shall incorporate all possible measures to avoid the need for sewer pump stations. Lots that could not be served by gravity sewer shall be designed with on-site septic system in accordance with the County of San Diego Health Department requirements. If a sewer pump station is necessary for the project, as determined by the City Engineer, the developer shall be responsible for the construction and full cost of the perpetual maintenance of the sewer pump station, to the satisfaction of the City Engineer.
2. The developer shall provide a sewer study to determine the extent of upgrade to the Eagle Crest (Rancho San Pasqual) sewage gravity and pumping systems extending to Sewer Lift Station #1. The study shall also determine the improvements required to the Sewer Lift Station #1 and the sewer system from this lift station to the City’s Sewer Treatment Plant, to accommodate for the additional flow generated from the project. The developer shall construct all necessary improvements to the sewer system to the satisfaction of the City Engineer.

**FINAL MAP - EASEMENTS AND DEDICATIONS**

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

**STREET**

Rockwood Road (Public)  
Interior Streets (Private)

**CLASSIFICATION**

(Specific Alignment Plan)

Local Collector  
Residential

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. A public utility easement shall be dedicated over the private streets. The public utility easement shall extend a minimum of five (5) feet beyond the improved, curb-to-curb roadway width. When sidewalks are required, the public utility easement shall extend a minimum of four (4) feet behind the back of sidewalk.
5. The developer is responsible for making the arrangements to vacate all streets or quitclaim all easements of record, which conflict with the proposed development prior to approval of the final map. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing

utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

## **REPAYMENTS AND FEES**

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.
2. The developer shall provide the City with fair share contribution towards the existing sewer improvements constructed by Rancho San Pasqual Assessment District.
3. 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.

## **CC&R's**

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the homeowners' association of private roadways, driveways, parking areas, private utilities, drainage swales, private street lighting, storm drains, detention & filtering basins and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&R's for maintenance, repair and access to all brow ditches which pass from one lot through an adjacent lot. Copies of an approved wording and format for this section of the CC&R's may be obtained from the Engineering Department.
4. The CC&R's must state that the property owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
5. The CC&R's must state that (if stamped concrete is used in the private street) the homeowners' association is responsible for replacing the stamped concrete in kind if the City has to trench the street for repair or replacement of an existing utility.

## **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

## **PRESERVE DESIGN CRITERIA**

General goals on both a project-by-project basis and for the Segment as a whole are to do the following:

- 1) **Acknowledge the no-net-loss-of-wetlands standard that individual projects must meet to satisfy state and federal wetland goals, policies, and standards and implement applicable County ordinances with regards to wetland mitigation;**
- 2) **Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features (e.g., soil types, rock outcrops, drainages, host plants);**
- 3) **Provide for the conservation of spatially representative (e.g., north of I-8 vs. south of I-8) examples of extensive patches of coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model;**
- 4) **Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats using the criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan. Potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, nonnative predators, nonnative species, illumination, drain water (point source), urban runoff (non-point source), and noise. County staff shall determine specific measures necessary to contain impacts from a new development project, and thereby avoid, reduce or mitigate edge effects on the preserve to less than significant levels.**
- 5) **Provide incentives for development in the least sensitive habitat areas;**
- 6) **Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species;**
- 7) **Preserve the biological integrity of linkages between Biological Resource Core Area; and**
- 8) **Achieve the conservation goals for covered species and habitats.**

**DESIGN CRITERIA FOR LINKAGES AND CORRIDORS**

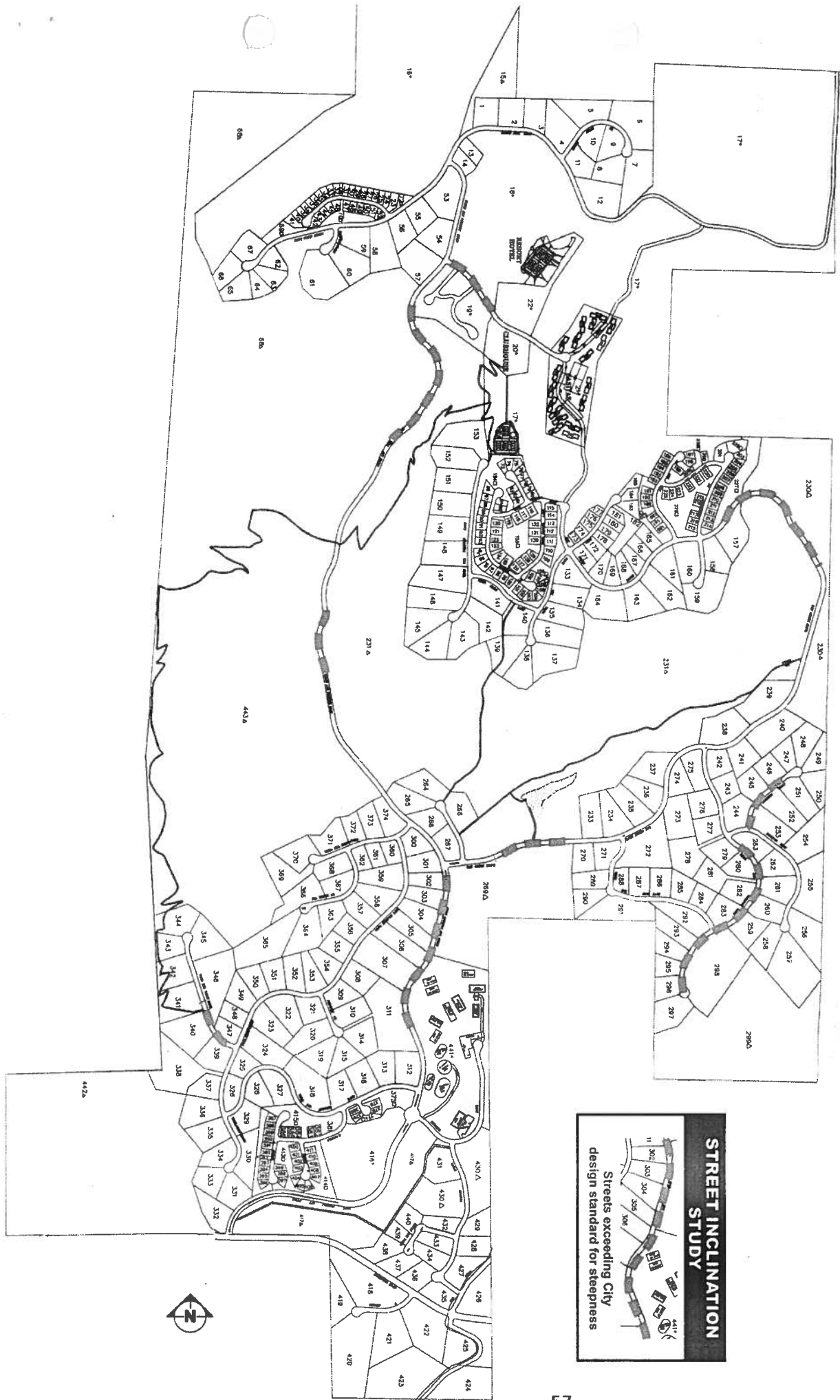
The following are the design criteria to protect the biological values of regional linkages and corridors:

- (1) **Habitat linkages as defined by the Biological Mitigation Ordinance, rather than just corridors, will be maintained.**
- (2) **Existing movement corridors within linkages will be identified and maintained.**
- (3) **Corridors with good vegetative and/or topographic cover will be protected.**
- (4) **Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**
- (5) **The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**
- (6) **If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**
- (7) **Visual continuity (i.e., long lines-of-sight) will be provided within movement corridors. This makes it more likely that the animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**
- (8) **Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**
- (9) **Barriers, such as roads, will be minimized. Roads that cross corridors should have 10-foot high fencing that channels wildlife to underpasses located away from**

interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.

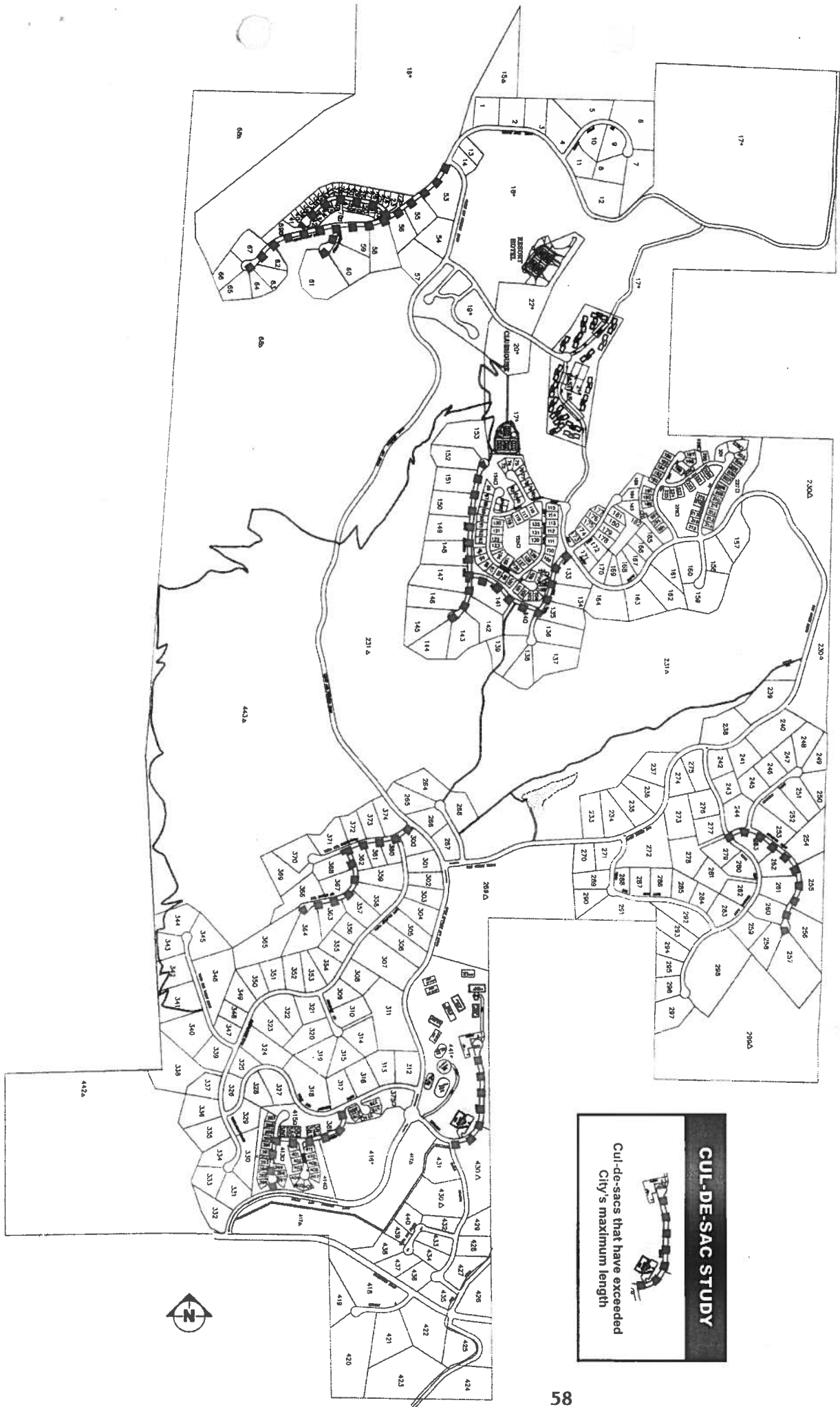
- (10) Where possible at wildlife crossings, road bridges for the vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and, if necessary, low-level illumination will be installed in the tunnel.
- (11) If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is under 1-2 miles.





**STREET INCLINATION STUDY**

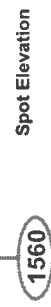
Streets exceeding City design standard for steepness



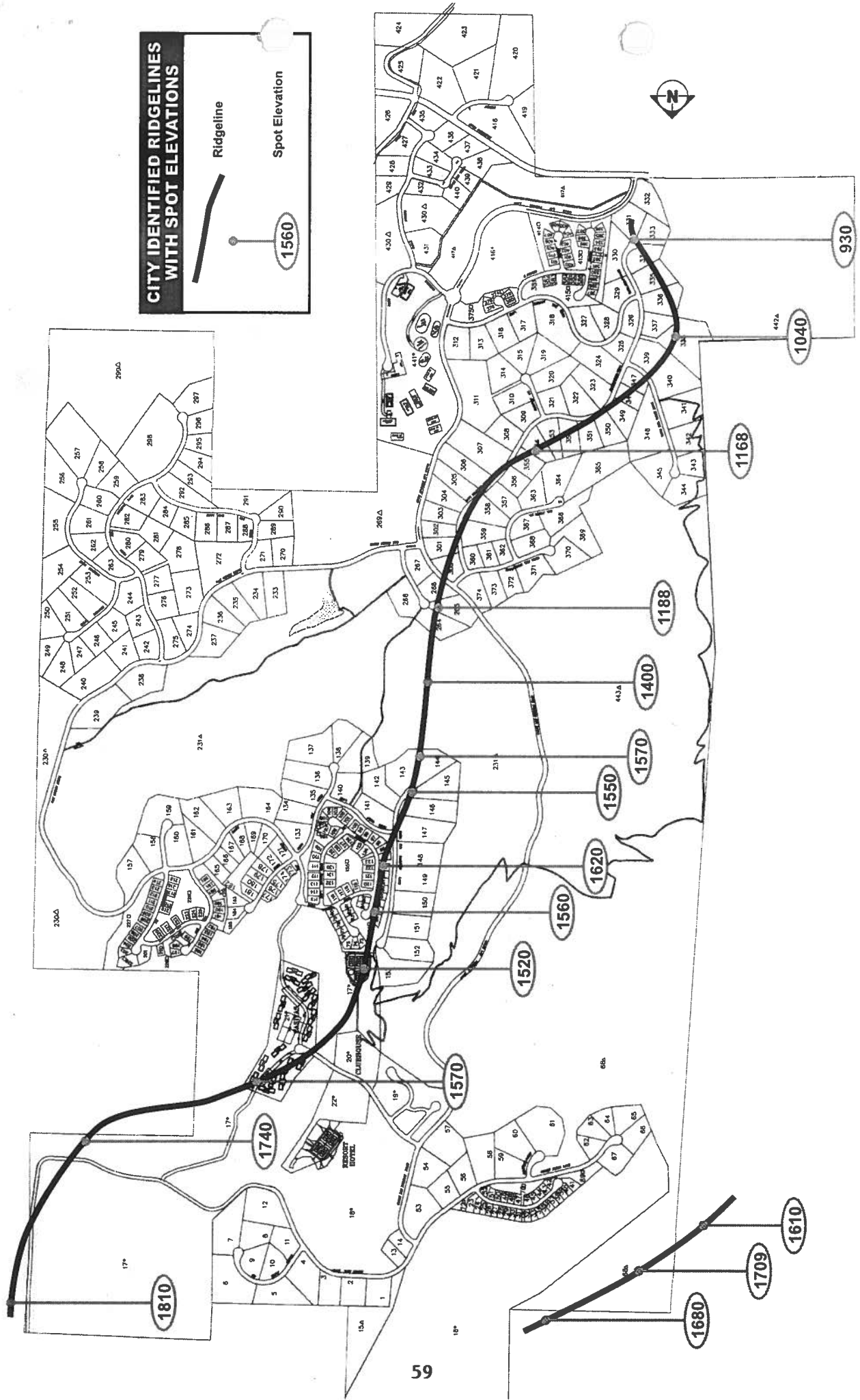
**CUL-DE-SAC STUDY**

Cul-de-sacs that have exceeded City's maximum length

**CITY IDENTIFIED RIDGELINES WITH SPOT ELEVATIONS**

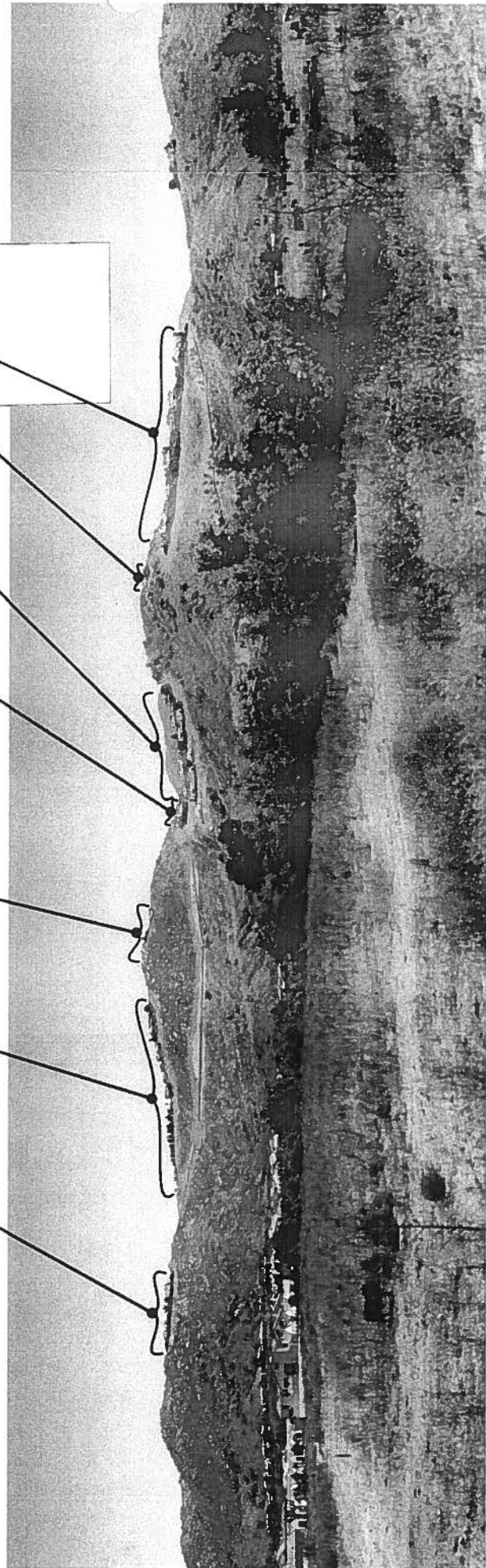
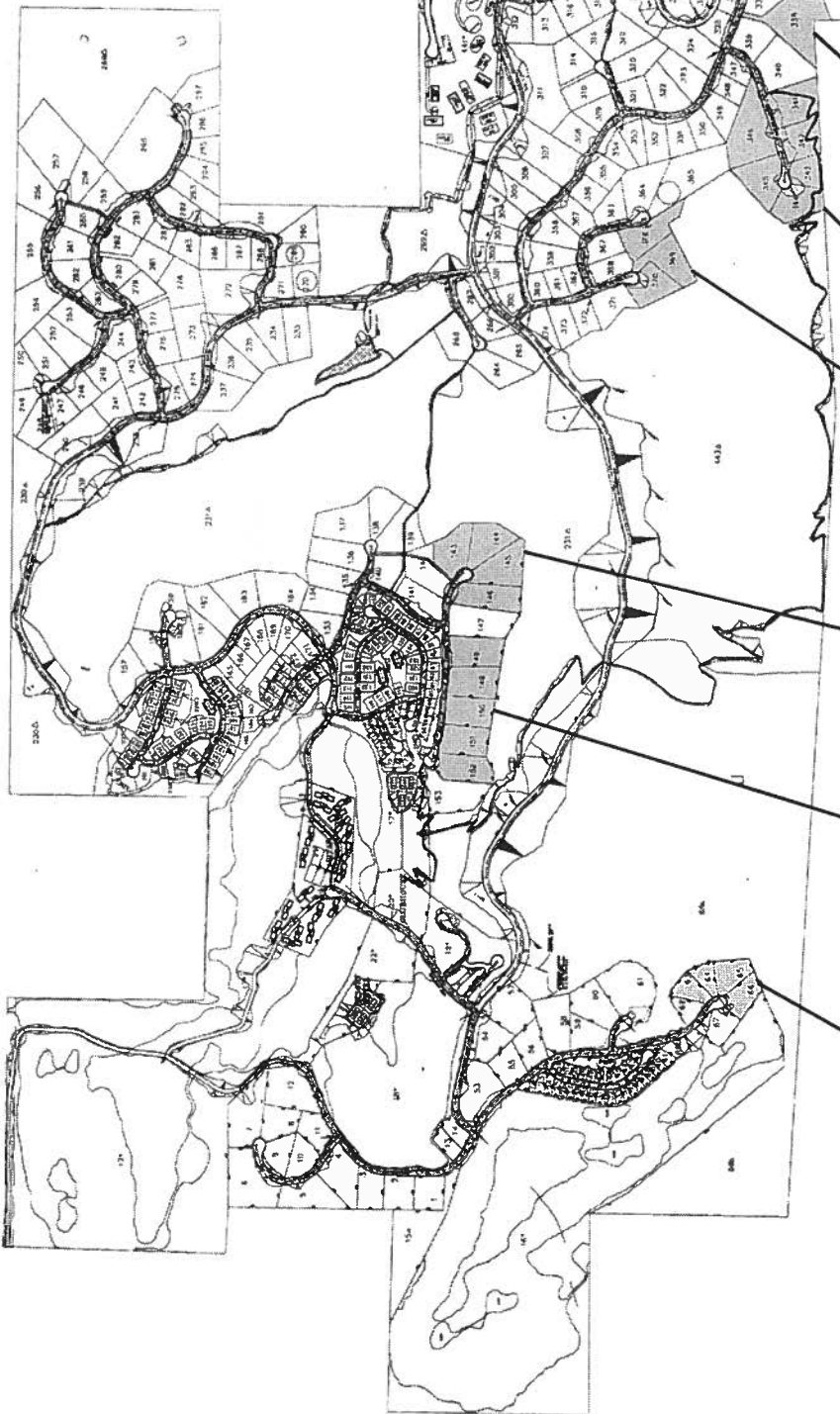


1560



# PHOTO SIMULATION STUDY

Graphic depicting Valley View lots proposed along ridgeline. (Photo taken at the intersection of Rockwood Road and Cloverdale Road).



Mailed 1-10-03



**CITY OF ESCONDIDO**  
**Planning Commission**

Agenda Item No.: G.1  
Date: January 14, 2003

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**CASE NUMBER:** Tract 799, 97-20-PZ/SP/GE, 2002-07-AN, ER 97-25, ER 2001-30 FOR VALLEY VIEW ESTATES

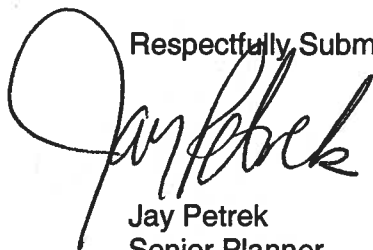
**APPLICANT:** Joe Crowder, Valley View Partnership.

**LOCATION:** 1,500 acres located north of the San Diego Wild Animal Park, east of Rancho San Pasqual Development

**TYPE OF PROJECT:** TENTATIVE SUBDIVISION MAP, PREZONE / SPECIFIC PLAN / GRADING EXEMPTION, SPHERE OF INFLUENCE, ANNEXATION AND ENVIRONMENTAL REVIEW –

The attached correspondence from the County of San Diego was received after the Valley View staff report was delivered. The letter cites concern with certifying the EIR even if Valley View Estates is denied. Staff is reviewing the letter and will more fully respond at the Thursday, January 9, 2003, Planning Commission public hearing.

Respectfully Submitted,



Jay Petrek  
Senior Planner



**GARY L. PRYOR**  
DIRECTOR  
(858) 694-2982

# County of San Diego

## DEPARTMENT OF PLANNING AND LAND USE

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January 10, 2003

Charles D. Grimm  
Director of Planning and Building  
City of Escondido Planning Division  
201 North Broadway  
Escondido, CA 92025

**RE: Final Environmental Impact Report for the Escondido Sphere of Influence Modification, Valley View Estates Specific Plan and Rancho Vistamonte Specific Plan**

Dear Mr. Grimm:

As communicated to your department previously, the County of San Diego Department of Planning and Land Use (DPLU) has major concerns with the City of Escondido's proposed Sphere of Influence Modifications, and particularly the Valley View Estates Specific Plan. These concerns are based upon the effect of the project on the County's Multiple Species Conservation Plan, proposed realignment of the County's Circulation Element Road, and the proposed substantial increase in the density and intensity of development. It is our understanding that your department is recommending denial of the Valley View Estates Specific Plan.

DPLU has received and reviewed the Final Environmental Impact Report (EIR) Volumes 1-3, the Technical Appendices contained within Volumes 4-7 dated August 2002, and the Responses to Comments dated November 13, 2002 covering the project. As detailed below, DPLU has concluded that the EIR continues to be fundamentally flawed and the analysis completed on the proposed project is critically deficient for a number of reasons. Therefore, the Department must insist that the EIR not be certified in its present state even if the decision-makers within the City of Escondido concur with your recommendation to deny the Valley View Estates Specific Plan.

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The following information supports the argument for recirculation of the EIR prior to certification (Section 15088.5 (4)) and/or reasoning for the rejection of certification of the EIR.

### CEQA INADEQUACIES

#### Summary Chapter

CEQA Section 15123(b)(2 & 3) requires the Summary section to identify *areas of controversy known to the lead agency including issues raised by agencies and the public and issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects*. The EIR lacks these pertinent sections within the Summary Chapter. The "Areas of Controversy" sub-chapter is meant to inform the public of the issues that are debatable between lead and responsible agencies (e.g. MSCP conformance and jurisdiction) as well as issues raised by the public. The City has concurred with the MSCP discrepancy in the "Response to Comments" (76 & 78). It is clear that both the County and the City require this matter to be resolved by the decision-makers; therefore, the reader should be informed of the disagreement.

#### Project Description – Project Objectives

CEQA Section 15124 (b) provides guidance in regard to the statement of project objectives. The project objectives provided in the EIR – Volume 1 (therefore referenced within Volumes 2 & 3), do not meet the CEQA requirements. CEQA states that *a clearly written statement of objectives will aid the decision makers in preparing findings or a statement of overriding considerations* (which the project will require, see CEQA Section 15093). It is therefore essential that the EIR clarify the proposed project's objectives. Currently, the three objectives center around the premise that property owners have requested the expansion of the City's SOI. The fact that the City has received numerous applications ("82 percent of the land within SPA #4") does not meet the intent of CEQA, especially since SPA #4 does not constitute the entire project. Considering all of the significant and unmitigable impacts that the project (both on a plan to plan level – Volume 1, and a plan to ground level – Volume 2 & 3), the fact that property owners within the SPA #4 (A) request the SOI expansion can not justify all of the environmental impacts according to CEQA Section 15091 & 15093.

#### Environmental Setting

CEQA Guidelines Section 15125 (c) requires that within the environmental setting description *special emphasis should be placed on environmental resources that are rare and unique to that region and would be affected by the project*. Knowledge of the regional setting is critical to the assessment of environmental impacts. The EIR neglects to provide an adequate description of the region's environmental setting. The subsection should include, at a minimum in order for the reader to determine the significance of the project's impacts, the following:

- A description of the rare and unique habitat. Additionally, the discussion should provide information regarding the designation the land that is currently within the County's MSCP Program and land proposed to be within the Draft North County MSCP.
- The description should include the project's location within proximity to known cultural resources and the potential prehistoric and historic value of the project area (San Pasqual Valley).
- The hydraulic conditions on-site (e.g. drainages, tributaries, riparian areas, streams, etc.)
- The projects potential seismic activities (on-site faults) as identified within the significant impact chapters of Volume 2.
- The general rural character of the region as it relates to public services and traffic conditions.

In addition, CEQA Guidelines Section 15125 (d) and (e) require the following within the project description sub-chapter, which is lacking in the EIR:

- *The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Chapter 1.2 should discuss the inconsistencies between the existing County General Plan and the County MSCP (for comments regarding inconsistency with the County MSCP please refer to below comments.)*
- *Where a proposed project is compared with an adopted plan (County of San Diego General Plan), the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan. For example, Section 1.3.2, Land Use and Planning (Volume 1) indicates that the "Environmental Setting" is the City of Escondido General Plan rather than the actual existing Land Use Designation of the County General Plan. The analysis in this section as well as the Program EIR should be from a "Plan to Plan" perspective. This would entail a description of the current County General Plan designations and a comparison of them with the proposed SPA #4 designation including the "ground" plans under the proposed SPA #4. Essentially, this analysis is what the EIR includes in Alternative 1.6.1: No Project – Existing Sphere of Influence by Individual Sub-Areas; however limited.*

#### Significant Environmental Impacts

The EIR fails to recognize the extent of impacts that will be caused by the sphere of influence modifications, both at a "plan to plan" and "plan to ground" level. Clearly, there will be impacts to more than just those listed in Volume 1 of the EIR. Although potential impacts to other resources is dismissed as less than



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significant in Section 1.8.0 of the EIR, not enough evidence has been presented to prove that either "plan to plan" or "plan to ground" impacts will not be significant to water quality, traffic, aesthetics, biological resources, hazards, noise and cultural resources. The significance conclusion discussion must be supported by a synopsis of the rationale for the conclusion. In many cases, the EIR is missing this critical component of analysis. There are numerous leaps from a fact to a conclusion without documentation or evidence on how the analysis was completed.

For example, the EIR states a core population of rufous-crowned sparrows is present on the Valley View Estates property. The EIR states this impact is not significant because 349 acres of native habitat will be preserved; however, the analysis does not provide the basis for that conclusion. The evidence should include, but not be limited to, a scientific determination that 349 acres (30% of the property) would contain adequate foraging resources, nesting locations and movement outlets to support the same size population as is currently present.

Additionally, CEQA Section 15126.2 (b) "Significant Environmental Effects Which Cannot Be Avoided if the Proposed Project is Implemented," states that *where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.* For example, unmitigable impacts to significant cultural resources are identified; yet no rationale is provided as to why the project should proceed in light of these significant effects or as to why mitigation for these impacts is infeasible. This logic, or lack thereof, is continued throughout the description of unmitigable resources.

#### Mitigation Measures

The EIR is not complete in its review of impacts and appropriate mitigation. All conclusions regarding impacts and significance appear to rely solely on the MSCP, draft MHCP and NCCP. CEQA conformance is required separate from these regional planning efforts and neither should supercede the other. CEQA Section 15126.4 (a)(2) states *mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.*

Several impacts have potential mitigation discussed, but the mitigation measures are dismissed as not being feasible because the developer has not proposed them as part of the project. While CEQA (§15126.4) requires that the discussion of mitigation delineate between those that are proposed by the applicant and those proposed by the lead, responsible or trustee agency, it does not accept mitigation as infeasible because it was not part of the proposed project. Feasible is defined by CEQA Section 21061.1 as *capable of being accomplished in a successful manner within a reasonable period of time, taking into account*

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*economic, environmental, legal, social, and technological factor.*" Evidence of infeasibility should be provided.

Additionally, a project is always required to mitigate an adverse effect to the maximum extent feasible, even if the effect is still concluded to be significant after mitigation. The expanded discussion should include a wider range of mitigation alternatives that were analyzed and then deemed infeasible.

In order to facilitate approval of subsequent actions, please provide as much detail as possible of the proposed mitigation. At a minimum, describe the approval process that these actions must undergo. Because Volume 1 is considered a "program" EIR, this type of deference is acceptable; however, the discretionary processes for the subsequent actions should be detailed within the EIR. When approving projects that are general in nature, a Decision Making Body must develop and approve whatever general mitigation measures are feasible to lessen or avoid the project's significant impacts. A Decision Maker cannot defer the obligation to formulate and adopt mitigation until specific development is proposed (*Sundtron v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 307.) The EIR can rely on subsequent approvals of permits or plans only if there are specific "performance criteria", it is clear that the plan is achievable, and it is clear that the level of significance will be reduced. This has yet to be demonstrated within this EIR. For example, EIR Volume 2, Subchapter 2.3.7 – Hazards and Hazardous Materials: Significant Unmitigable Impacts due to lack of the second primary access and emergency access roads.

### **OTHER INADEQUACIES**

#### **Senate Bill 610/Senate Bill 221**

The EIR Technical Appendix – Volume 6 includes a "Water Availability Study and Off-site Sewer Improvements Evaluation" for the proposed project; however, this analysis does not meet the requirements set forth by California State Water Code section 10910. The question to be answered is: Will the water supplier's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection meet the projected water demand of the proposed project, in addition to the water supplier's existing and planned future uses? The current assessment cannot answer these questions and subsequently cannot determine that there will be sufficient water supplies available to serve Sub-Area 1(A) from existing entitlements and resources.

The current water availability study does not meet the requirements set forth by the Water Code and Government Codes; therefore, the discussion surrounding public services and utilities significant effects to water supply should be revised.

### **MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)**

Much of the discussion and conclusions throughout the EIR are based on the invalid premise that the County's MSCP would apply to the proposed project. As discussed within the previous comment letter dated September 23, 2003, it is the County's position that only those discretionary projects requiring approval directly from the County would be subject to the goals and requirements of the MSCP and the County's Biological Mitigation Ordinance (BMO). Therefore, were these lands to be annexed into and development approved by the City of Escondido, the MSCP would not apply and projects would not be required to conform to the goals and requirements of the MSCP. Likewise, applicants/landowners would not receive the benefit of being covered by an MSCP. As such, the following points must be corrected within the EIR:

- If the sphere of influence and subsequent annexation is approved, the County's MSCP will not apply. The only exception shall be any off-site improvements that will occur within County jurisdiction (and require County approval).
- The EIR may not state that take authorization for impacts to listed species will be granted through the County's MSCP. The City must reach a similar agreement with the resource agencies in association with the adoption of their own MHCP, which is currently in its draft form. Such an agreement would seem unlikely given that Valley View Estates would destroy a critical wildlife linkage between the City of San Diego MSCP to the south, the existing County MSCP and future preserve lands in the North County MSCP.
- Mitigation measures that include the requirement to "reach an agreement" with the County for MSCP conformance and coverage must also be deleted. There is no mechanism for the County MSCP to cover projects that do not require approval by a County decision-maker. Response to Comment #78 states that "it is anticipated that an agreement between the two jurisdictions will be negotiated to resolve the dilemma." The County's opposition to this project would cause one to conclude just the opposite. This response does not meet the "substantial evidence" clause within CEQA and evidence otherwise, has not been provided within the Response to Comments.
- Direct, indirect and cumulative impacts may not be justified by comparing them to the MSCP goals and requirements. In other words, the EIR may not conclude impacts to 388 acres of coastal sage scrub is significant but mitigable based on the fact that the MSCP will ensure that 62% of the region's coastal sage scrub is preserved. The criteria set by the MSCP is based on a regional analysis that relies on projects conforming to each jurisdiction's Subarea Plan (which this project does not).

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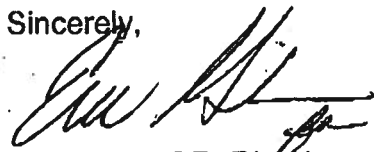
January 10, 2003

- The analysis for the proposed sphere of influence modifications must be significantly revised with regard to biological resources and land use issues. It is not correct to state that there will be no impacts to biological resources or open space simply because Escondido's MHCP will be similar in nature to the County's MSCP. Escondido does not have an adopted habitat conservation plan (HCP) at this time. It is impossible to know what the final plan will look like or that it will be adopted for certain. While the EIR may allude to the future HCP, it may not base its conclusions on a draft concept (*Kings County Farm Bureau v. the City of Hanford* (1990) 221 Cal. App. 3d 692, 727-728.) This will certainly affect both the "plan to plan" and "plan to ground" portions of the analysis.
- Of most concern to the County is that the EIR adequately address impacts to the County's MSCP. The EIR recognizes that impacts will occur, but does not describe these in detail or offer suitable mitigation. At a minimum, the EIR must address the following:
  - a. The acreage of Pre-Approved Mitigation Land within the Subarea Plan, and hence potential preserved lands, will decrease – thereby altering the percentage of available lands to preserve to meet the County's conservation goals (both overall and for each habitat type).
  - b. The core and linkage area within which SPA #4 located will be significantly reduced and fragmented. Much of the essential connectivity between City of San Diego preserve lands and undeveloped lands to the northeast (Rancho Guejito) will be eliminated.
  - c. Several MSCP covered species will be significantly impacted, including the Narrow Endemic coastal cactus wren, a core population of rufous-crowned sparrows and two active golden eagle nests within very close proximity (all detailed in the County Subarea Plan). Direct, indirect and cumulative impacts to these and all other covered species must be thoroughly addressed.

If you have any questions or concerns, please feel free to contact Dawn Dickman, DPLU Environmental Management Specialist at (858) 694-3229.

Thank you again for the opportunity to comment on the final document. The County looks forward to future coordination with the City of Escondido.

Sincerely,



GARY PRYOR, Director  
Department of Planning and Land Use

City of Escondido EIR

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January 10, 2003

cc: Jay Petrek, Senior Planner, City of Escondido, 201 North Broadway,  
Escondido, CA 92025  
Thomas J. Harron, County Counsel  
Eric Gibson, Deputy Director, Department of Planning and Land Use, M.S.  
0650  
Ivan Holler, Deputy Director, Department of Planning and Land Use, M.S.  
0650  
Dawn Dickman, Department of Planning and Land Use, M.S. 0650  
Joan Vokac, Department of Planning and Land Use, M.S. 0650  
Nick Ortiz, Department of Public Works, M.S. 0650  
Bob Goralka, Department of Public Works, M.S. 0336  
Kaylene Fleming, Department of Public Works, M.S. 0336  
Kristin Blackson, Department of Planning and Land Use, M.S. 0650



# CITY OF ESCONDIDO

## City Council

Tr. 799

Agenda Item No.: \_\_\_\_\_

Date: February 12, 2003

**PROJECT WITHDRAWN BY APPLICANT PRIOR TO COUNCIL PUBLIC HEARING**

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**To:** Honorable Mayor and Council Members

**From:** Charles D. Grimm, Director of Planning and Building

**Subject:** Tract 799, 2001-36-SOI, 97-20-PZ/SP/GE, 2002-07-AN, ER 97-25, ER 2001-30 Valley View Estates

### PROJECT DESCRIPTION:

- 1) Valley View Estates tentative subdivision map involving 403 single family residences, a 250-room resort hotel, golf course, club house, ancillary resort commercial uses, equestrian center, specialty use facility (including a fire station) with associated grading exemptions, habitat removal and off-site improvements, Specific Plan, Sphere of Influence Amendment, Prezone and Annexation on 1,150 acres.
- 2) General Plan interpretation of density for the Valley View Estates Specific Plan.

### STAFF RECOMMENDATION:

- 1) Deny the project as conditioned by the Planning Commission, involving:
  - a) A Sphere of Influence expansion to be co-terminus with the General Plan and property boundaries for the entire 1150 acres (Case Number: 2001-36-SOI). Prezoning the properties to SP (Specific Plan) to facilitate the annexation of 1150 acres. (Case Numbers 97-20-PZ, 2002-07-AN).
  - b) A Tentative Subdivision Map and Specific Plan establishing development standards to create 403 residences (174 patio homes on 4,000 SF lots and 229 estate lots on ½+ acre lots) involving 144 grading exemptions for fill slopes up to 231 feet high (with 1.5:1 gradients) and fill slopes up to 120 feet high. Retaining walls up to 68 feet high are proposed in conjunction with the slopes (Case Numbers: Tract 799, 97-20-SP/GE). The proposal involves 10 sewer lift stations and reservation of land to construct a City-operated fire station. The map proposes on-site roadways that would deviate from City standards regarding widths, gradients, horizontal and vertical curves, cul de sac lengths, and designed traffic speeds. Off-site improvements include constructing Rockwood Road through the Rancho Vistamonte project and the adjacent Ferrick and Harwood properties and extending sewer and water lines several miles.
  - c) A Habitat Loss Permit to remove 299 acres of coastal sage scrub that could occur through one of several procedures. Offsite biological mitigation also is proposed for 188 acres of southern mixed chaparral, 68 acres of Englemann oak/coast live oak woodland, 13 acres of oak riparian, 1 acre of riparian scrub, 1.2 acres mesic meadow, .9 acre of mule fat scrub, 2.8 acres of non-native grassland.
- 2) Concur with the following components of the project involving:
  - a) Determine that the Final Environmental Impact Report (FEIR) adequately assesses the Valley View Estates project (including off-site improvements), annexation and proposed Sphere of Influence amendment. The EIR includes in its analysis the individual and cumulative impacts of Rancho Vistamonte proposal and the Citywide Sphere of Influence Update that is scheduled for certification, along with the Valley View Estates Mitigation Monitoring and Reporting Program if approved, at the conclusion of the final item assessed by the document involving the Citywide Sphere of Influence Update (Case Numbers: ER 97-25, ER 2001-30).
  - b) A density interpretation that the Valley View Estates project would translate into 403 equivalent dwelling units.

**LOCATION:** The area involves 1,150 acres, located east of Rancho San Pasqual, north of the San Diego Wild Animal Park, accessed by Rockwood Road (to be extended to the site) and Zoo Road via Highway 78 (see map).

**ENVIRONMENTAL STATUS:**

An Environmental Impact Report (City Log No.: ER 97-25 / ER 2001-30) was prepared to assess three separate but related projects. The Citywide Sphere of Influence Update (involving areas other than Rancho Vistamonte and Valley View Estates) have been analyzed at a "program level" since no project related applications were involved. The Valley View Estates and Rancho Vistamonte applications and their associated sphere expansions are evaluated in the EIR at a "project level." Formal certification of the EIR will not occur until the final public hearing for the items covered in the FEIR. Mitigation measures and a mitigation monitoring report will be incorporated into each project approval.

The EIR identified several direct significant unmitigable impacts associated with the Valley View Estates proposal as well as significant cumulative impacts in conjunction with other pending and approved projects. Unmitigable direct impacts caused by the project itself include aesthetics, biological resources, cultural resources, air quality, hazards and hazardous materials, land use and planning, noise, open space, traffic/transportation, public services and utilities (fire services) in the opinion of the City's environmental consultant and staff.

The California Environmental Quality Act requires the City Council to adopt overriding findings for significant unmitigable impacts determining that project benefits outweigh the long-term impacts. However, as noted in the Planning Commission staff report, subsequent approvals by LAFCO, State Department of Fish and Game, U.S. Fish and Wildlife Service, Regional Water Quality Control Board and other would also be required before project construction could commence. Each agency action relies on the FEIR and these agencies reserve the right to supplement the document should they feel it is necessary.

Certain project impacts related to air quality, biological resources, cultural resources, geology and soils, noise, public services and utilities, traffic/transportation, hazards and hazardous materials, hydrology and water quality were determined to be significant but mitigable with conditions imposed on the project to reduce impacts to an acceptable level. Compliance with the stated mitigation measures is intended to reduce the level of impact to a less than significant effect.

The FEIR also identified significant unmitigable cumulative traffic/ transportation impacts related to Valley View Estates when it is considered along with other projects in the San Pasqual area that impact State Route 78 (San Pasqual Valley Road), Bear Valley Parkway and other streets. Staff is also concerned with the Valley View Estates' cumulative impact on access since Rockwood Road is the only primary access for the area that serves 580 units in Rancho San Pasqual alone. The applicant has been unsuccessful to date in establishing a second ungated access. Additionally, a .75-mile segment of Zoo Road is proposed that does not meet City standards for emergency access widths and creates a significant safety problem.

The site's southern 624 acres is located in the County's Multiple Species Conservation Program (MSCP) and identified as a "Pre-Approved Mitigation Area" (PAMA) that establishes parameters for development and habitat preservation. The northern third of the site is not within a habitat plan but is being considered by wildlife agencies for habitat connectivity and migration in the County's Multiple Habitat Conservation Plan (MHCP). During the EIR's public review period both the U.S. Department of Fish and Wildlife Service (USFWS) and the County of San Diego expressed written concern regarding the project's impacts to the MSCP.

The County of San Diego has expressed strong concern both verbally and in writing that the Valley View Estates project is inconsistent with their adopted MSCP Program. Concern has been expressed by the County and USFWS regarding the amount of habitat removed, fragmentation caused by extensive grading and roadway construction, and lack of compliance with adopted MSCP corridor and preserve design criteria. Conformance with the County's MSCP criteria is critical in this area since impacts beyond those anticipated in the MSCP could have significant regional impacts. USFWS staff has informed the City that they would not support the inclusion of the Valley View project design in Escondido's MHCP due to the amount of habitat impacted. Staff has responded to these comments and others in the EIR Volume 8 and feels that all issues were adequately assessed and that recirculation of the EIR is not necessary.

#### **FISCAL IMPACT:**

A fiscal study for the project was prepared that evaluated two phasing scenarios including constructing the resort hotel in the first phase and during a phase closer to project build out. The fiscal study noted the project's desirable location, and that the upscale nature of the project would allow residential lots to command significant sales prices. These sales prices, together with the transient occupancy taxes from the hotel have the potential of generating significant revenue. The report assumed sales figures that are dependent on the ability to construct residential lots and units at a reasonable cost. Higher construction costs than assumed would lead to higher unit and lot prices, which could affect marketability, and in turn revenues. Based on its assumptions, the report concluded that if the resort is constructed in the first phase, a fiscal benefit of up to \$710,000 could be realized in the first year, which could grow to as much as \$2.2 million at the project's build out. If the hotel were constructed in a later phase, revenues from the project would be significantly lower (\$10,000 to \$2.2 million).

However, several other factors could lessen these potential benefits. First, the fiscal study only assumed Valley View Estates would pay its proportionate share of operating the City-maintained fire station. This may not be adequate to staff the station in the short-run, so any City expenditures would need to be deducted from projected revenues. Additionally, the study did not reflect the costs of maintaining 10 sewer lift stations incorporated into the project, which could cost up to \$100,000 per year. Questions exist whether these costs are eligible for inclusion in a maintenance district. It should be noted that the magnitude of the habitat mitigation and construction costs necessary to gain access to the site could affect the applicant's ability to offer units at the assumed sales prices. Higher sales prices could either increase or decrease revenues. Increased revenues would be generated if sales would continue to occur and reductions in revenues could be anticipated if the necessary construction costs made them unmarketable. Fiscal issues would be addressed in more detail as part of a subsequent Development Agreement that would reflect updated construction and maintenance costs.

#### **BACKGROUND:**

The project area was included in the City's General Plan in 1990. A Sphere of Influence expansion is required for Valley View Estates for the property to annex and was first processed 1993. The Local Agency Formation Commission (LAFCO), which oversees and approves Sphere of Influence amendments, determined the amendment was premature and denied the request since construction in Rancho San Pasqual had not commenced. The current EIR assesses two alternatives including a more intense design with multifamily units and neighborhood commercial uses. However, it is not proposed as it would require a General Plan Amendment that would be subject to public vote under Proposition S.

Topographically, the site contains a lower and upper plateau with ridgelines, rugged terrain and steep valley areas with significant sensitive and cultural resources. The ridgelines qualify as "Skyline" ridges pursuant to the City's Ridgeline Criteria. The plan organizes the specialty use site, equestrian and most of the estate lots on the lower plateau. The resort, golf, tennis, clubhouse and most of the patio homes are proposed for the upper plateau. Two roads on the east and west side of the site that would be highly visible from western properties with cut slopes up to 231 feet and fill slopes up to 120 feet high connect the two plateaus. Retaining walls up to 68 feet in height are proposed in conjunction with the slopes. Multipurpose trails extending through the site would connect with the City's trail system. Private mini-parks and common areas are dispersed throughout the specific plan.



A total of 144 grading exemptions are necessary to construct the project. Staff is more concerned with the magnitude of the key slope areas as opposed to the over-all number of exemptions. A comprehensive landscaping program on the most visible slopes is proposed and would be maintained through a homeowner's association. However, the extent of granite may limit the effectiveness of landscape mitigation. If approved, the project would be developed in phases over several years. Estate lots do not propose grading at this time and would be subject to separate review and approval including potential grading exemption requests if slopes exceed City standards. The aesthetic impacts resulting from both major areas of grading and the placement of units on skyline ridges are determined to create significant unmitigable impacts.

Off-site water and sewer improvements will be extended from several miles away to serve the site as discussed in the Planning Commission Staff Report on pages 3, 15-16. On-site water and sewer improvements include installing two water pump stations, two aboveground reservoirs and 10 sewer lift stations. The on-site circulation plan involves streets with vertical and horizontal curves, street inclinations and widths designed to follow topographic site constraints. Several on-site roads are designed with tighter curves, steeper inclinations and longer cul-de-sacs than the City's adopted standards as described in the Planning Commission Staff Report on pages 4 and 24. Staff is concerned with the safety as well as the efficiency of the street system. Staff is also concerned that the number of sewer lift stations may financially impact City services since a privately funded maintenance program may not be possible given that sewer service is provided on a citywide basis.

Primary access would be taken from the existing 84-foot wide Irrevocable Offer of Dedication (IOD) for Rockwood Road that extends through the Rancho Vistamonte project. Gated emergency access would extend from Zoo Road. The applicant has prepared a preliminary plan for extending Rockwood Road along an existing IOD extending through the Rancho Vistamonte project that would require retaining walls up to 35 feet in height and cut slopes up to 110 feet high. The design would necessitate a right of way width in certain areas up to 210 feet wide in limited areas that extends beyond the existing 84 foot wide IOD on the Rancho Vistamonte project (see exhibits).

The Rancho Vistamonte applicant opposes requiring granting additional right of way to facilitate construction of Rockwood Road. On February 5, the City Council approved the Rancho Vistamonte Specific Plan and Tentative Subdivision Map but did not require additional right of way to be preserved beyond the existing I.O.D. If the Valley View project were to be approved as proposed, the possibility of eminent domain would exist. The current staff condition (in the event the project is approved) would allow reasonable, additional encroachments for slopes or walls necessary to design a road to eastern properties. Should the City Council wish to eliminate the potential for eminent domain, Condition 3 on page 47 would need to be amended to eliminate the reference to obtaining additional off-site right of way and slope improvements.

#### **General Plan Analysis:**

The General Plan provides a range of land uses and densities including a "golf course and luxury resort hotel with extensive amenities in exchange for residential units determined to have the same impact." A maximum of 800 dwelling units are permitted for the entire SPA, which totals approximately 1,600 acres. The build out equates to one dwelling per two acres overall and 575 units for Valley View Estates' 1,150 acres. The "exchange rate" between residential units and a resort's "extensive amenities" is not defined.

During the planning process, the applicant met with staff to determine the equivalent dwelling unit exchange factoring in the resort facility, golf and clubhouse and equestrian center. It was decided that the residential water, sewer and traffic generation rates would be compared with resort, golf and equestrian facility's water, sewer and traffic generation rates and then averaged. The calculations resulted in the resort, golf and equestrian uses equaling 172 equivalent residential dwelling units, which is well within the total units allocated to the Specific Planning Area.

### **Planning Commission Summary and Recommendation:**

Valley View Estates was presented to the Planning Commission at its public hearing, which filled the Council Chambers to overflowing, on January 14, 2003. The applicant initially requested a second continuance, restating concerns that had been expressed in writing during the EIR's public review period; namely that the EIR document did not accurately portray the project's impacts, nor discuss alternative mitigation measures that would have reduced impacts to below a level of significance. The Planning Commission denied the applicant's request for a second continuance and residents who spoke overwhelmingly opposed the project.

Primary concerns from residents centered on visual impacts, traffic, construction related impacts, and biological impacts. Regarding visual impacts, concern was frequently expressed regarding the ridgeline development, the extensive retaining wall and slopes required to construct Calle las Piedras along the western side of the site. Residents frequently cited concerns regarding the project's single point of access utilizing Rockwood Road and felt that funneling all trips to the project from Highway 78 would significantly degrade their quality of life and pose a potential danger to students at San Pasqual Union School. Along with traffic, construction related impacts including vehicle trips, blasting, dust and the duration of construction given the project's anticipated 15-year build out was a cited concern. Several residents cited issues with the amount of biological impacts.

The Planning Commission echoed sentiments expressed by the public. The Commission felt that the project was too intense overall for the site given its remote location, extreme topography, infrastructure requirements and development related impacts. Concern was also expressed regarding the emergency access that would not meet minimum City standards and would pose a significant unmitigable hazardous impact as well as visual and traffic impacts generated by the proposal. The Planning Commission unanimously voted to deny the project and to suspend all further efforts to bring the site within the City's Sphere of Influence.

### **Applicant's Perspective:**

The applicant has made several revisions to his plan to increase habitat corridors, decrease the number of estate lots, amend street alignments and incorporate a more "compact" design theme. The applicant still seeks a continuance to allow time to redesign the project and address issues raised in the EIR. The applicant feels that the design meets the MSCP requirements and that the County staff is not accurately conveying the Board of Supervisor's position when expressing concerns about the proposal. Several other applicant issues have arisen regarding the development (see attached letters to the applicant from staff).

#### **1. The applicant's request for slope easements along Rockwood Road**

An 84-foot wide Irrevocable Offer of Dedication (IOD) for Rockwood Road extends through the adjacent Rancho Vistamonte property that is insufficient when considering the slopes needed to construct the road. The applicant prepared a concept plan for Rockwood Road through the Rancho Vistamonte site after the Planning Commission Valley View Staff Report was prepared utilizing minimal slope areas beyond the existing IOD. Previously, at the Rancho Vistamonte public hearing, the Planning Commission discussed the Valley View Estates proposal to retain at least minimal provisions for slope easements, which was denied by the Planning Commission. Staff concurred with the applicant that some additional easements may be necessary to extend access to eastern areas of the City's SPA. However, it was noted that they should be minimized to the extent practicable.

#### **2. The applicant's disagreement with the EIR Findings**

The applicant disagrees with the EIR approach, methodology, conclusions and mitigation measures regarding visual aesthetics, biology and open space, wildlife corridors, cultural resources, hazardous materials, land use, noise, public services and traffic. The applicant feels that the General Plan's characterization of Valley View Estates' ridgelines as "intermediate" should be utilized rather than interpreting them as "skyline ridges." Further, that additional mitigation measures such as terracing plantable keystone walls and incorporating retaining walls with variations in material, color and surface treatment would fully mitigate visual impacts.

The applicant feels that the visual simulation prepared in the EIR distorts and exaggerates the actual visual impacts. It should be noted that all two dimensional visual simulations are not completely precise. However, conversations with the consultant who prepared the graphic indicated that the simulation assumes units to be constructed in the center of each lot and incorporates premature landscaping to provide a "short term" perspective.

The applicant disputes the methodology utilized in applying the MSCP criteria and feels that by purchasing replacement sensitive habitat off-site and preserving remaining habitat on-site, the overall biological impacts will be mitigated. The applicant disagrees with the EIR's cultural impact conclusions and feels that more conventional mitigation such as cataloging and recovery or capping the sites would constitute adequate mitigation. The applicant feels that incorrect traffic data overstated impacts and that mitigation measures for noise impacts should have been included in the EIR even though they were not part of the applicant's proposal. Overall the applicant feels that the EIR inaccurately interprets City's ordinances, resolutions and procedures dealing with hillside regulations and archaeological procedures and that "a re-evaluation of a substantial number of topical areas can and probably will result in a logical change in various conclusions in terms of severity of impacts, the intensity and variety of mitigations, as well as the scope of reasonable alternatives."

### **3. Need for a Development Agreement**

The General Plan requires that development within SPA #4 be limited to one-acre minimum lot size unless a Development Agreement is approved. The Valley View Estates project includes 4,000 square foot patio homes; consequently a Development Agreement would be required to activate the plan. Subject to project approval, a Development Agreement would be prepared for consideration. Terms for the agreement would not include physical improvements unless an environmental analysis is performed. The applicant has begun preliminary discussions with the City regarding the Development Agreement in anticipation of project approval.

### **4. Timing of the Resort Hotel**

The applicant has expressed concern regarding constructing the resort early in the phasing because it would entail installing expensive infrastructure all the way to the northern portion of the site without developing most of the southern area of the site where a return on the applicant's investment could be more quickly generated. The timing of the resort's construction influences the City's ability to reap a more significant financial gain from the collection of Transit Occupancy Tax (TOT) as well as offset the fire and sewer pump station operation and maintenance costs. Staff has indicated to the applicant that if the proposal is approved, the resort should be constructed early in the project phasing.

The applicant has indicated a desire for flexibility in constructing the resort since the infrastructure must come from the south and extend to the northern portion of the site where the resort is planned. Staff is concerned that if development in the project begins in the south and progresses to the north, the site could build out and never be constructed with a resort facility. Without the resort hotel constructed, the project would not be fiscally positive for the City given the fire station and sewer lift station maintenance and operation costs. If the project were approved, the Development Agreement process would specify project phasing.

### **Summary/Recommendation:**

Staff recommends denial of the actions identified in the staff report and concurrence that the EIR accurately assesses the project impacts. Overall, staff feels that the number of units and the type of facilities and uses proposed in the Specific Plan are appropriate for the site and are consistent with the General Plan for SPA #4. However, given the issues raised in the EIR regarding safety, traffic, aesthetics, biology, etc. staff is concerned with the design and layout of the site. Staff has indicated that if the project were revised to propose a more compact design with smaller lots that clustered development off the ridgelines (which would also preserve more habitat and cultural resources), and incorporated a second permanent access along with a gated northerly emergency access to meet City standards (thus avoid extensive road grading of Calle Las Piedras along the west facing elevation) many of the significant unmitigable EIR issues would be resolved.

Many of the project related issues had been brought to the applicant's attention several years ago by City staff, the County, resource agencies and neighborhood groups. During that time, the applicant felt confident of Planning Commission and City Council support in spite of the identified concerns. As the Valley View Estates application was being processed by the City, the applicant directed staff on several occasions to halt processing (at times for several months) in order to refine and modify components of the project. Since the Planning Commission public hearing, the applicant has retained a new engineering firm to re-evaluate the plan and make further modifications to address many of the concerns raised. Based on these initial modifications, the applicant may request another continuance for the project. However, a project denial at this time would not preclude the applicant from redesigning and resubmitting his proposal thus allowing other pending applications associated with the same EIR be considered in a timely manner.

The County, USFWS and the applicant have expressed concern regarding the EIR conclusions for different reasons. The applicant disagrees with the conclusions and mitigation measures and feels that the EIR utilizes inaccurate information to overstate impacts and conclusions as noted in the applicant's response to the EIR (Volume 8). The County and USFWS feels that the EIR should have used different criteria for assessing impacts and that additional analysis would have resulted in more impacts than those identified in the EIR. Staff has responded to these comments and others regarding the EIR conclusions in Volume 8 and feels that all issues were adequately assessed and that recirculation of the EIR is not necessary.

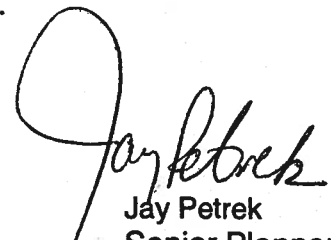
The EIR is a single document that also includes an analysis of the Rancho Vistamonte and Sphere of Influence Update Program. Approving certain projects studied the EIR while denying others does not compromise the EIR's analysis, findings or conclusions. Consequently, if Valley View Estates is denied or withdrawn, striking out all references to the project in the EIR would be inappropriate. Retaining the project analysis in the EIR allows the applicant to revise the proposal and pursue a supplemental EIR rather than commissioning a new EIR. Certifying the existing EIR with Valley View Estates included does not guarantee the applicant's right to proceed with a re-design, it merely documents work done to date and establishes conclusions. Any redesign of the Valley View Estates project would require the applicant to perform either a Supplemental EIR or Subsequent EIR (based on the magnitude of changes made to the plan) and would be subject to review by public agencies, citizen's groups and the public without delaying the Rancho Vistamonte and Sphere of Influence proposals.

Respectfully Submitted

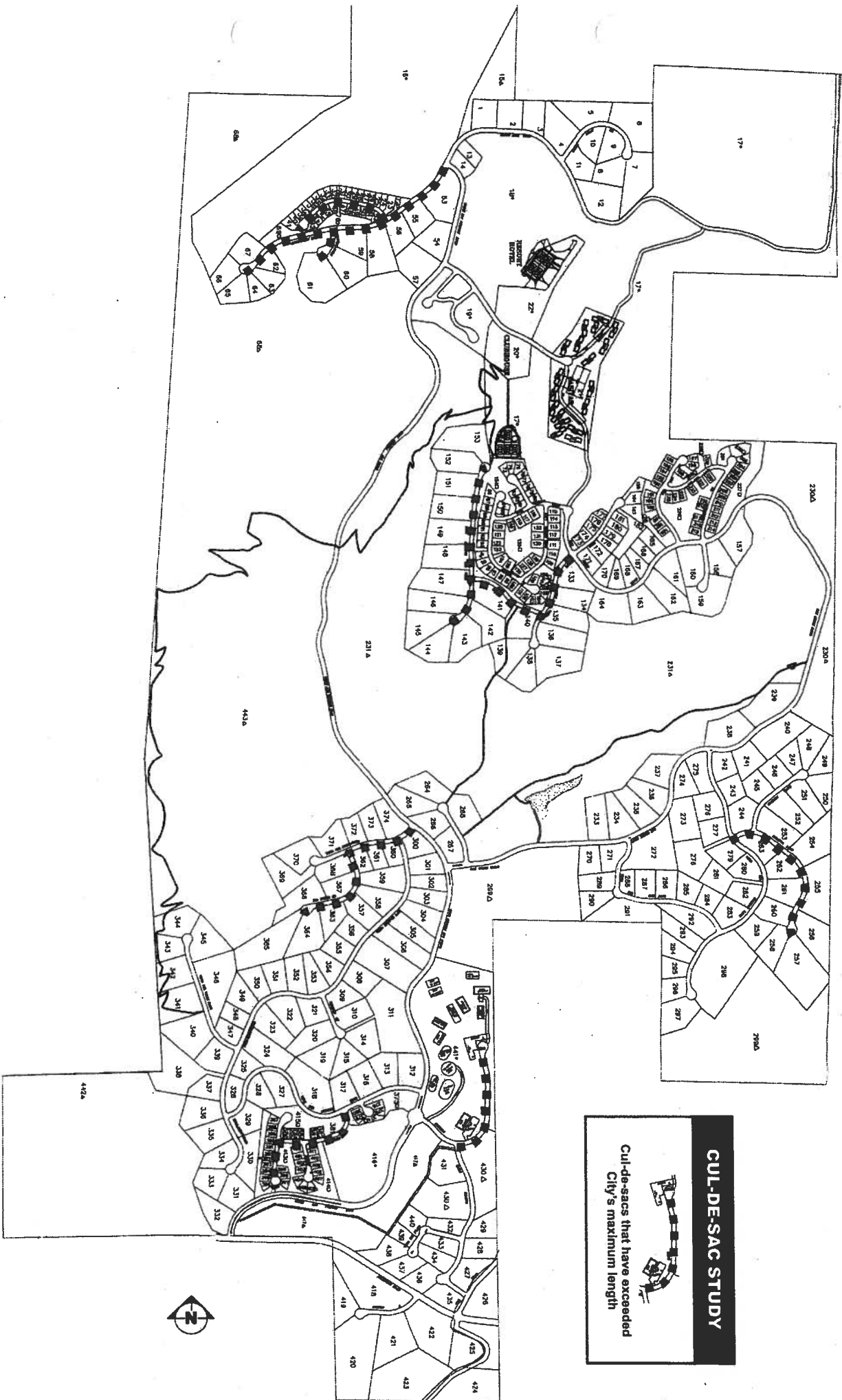


Charles D. Grimm  
Director of Planning and Building

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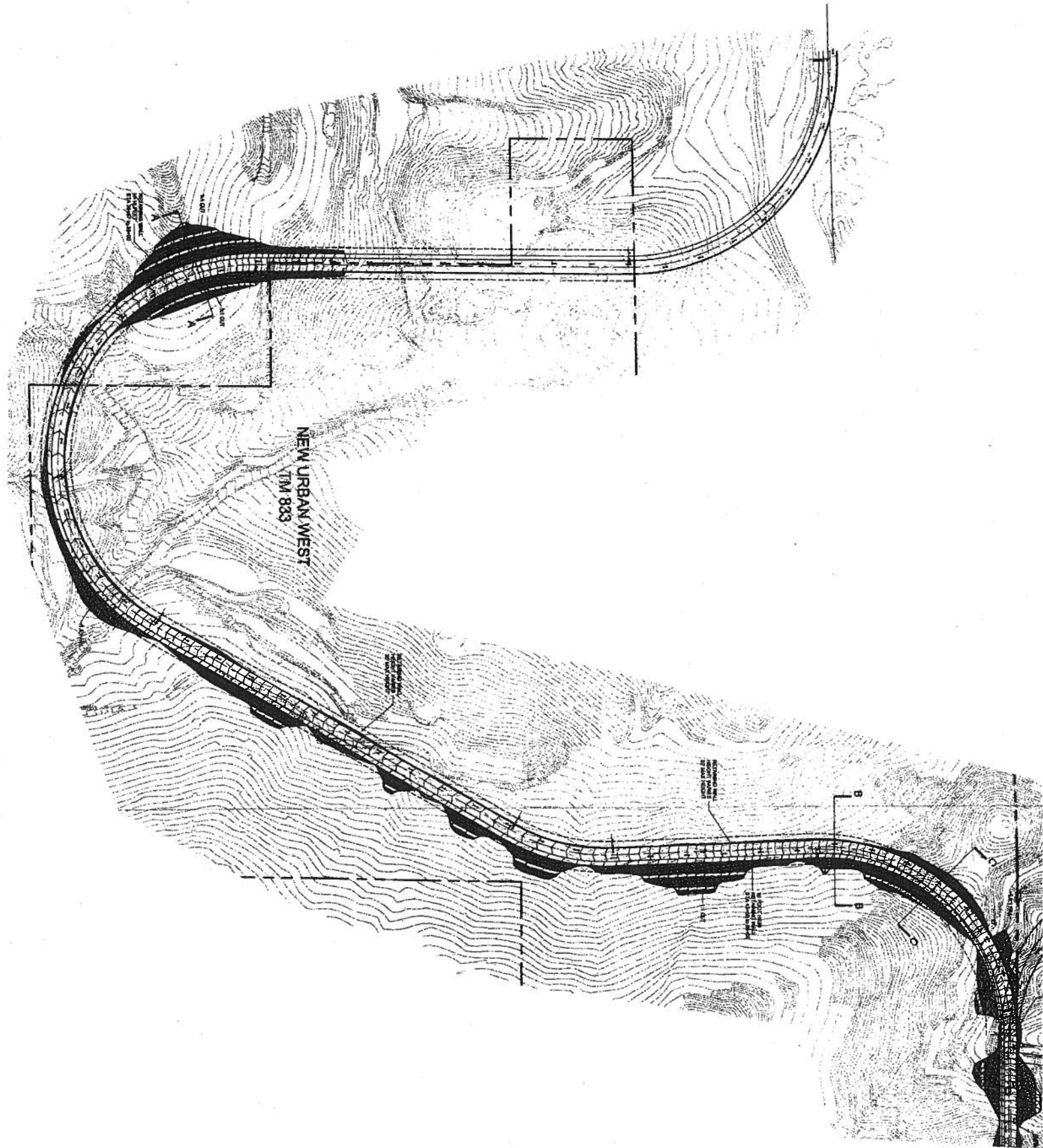


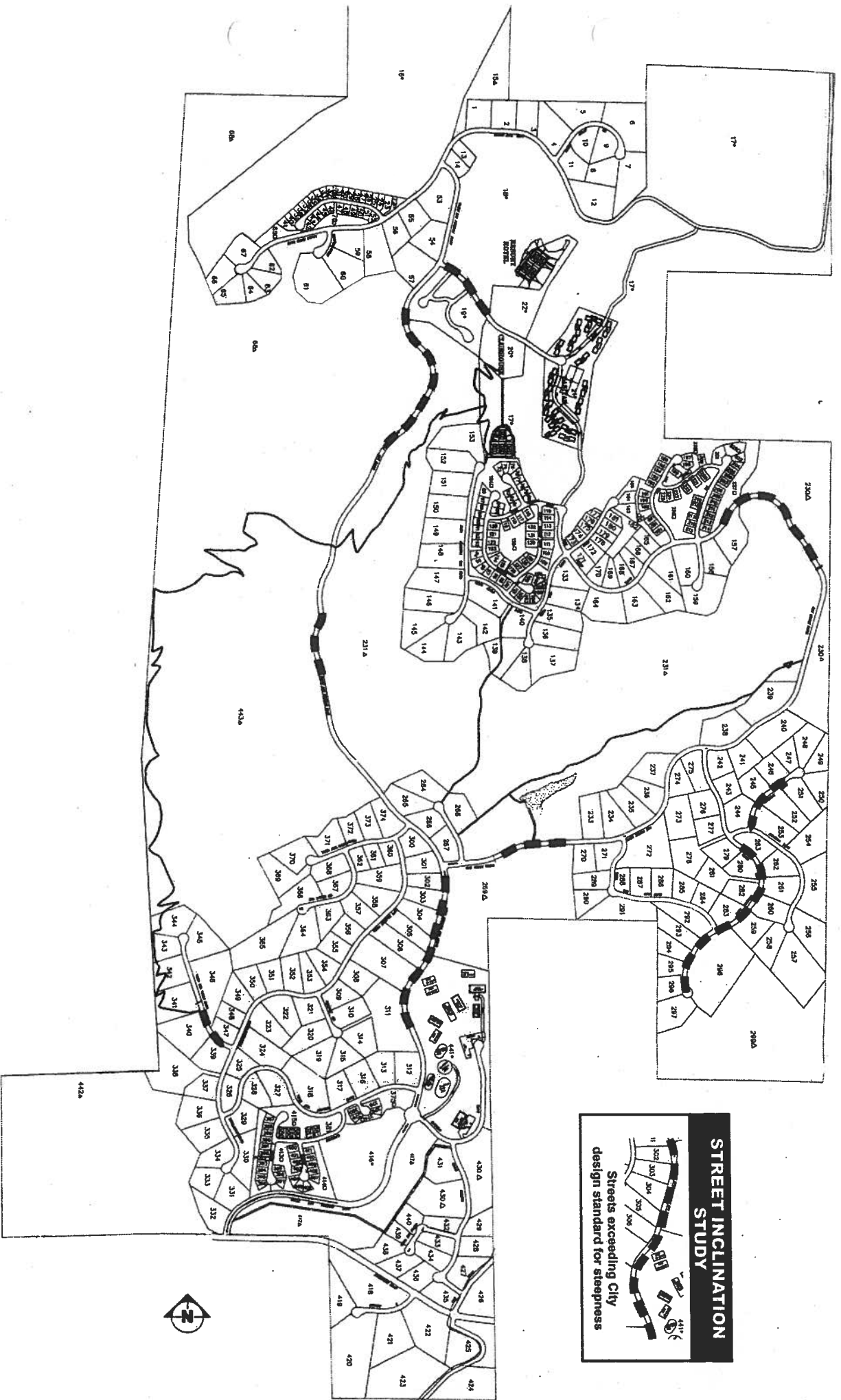
Jay Petrek  
Senior Planner



**CUL-DE-SAC STUDY**

Cul-de-sacs that have exceeded  
City's maximum length

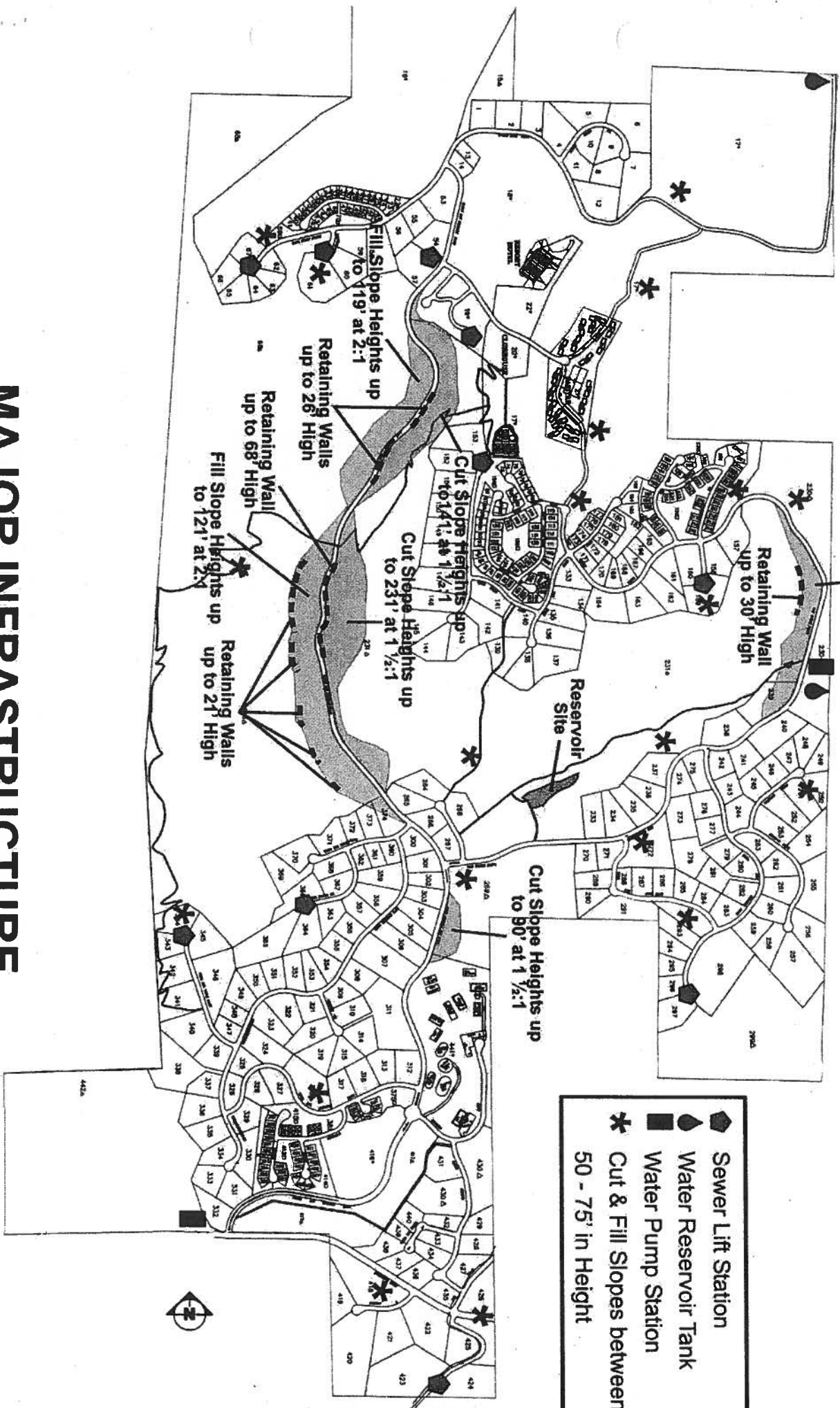




**STREET INCLINATION STUDY**

Streets exceeding City design standard for steepness

# MAJOR INFRASTRUCTURE





# MAJOR LAND USES

