

## 4.0 RPO STEEP SLOPES WAIVER

A waiver from the restrictions of the RPO steep slopes and easement requirements (County Code Title 8, Division 6, Chapter 6) may be granted if the following four findings can be made (RPO Section 86.604[e][2][cc][3]):

- aa. The slope is an insignificant<sup>1</sup> visual feature and isolated from other landforms, **OR** surrounding properties have been developed on steep slopes such that this project would be considered “infill”; and
- bb. The property is zoned for 0.5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
- cc. The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
- dd. Site Plan review is required to ensure consistency of design with these regulations.

Isolated areas in the central portion of the site are proposed for a waiver of the easement requirements. Each of the above criteria and findings is individually addressed below.

### 4.1 **Finding aa**

#### 4.1.1 **Significant Visual Features**

Land forms that are considered significant visual features include those slopes that meet the definition of RPO steep slope lands and are both visible and visually notable and interesting (i.e., unique) topographic features. Significant landforms draw the viewer’s attention and provide primary elements in the viewers memory of the viewshed. They are the elements noted as “vivid,” or memorable. These types of topographic features are therefore generally comprised of large rock outcrops, peaks and promontories, which is consistent with the identification of “dramatic brush-covered hills” and “granitic formations” and need to “prohibit construction along ridgelines” cited in the Elfin Forest and Harmony Grove Community Plan portion of the San Dieguito Community Plan (2011:15, 19, respectively). In the vicinity of the Project, visible peaks rising above the valley floor that comprise the rim of the valley and are skylined are clearly significant, such as Mt. Whitney and the associated peaks forming the “Lady of the Valley.”

#### 4.1.2 **Insignificant and Isolated Visual Features**

Whether areas with the appropriate slope percentage and height differential are considered “insignificant” depends on the whether they are isolated from other steep slope forms and the extent to which they read as unique forms. Insignificant visual features may meet the RPO steep slope definition relative to gradient and minimum rise; but are either not highly visible, not part

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<sup>1</sup> The ability to see a slope does not necessarily mean that it is a significant visual feature. As noted above, the purpose of the ordinance is to preserve unique topography, which by definition means that a significant slope should visually differentiate from those areas that are not protected.

of an identifiable peak or ridgeline, and/or are generally not perceived as part of the Harmony Grove mountainous landform. These include features that do not include the peaks and skylining elements noted above and that generally “fade” into their surroundings. They do not present as unique or memorable. Neither do they appear especially steep in the context of their surroundings. They also are somewhat separated from contiguous reaches of steep slope, either visually and/or by intervening topographic features such as a swale.

#### **4.1.3 On-site Insignificant and Isolated Visual Features**

Relative to criterion aa, each of the slope areas in which a waiver is being requested is physically separated from other areas of steep slope, and is visually insignificant and indistinguishable. They are identified on Figure 6, *RPO Steep Slopes* as A, B (1, 2 and 3) and C. As shown on Figure 6, they do not flow into contiguous areas of RPO-protected steep slope, but are each surrounded by non-steep slope topography, creating small islands.

Area A (approximately 0.5 acre) is shown on Figure 7. Photo a, *The Central Bench*, provides a good reference photo for this slope. As can be seen from this panorama, the bench is a topographically uniform feature. Although the argument is not being made that the slopes are modified (there is no known historic photography depicting slopes prior to the agricultural use of the parcels in the 1920s), it appears to be a modified slope, in that it is a uniformly sloping and rounded feature whereas most of the surrounding topographic features are more abrupt and peaked in nature. Regardless, given the visual uniformity, it is difficult to identify any specific area on this slope that is, or is not, steep slope. Figure 7, Photo b, *Central Bench Steep Slope Area*, identifies the area that modeling (as opposed to the human eye) identifies as RPO steep slope on this north-facing slope. As shown, the approximately 0.5 acre of steep slope called out on Photo 7b does not stand out as anything different from the rest of the visible disturbed grassland. There is nothing interesting or unique about this half acre that differentiates it from the non-steep slope areas on the bench. It is completely consistent with and visually indistinguishable from the rest of the central bench depicted in the figure. Non-steep slope area extends “above” the area to the top of (and along) the bench feature, as well as to either side and below. This area is therefore both visually insignificant and isolated.

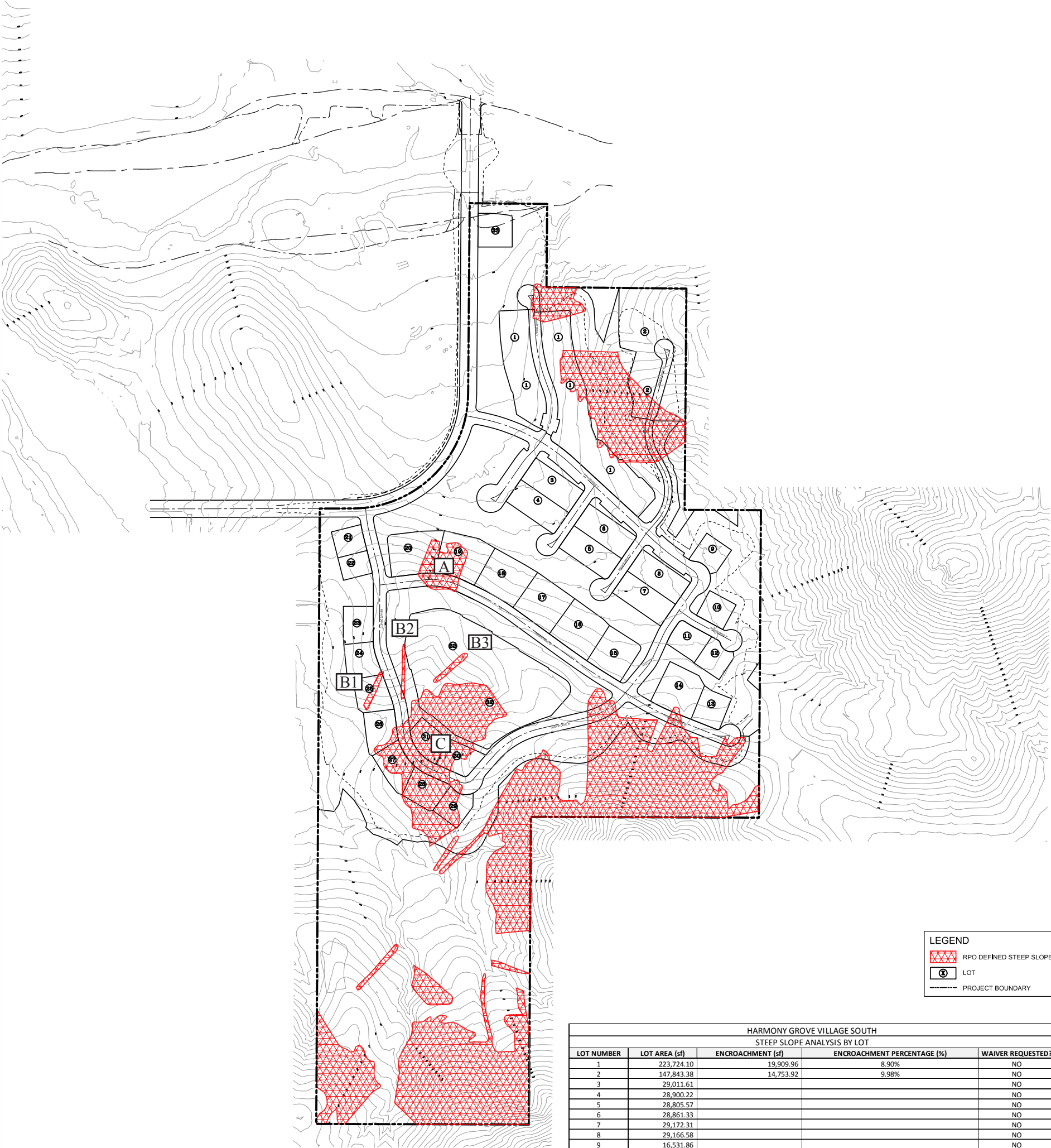
Area B is comprised of three very small vertical “bars” that are located on the south side of the central bench on the western side of the Project. As shown on Figure 6, each of these isolated stretches just attain the 50-foot reach required under RPO. They are extremely narrow elements, surrounded on all sides by non-steep slope portions of the slope face, and are indistinguishable from those surrounding non-steep slope areas. These areas are also both visually insignificant and isolated.

Area C includes approximately four acres of area proposed for waiver as insignificant slope. It is located south of the bench just discussed, with a portion of this slope located on that south side, and a portion located on the westerly facing slope of increasingly (on- and off-site) steep hill above it. This area is generally not visible to viewers from the north, since so much of the slope is “hidden” from the north. In fact, the closer that one comes to the slope from the north, the less one can see it as it ultimately becomes entirely shielded by the intervening bench. Similar to the discussion of Area A, the on-site top portion of this feature is a very softened knoll, without the sharp and more vertical features of the surrounding peaks.

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Source: PDC 2015



LEGEND

RPO DEFINED STEEP SLOPES

LOT

PROJECT BOUNDARY

HARMONY GROVE VILLAGE SOUTH				
STEEP SLOPE ANALYSIS BY LOT				
LOT NUMBER	LOT AREA (sf)	ENCROACHMENT (sf)	ENCROACHMENT PERCENTAGE (%)	WAIVER REQUESTED?
1	223,724.10	19,909.96	8.90%	NO
2	147,843.38	14,753.92	9.98%	NO
3	29,011.61			NO
4	28,900.22			NO
5	28,805.57			NO
6	28,861.33			NO
7	29,172.31			NO
8	29,166.58			NO
9	16,531.86			NO
10	15,812.35			NO
11	19,260.32			NO
12	16,867.89			NO
13	19,352.82			NO
14	34,548.24	713.33	2.06%	NO
15	30,849.32			NO
16	36,540.05			NO
17	36,378.18			NO
18	37,075.08			NO
19	38,434.07	14,401.90	37.47%	YES
20	39,558.93	7,885.68	19.93%	YES
21	15,049.20		0.00%	NO
22	12,982.92		0.00%	NO
23	20,518.28		0.00%	NO
24	20,314.06	150.59	0.74%	NO
25	21,689.38	3,514.19	16.20%	YES
26	22,062.41	3,061.01	13.87%	YES
27	22,441.57	15,193.88	67.70%	YES
28	21,995.48	21,995.48	100.00%	YES
29	17,610.25	11,374.87	64.59%	YES
30	19,875.09	10,801.35	54.35%	YES
31	18,637.01	18,637.01	100.00%	YES
32	267,420.39	64,456.13	24.10%	YES
33	21,186.02			NO

# RPO Steep Slopes

HARMONY GROVE VILLAGE SOUTH





a. The Central Bench



b. Central Bench Steep Slope Area

## View Toward Central Bench

HARMONY GROVE VILLAGE SOUTH



Viewpoints to this area with the greatest number of viewers sharing the most open and unobstructed views, would be from the south/southwest along public trails. For the purposes of this discussion, the Harmony Grove Overlook in EFRR was chosen. This is one location where both shade and a seating area is provided, and the intention is to look northerly over the valley. It is possible to sit down to enjoy a static view from this viewpoint and this makes it likely that many visitors would do so (although currently abutting vegetation obscures views to the site from the bench itself). As can be seen in Figure 8, Photo a, *View Toward the Project*, the Project area is visible from the vicinity of the overlook. From this (and other elevated) viewpoints, the amount of vertical differential is not visible to the viewer. In fact, referencing Figure 8, Photo b, *Steep Slope Area South of the Central Bench*, relative to the unique and surrounding steep slope mountains, the site looks flat, and without much topographic variation at all in this area. The location of the home being built in RPO steep slope area east of the Project boundary is more identifiable as being on slope. It is within steep slope area contiguous to the higher peak to the east, but still appears relatively flat to the viewer.

Although viewers are expected to be on the move, the site also would be openly visible to the viewers from the Del Dios Highlands Trail in the DDHP. The height of the trail on the viewing hill (the only east-west trail in DDHP), and its location on the broad expanse of slopes exceeding 25 percent with a rise exceeding 50 feet, results in the on-site slope fading into the other non-RPO slopes on site. This is demonstrated on Figure 9, Photo a, *View Toward Project*, where the central portion of the project can be seen to be located on what appears to be a very gentle slope with varied and somewhat disturbed vegetation rising to the east before lowering into a swale. The slope in question does not stand out as visually unique, memorable or interesting. In fact, the viewer's eye is drawn over the site to the north, where the hill just north of Harmony Grove Road provides notable (albeit modified) slope features. The eye is then further drawn to the ridgeline in San Marcos, farther to the north, and to the tops of the mountain range beyond that. It should also be noted that this picture was taken with potential use for simulation under the rigorous County requirements in mind. As a result, it focuses on a 60 degree cone-of-vision. This eliminates views to nearby and lateral upper slopes of which the viewer would be aware (and actually see) as they move through the area. This includes the steep slopes in DDHP south of the viewer, as well as those nearby in the DDHP and EFRR to the east and west. Nonetheless, Figure 9, Photo b, *Steep Slope Area South of the Central Bench*, depicts how the more rolling nature of the lower slopes below the significant peak lines visually fades into connection with valley floor as opposed to reading as steep slope.

From both EFRR and DDHP viewpoints, the lack of unique or notable topography of this isolated feature, combined with its topographic disconnection with steep slopes to the east, north and west, render this slope visually insignificant.

#### **4.1.4 Infill Project**

Finding aa provides an option to either find that the slope is an insignificant visual feature or that surrounding properties have been developed on steep slopes such that this project would be considered "infill." Although the previous discussion stands on its own merits, mention should also be made of this "infill" issue. In the case of the Project, although many of the homes in the immediate vicinity are located near the valley floor, many are also sited on RPO steep slope sides as well as on ridgelines and hilltops, including the home currently being built adjacent to

the Project's eastern boundary. A review of RPO steep slope locations against existing homes visible on Google Earth south of Harmony Grove Road shows that approximately 35 percent of the currently existing homes are sited within steep slope areas.<sup>2</sup> These homes are located to the northeast, southwest and west of the Project (there is no building due south of the Project due to the DDHP boundary, which is immediately adjacent to the Project.)

To the north of Harmony Grove Road, the pattern continues. A number of existing homes along the western valley slopes also have been developed on steep slopes. In addition, although it is not yet fully present, Harmony Grove Village is building out. As shown on Figure 2.4-7 (Steep Slope Encroachment Map) of that project's EIR, the 3,000,000 cubic yards of cut and 3,000,000 cubic yards of fill approved for that project has resulted in encroachment into RPO steep slopes. A number of that project's compounds, hillside farmhouses, and grove country house or farmhouses west of Country Club Drive, and village housing (hillside cottages) east of Country Club Drive, will encroach into RPO steep slopes; as has that project's water reclamation facility, located at the very visible intersection of Harmony Grove Road and Country Club Drive.

In conjunction with the very limited availability for additional development in the area, the proposed HGV South development can indeed be seen an infill project, which would also – and separately – provide an important consideration of this waiver.

#### **4.1.5 Project Mitigative Measures**

During the planning process for the Project, the on-site landforms formed a primary focus of evaluation. A number of mitigative elements have been folded into Project design as a result of this evaluation. These include elements relative to grading, landscaping and open space protection.

##### Grading

*General Grading.* Grading plans have been designed to follow the underlying existing topography, thereby retaining the existing underlying nature of the landform and reflecting the topographic features of the terrain. This is demonstrated by cross sections developed for the Project. Long, continuous straight slopes with hard edges and no transition areas at the top or toe of slope (as relevant) have been avoided.

*Open Space Protection.* Grading would be prohibited in BOS/natural open space lots except for possible trail placement.

*Contour Grading.* Contour grading to retain the overall character of the underlying existing features would be implemented. Elements include:

- Rounding of toe and top of slopes
- Blending of graded slope contours into abutting natural topography
- Use of vegetation/landscaping to attenuate angular slopes

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<sup>2</sup> This number does not include the non-conforming residential uses associated with the Harmony Grove Spiritualist Association, which is planning to rebuild structures destroyed in the 2014 Cocos Fire.





a. View Toward the Project



b. Steep Slope Area South of the Central Bench

**View Toward Project From Harmony Grove Overlook  
in Elfin Forest Recreational Reserve**

HARMONY GROVE VILLAGE SOUTH

Figure 8





a. View Toward the Project



b. Steep Slope Area South of the Central Bench

**View Toward Project From Del Dios Highlands Fire Break Trail**

HARMONY GROVE VILLAGE SOUTH



- Design of drainage courses to blend with the natural and manufactured terrain within the development

### Landscaping

Landscaping has been designed to blend with the existing Harmony Grove Village, as well as reference the surrounding natural environment.

*Coast Live Oak Woodland.* The existing coast live oak woodland primarily would be preserved. This habitat is important to the character of the area.

*Slope Vegetation.* Slope plantings would be fast growing and installed to provide slope retention capability. Visual qualities of native vegetation in the surrounding open space (e.g., color, massing) would be incorporated, as would use of native species when appropriate.

*Fire Management.* Brush management would be implemented in sensitive buffer areas to both follow fire management guidelines provided in the Project Fire Protection Plan and in accordance with County requirements, while maintaining the character of the existing vegetation.

*Irrigation.* All new planting would be irrigated to quickly establish slope vegetation and protect the slopes. Reclaimed water would be used for irrigation. The HGV South Project would utilize drip or microspray systems with weather-based controllers, backflow prevention, and rain-sensing override devices if any potable water is used for outdoor irrigation purposes. Drought tolerant and native plant species have been chosen for the landscape palette to minimize irrigation needs.

### Open Space Protection

Ultimately, the HGV South Project would include a funded Resource Management Plan (RMP) to manage lands retained as BOS. The RMP would control access into BOS, formally restricting it only to approved on-site locations. This would contribute to preservation of sensitive areas.

## **4.2 Finding bb**

The current zoning designation is A-70 and RR with a minimum lot size of 0.5 acre (except for an approximately 0.5 acre piece of land at the far northern boundary that is zoned A-70 with a minimum lot size of eight acres, and which is not proposed for residential development). The Project is also filing for a rezone to S88 – Specific Plan concurrently with Project evaluation.

## **4.3 Finding cc**

HGV South is located within the Harmony Grove Community of the San Dieguito Community Plan. The Elfin Forest and Harmony Grove Community Plan (Community Plan) describes an ideal future for the Harmony Grove community where residents continue their rural small-town lifestyle, local farmers sell organically grown produce, and residents' children often find first homes or their parents can choose to live in retirement.



An important goal of the Plan is to preserve the rural residential lifestyle while accommodating growth. The Harmony Grove Community is designed consistent with the Community Development Model whereby the most intense development is located within the Village and is generally, but not necessarily uniformly, surrounded by decreasing residential densities. HGV South is contiguous to Harmony Grove Village and is a logical extension of this Village. The Project would preserve open space and natural habitat, thereby contributing to the retention of the rural setting and lifestyle of the adjacent Harmony Grove community.

The Harmony Grove Community “strongly supports conservation and protection of native species” (Community Plan 2011:20). The design concept for HGV South allows this to occur by focusing development within the least constrained areas of the site and making the most efficient use of the land. This compact and efficient development pattern reduces the building footprint and preserves the largest block possible of contiguous open space where sensitive biological resources are located. Although this development pattern would require some encroachment into insignificant RPO steep slopes, it is much more efficient than pushing development farther into the southern portion of the site in an effort to strictly remain on non-RPO steep slope land. If the Project design fully avoided all RPO-defined steep slopes, the BOS preserves could be much more fragmented, with substantially increased edge effects and more impacts to rare plants and sensitive species.

The grading plan has been designed to closely follow the underlying existing topography, thereby retaining the existing overall shape of the landform and reflecting the topographic features of the terrain, including focused rise and fall in the northern and central portions of the site. Where no development is proposed, of course, the existing natural terrain would remain. The steepest on-site slopes and connections to the steep and rugged off-site slopes in the southeast and southernmost portions of the Project would be preserved. These lead to and merge seamlessly with the memorable and unique peaks that form the southern edge of the Harmony Grove Valley.

The Community Plan requires standard two-acre lots outside of the Village Boundary “unless significant preservation of resources is achieved and specific findings are met for the preservation of community character with the utilization of lot area averaging, planned residential developments, or specific plans” (Community Plan 2011:31). Although the Project would be incorporated into the Village and would; therefore, not be subject to the two-acre minimum standard, significant preservation of resources and protection of community character would still be achieved through the use of a Specific Plan. Per the Specific Plan, development would be located within the northern and central portion of the site and approximately 30 acres or 27 percent of the site would be preserved within permanent BOS in the southern part of the Project.

The noted retention of BOS leads into Community Plan guidance regarding steep slopes that is particularly relevant to the issue of “greater encroachment.” As described in Finding aa, the Project would avoid impacts into the “dramatic” hill formations called out in the Community Plan as critical to the setting of the community. Similarly, the Community Plan voices concern over development on ridgelines (2011:19). The Project would keep all development downslope from the iconic ridgeline formations that rim the valley. No ridgelines (formed by connecting the highest peaks along a ridge) are located on site, and therefore no ridgelines would be impacted.



In addition to not impacting ridgelines, the Project would preserve a large swath of native habitat in the south-central and southern portion of the Project as BOS. Preservation of this habitat would contribute to continued health of abutting habitat in the DDHP. This is consistent with the goal to preserve ridgelines in their native habitat (Community Plan 2011:44).

The most notable slopes of the Project also would be retained in open space. Views to the steep slopes leading to the intact promontory just southeast of the central portion of the Project, and to the intact hills in the southern portion, would be retained. This is consistent with the goal to retain “unspoiled views to the intact hills” (Community Plan 2011:30). These undisturbed areas would continue to merge seamlessly into protected slopes in DDHP with nearby notable peaks reaching 960, 1,000, 1,080 and 1,200 feet amsl; and the slightly more distant peak at 1,320 feet amsl (see Figure 3).

The Project also would not contribute to any ongoing degradation of views toward the Lady of the Valley, called out as “threatened by urban sprawl” in the Community Plan (2011:30). The Project is located southerly of the peaks making up this formation, which are north of Harmony Grove Road and on the western side of the valley. The “Lady” is visible from portions of the Project site. Off-site views taking in both the Project and those peaks require the viewer to be at some distance. Viewers south of the Project would look over the Project to the notable higher peaks that form the “Lady,” encompassing all the intervening development in Harmony Grove Valley, as well as Eden Valley and points well to the north. Viewers from the north would be closer to the “Lady” but would be looking westerly to see her. Views toward the Project would then be lateral, and the Project would appear as a smaller development in the distance without relationship to the Lady of the Valley. Implementation of the Project would not impact the importance, form, or visibility of this important community landmark.

It should also be noted that the Community Plan references the General Plan Goal COS-12 regarding the preservation of ridgelines (Community Plan 2011:30). The General Plan indicates that undeveloped ridgelines and steep hillsides should be protected through the application of semi-rural or rural designations on these areas. HGV South has maintained the SR-0.5 designation within the southern portion of the site where the most significant and steep on-site slopes would be preserved within permanent open space.

To protect community character, the Project has been designed to appear much less dense than the number of dwelling units would suggest. Over half of the proposed homes are single-family residences. The remaining residences would be located within structures built to accommodate multiple dwellings, yet still appear like single-family homes or repurposed agricultural/rural structures. The site layout promotes a feeling of openness with substantial internal open space features such as a remnant drainage that would be restored to a naturalized state, wide landscaped areas between buildings, and an assortment of park and recreation areas including community gardens. Together, natural open space, common area landscaping, and recreational areas are important framework elements and represent approximately 75 acres or 68 percent of the entire Project area.

For expanded information regarding the Project’s consistency with specific Community Plan goals and policies and community character, refer to the General Plan Consistency Analysis (under separate cover).



#### **4.4 Finding dd**

As part of the Project's rezone, a D designator would be applied to the site which would require site plan review. This designator would ensure that future development is consistent with the design of these regulations and the design guidelines within the HGV South Specific Plan.

### **5.0 CONCLUSION**

The Project design is based on a process that fully values the on-site and surrounding significant landforms. A total of approximately 4.7 acres of RPO steep slope is proposed for waiver as insignificant slope consistent with the specific and objective criteria specified in the RPO. This is 1.3 percent of the steep slopes located south of Harmony Grove Road and shown on Figure 3.

The Project has been designed to retain the unique and memorable landforms, as well as those that are visually related to the steep and upward reaching slopes associated with the surrounding peaks.

Taking all the information provided above regarding:

1. relative lack of visual prominence,
2. lack of slope significance and/or connection of these slope areas to more contiguous RPO-steep slope areas,
3. infill nature of the Proposed Project relative to surrounding residences placed onto RPO steep slopes, and
4. requirements for design review and Project conditions; as well as
5. consistency with environmental protection sections of the Community Plan;

a waiver from the RPO steep slope easement restrictions is appropriate for these areas. The steep slopes for which a waiver is requested are indistinguishable from surrounding areas of non-RPO protected slopes, and do not present unique landforms. They are, therefore, not significant slopes and a waiver to the steep slope open space easement requirement is requested.