

ORDINANCE NO. 9967 (NEW SERIES)

AN ORDINANCE CHANGING THE ZONING
CLASSIFICATION OF CERTAIN PROPERTY IN THE
VALLEY CENTER COMMUNITY PLAN AREA, REF: R04-017

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors hereby finds as follows:

- (a) The Board finds, on the basis of the whole record, that there is no substantial evidence that the project will have a significant effect on the environment; the Board has considered the Negative Declaration on file with the Department of Planning and Land Use as Environmental Review Number 04-09-014, together with any comments received from public review, and hereby adopts it, finding that it reflects the independent judgment and analysis of the Board of Supervisors.
- (b) The Board further finds that the uses and development permitted by this ordinance are consistent with the provisions of the Resource Protection Ordinance.
- (c) The Board further finds that plans and documentation have been prepared for the project proposed by the application for this zoning reclassification, which demonstrate that the project complies with the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.
- (d) The Board further finds, pursuant to Policy 2 of the Regional Land Use Element, that the proposed S86 Use Regulation is consistent with the 17 Estate Residential land use designation, due to "Special Circumstances", consistent with the Guidelines adopted by the Board of Supervisors. The Board's Findings with regards to such Special Circumstances are set forth in Exhibit A to this Ordinance.

Section 2. The zoning classification of the real property described below is hereby changed as follows:

The existing zoning classification is as follows:

189-051-02-00

OLD ZONE: Use Regulations A-70, Animal Designator L, Density 0.5, Lot Size 2 AC, Building Type C, Maximum Floor Area --, Floor Area Ratio --, Height G, Lot Coverage --, Setbacks C, Open Space --, Special Area Regulations --.

The zoning classification is changed to read as follows:

189-051-02-00

NEW ZONE: Use Regulations S86, Animal Designator --, Density --, Lot Size --, Building Type A, Maximum Floor Area --, Floor Area Ratio --, Height D, Lot Coverage --, Setbacks V, Open Space --, Special Area Regulations D.

Description of affected real property:

That portion of the northwest quarter of the northwest quarter of Section 15, Township 11 South, Range 1 West, San Bernardino Meridian, in the County of San Diego, State of California, according to official plat thereof, described as follows:

Beginning at the southwest corner of said northwest quarter of the northwest of section 15; thence along the southerly line of said northwest quarter of the northwest quarter, north 89°57'20" east, 1366.60 feet to the southeast corner of said northwest quarter of the northwest quarter; thence along the easterly line of said northwest quarter of the northwest quarter, north 00°20'40" east, 1023.76 feet to the true point of beginning; thence north 89°35'50 west, 1361.35 feet more or less, to the westerly line of said section 15; thence north 00°38'00" east to the northwest corner of said section 15; thence south 89°34'00" east along the north line of said section 15; and to the northeast corner of the northwest quarter of the northwest quarter of said section 15; thence south 00°20'40" west to the true point of beginning.

Excepting therefrom the westerly 235.00 feet thereof.

Objectives and Standards for "D" Design Review Special Area Regulations:

Objective:

To ensure that development of the site limits, to the maximum extent feasible, the impacts on neighboring property owners and the surrounding community, particularly impacts from views of the development, and impacts from outdoor lighting and vehicular headlights.

Standards:

Site Plans shall comply with the following:

- a. No development shall occur west of School Bus Road, with the exception of drainage structures.
- b. Site development shall be consistent with the following plans on file with the Department of Planning and Land Use for R04-017: the conceptual site dated June 18, 2008, and the conceptual landscape plan dated December 16, 2008.
- c. Landscaping. There shall be landscaping along all sides of parking lots to screen the lot from view. There shall also be landscape islands between rows of parking along with end islands. Parking lot and street frontage landscaping, including plant palette, shall be consistent with the conceptual landscape plan. The street frontages shall contain landscaping a minimum of 20 feet in depth, including berms and boulders, and a combination of trees (min. 1 per 400 sq. ft.), shrubs and groundcover of sufficient density such that views of the site and impacts of vehicular headlights are severely limited. A minimum of 10% of the parking lot interior shall be landscaped with a combination of trees and groundcover, with evergreen trees placed adjacent to light standards. The south side and west east sides of the approved parking lot shall contain a combination of trees, shrubs and groundcover. Sizes at planting shall be sufficient for trees to reach 18 feet, and shrubs to reach 30 inches, within two growing seasons.
- d. Streetscapes. Pedestrian paths shall meander within a 30 foot wide frontage area consistent with said conceptual site and landscape plans. Drainage swales within streetscapes shall utilize natural stones.
- e. Structures. Structures shall incorporate the "early California" style from the Valley Center Community Plan, consistent with the "Elevations and Details", sheet 7 of said conceptual site and landscape plans dated June 18, 2008.
- f. Site Lighting. All proposed site lighting shall comply with the County Light Pollution Code. Light standards may be up to 25 feet in height.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Exhibit A

San Diego County General Plan Special Circumstance Findings

Introduction

The project site is located within the Estate Development Area (EDA) regional land use category of the Land Use Element and is designated in the Valley Center Community Plan as the (17) Estate land use designation. The proposed rezone to the S-86 Use Regulation to allow for the proposed parking land use is compatible with the (17) Estate land use designation when Special Circumstances Findings can be made. The Board of Supervisors hereby makes the following Special Circumstances Findings:

I. Land Use Factors

Compatibility with Surrounding Land Uses:

- **The location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, or structures, with consideration given to:**

1. Harmony in scale, bulk, coverage and density.

The parking use intended under the rezone will have minimal apparent scale or bulk because it requires only the paving of the ground surface, light fixtures (limited to 25 feet in height), and landscaping. The rezone permits no buildings except civic uses, accessory structures, secondary uses, or structures permitted under a use permit. The proposed use involves only small accessory structures that would cover less than 1% of the parcel. The use involves no residential density.

2. The availability of public facilities, services and utilities.

Valley Center Road, North Lake Wohlford Road and the intersections adjacent to the parking lot will operate at acceptable levels of service and provide adequate ingress and egress to the parking lot. Full-time security services provided by the Valley View Casino will provide for public safety. Fire Services are available. Electrical power for the permanent light fixtures and water for landscaping is available. No other public facilities, services or utilities are needed.

3. The harmful effect, if any, upon desirable neighborhood character.

The existing neighborhood character can be defined as semi-rural, dominated by residential, agricultural, and commercial uses. A public school is adjacent to the site.

The proposed parking use has been found to create no significant noise impacts which would harm community character.

Potential parking lot and vehicular lighting impacts to the surrounding neighborhood will be minimized by using fully shielded low-pressure sodium fixtures in conformance with the County Light Pollution Code. They will be further minimized by the dense and wide landscape buffer along the frontages, and by dense perimeter landscape screening and approximately 500 feet of buffer area on the west side of the parking lot. The Valley Center Middle School to the south is not a sensitive receptor for the parking lot lighting.

The proposed parking use does not generate traffic by creating a destination for trips, as traffic consist of employees currently parking elsewhere.

The parking lot will not affect the visual character of the community because the lot will be screened by dense vegetation, along the street frontages and other lot perimeters.

Therefore, there will be no noise, lighting, traffic, visual or other impacts which would harm community character.

4. The generation of traffic and the capacity and physical character of surrounding streets.

While the proposed parking use does not generate traffic by creating a destination for trips, it does affect traffic operations on Valley Center Road and North Lake Wohlford Road between the parking lot and Valley View Casino. The roads and intersections adjacent to the parking lot are constructed to public road standards and will operate at acceptable levels of service and provide adequate ingress and egress.

5. Any other relevant impacts of the proposed use.

No other relevant impacts have been identified. An analysis of surrounding land uses identified five existing commercial, civic or institutional land uses adjacent to the proposed parking lot and two other nearby commercial or institutional land uses. This adjacent development

creates a neighborhood character that is less rural and agricultural than most neighborhoods in Valley Center and most Estate Residential designations. The Valley View Casino parking lot will be compatible with this character.

An Alternative Site Analysis was completed to determine if any nearby parcels would be more appropriate for the use. Several nearby parcels, including San Pasqual Reservation property, were evaluated in terms of safe access, topographic limitations, biological resources, and land use compatibility. None are more desirable for the proposed employee parking use than the proposed site.

- **The impacts and the location of the proposed use will not adversely affect the San Diego County General Plan]**

The following goals of the Regional Land Use Element of the General Plan are met by this project:

1. *OVERALL GOAL. ACCOMMODATE POPULATION GROWTH AND INFLUENCE ITS DISTRIBUTION IN ORDER TO PROTECT AND USE SCARCE RESOURCES WISELY; PRESERVE THE NATURAL ENVIRONMENT; AND PROVIDE ADEQUATE PUBLIC FACILITIES AND SERVICES EFFICIENTLY AND EQUITABLY EQUITABLE; ASSIST THE PRIVATE SECTOR IN THE PROVISION OF ADEQUATE, AFFORDABLE HOUSING; AND PROMOTE THE ECONOMIC AND SOCIAL WELFARE OF THE REGION.*

The project meets this goal by enabling the operations of the Valley View Casino, which creates significant employment opportunities in the community and therefore contributes to the economic and social welfare of the region. The project further meets this goal because adequate public facilities and services are provided; specifically adjacent roads and intersections will operate at acceptable levels of service and provide adequate ingress and egress. Security services will be provided by the Casino. Power for the proposed lighting and water for the landscaping is available. No other public facilities, services or utilities are needed.

IT IS THE GOAL OF THE REGIONAL LAND USE ELEMENT THAT

- 1.1. *URBAN GROWTH BE DIRECTED TO AREAS WITHIN OR ADJACENT TO EXISTING URBAN AREAS, AND THAT THE RURAL SETTING AND LIFESTYLES OF THE REMAINING AREAS OF THE COUNTY BE RETAINED.*

The project will help to retain the rural setting and lifestyles of Valley Center because the Site Plan required by the "D" Special Area

Designator will ensure that the proposed use is adequately screened to be compatible with the rural agricultural character of the surrounding neighborhood.

2. *LAND USE GOALS*

2.3. *Retain the rural character of non-urban lands.*

The project will help to retain the rural character of Valley Center because the Site Plan required by the "D" Special Area Designator will ensure that the proposed use is adequately screened to be compatible with the rural agricultural character of the surrounding neighborhood.

2.4. *Limit urban densities and nonurban areas to lands within existing County Country Towns.*

The project does not conflict with this goal because no residential densities are involved.

3. *ECONOMIC GOALS*

3.3. *Achieve and maintain mandated air and water quality standards.*

The project meets this goal because it has been determined that the project will have no negative effect on air or water quality.

4.1. *Assure efficient, economical and timely provisions of facilities and services for water, sewer, fire protection, schools and roads to accommodate anticipated development.*

The project does not conflict with this goal because adequate facilities and services are in place to serve the development.

7. *ECONOMIC AND FISCAL GOALS*

7.3. *Promote access to employment opportunities which minimize unemployment and return the maximum income to the residents of the region.*

The project meets this goal by enabling the operations of the Valley View Casino which promotes access to employment opportunities in the community and therefore returns maximum income to the residents of the region.

- **The proposed use at its proposed location will provide a service or facility, which will not be detrimental to the general well being of the**

surrounding neighborhood or community. The proposed use will not be detrimental to the surrounding neighborhood because the Site Plan required by the "D" Special Area Designator will ensure that the proposed use is adequately screened to be compatible with the rural agricultural character of the surrounding neighborhood. Paving of the parking area will reduce the generation of fugitive dust created by the use of this parcel by the Valley Center Middle School events and users of the nearby playing fields. Adequate and safe ingress and egress is provided to the site. No new intersections are created along Valley Center Road.

Community Need Factors

- **Need for this use. There is an identified need in the general area for the proposed use.** The Valley View Casino provides employment and entertainment for a significant number of Valley Center residents. The proposed lot will provide employee parking that is safe, convenient, and close enough for short shuttle bus service. Because a majority of the employees will arrive and depart on Valley Center Road, employees will drive less distance and create less impact on the Valley Center Road/North Lake Wolford Road intersection than if they parked at the Casino

Due to a number of constraints within the existing Trust Lands, including steep rocky terrain, and necessary residences and tribal facilities; land suitable for parking is not available within close proximity of the Casino.

- **Availability of appropriately zoned land. There is insufficient land suitably designated in the general area to meet the identified need, and implementation of the proposed use will not result in a scarcity of land for those uses permitted under consistent use regulations.** Several suitably zoned parcels of land that allow for the parking land use are available in the general area; however, they are either too small or less suitable due to distance from the Casino, limited access, and costs. Project implementation will remove land designated and zoned for agricultural and single-family residential uses; however hundreds of acres zoned and suitable for agricultural and single-family uses are available in the general area.

Physical/Environmental Factors

- **Physical constraints. Site characteristics make it physically impossible or economically unfeasible to implement the uses allowed in consistent use regulations. Physical constraints shall include, but not be limited to, lot configuration and size, topography, drainage, adjacent land use, access opportunities, traffic congestion, noise, air pollution, vibration and other factors affecting general health, safety and welfare.** Noise impacts from both Circulation Element roads adjacent to parcel as well as the

Valley Center Middle School would affect potential single-family uses. Nearly the entire property is impacted by 60 db noise contours. This poses economic and physical challenges to development of the site with residential uses, including setting the homes back from the road, constructing noise walls, and utilizing noise resistant construction. The use of noise walls potentially could affect the rural character of the community. The noise and vibration impacts on residents would be felt even if mitigated to a level below a significant impact.

The use of the site for agriculture would present potential health concerns with regard to the neighboring middle school. Noise impacts from both Circulation Element roads adjacent to parcel, as well as the Valley Center Middle School would affect potential single-family uses.

The property is owned by the San Pasqual Band of Diegueno Indians whose main source of income is the Casino that the parking lot would serve. Parking for Casino patrons is an essential amenity which could not be provided through residential or agricultural uses of the property. Alternative land uses for the site would therefore be economically infeasible for the tribe given the need for adequate offsite parking to serve the Casino.

- **Facilities availability. Essential services and facilities will be available concurrent with need.** The adjacent roads and intersections will operate at acceptable levels of service and provide adequate ingress and egress. Security services will be provided by the Casino. Power for the proposed lighting and water for the landscaping is available. No other public facilities, services or utilities are needed.
- **Mitigation of environmental impacts. There are feasible mitigation measures that can be implemented to mitigate significant environmental impacts and ensure compatibility of permitted uses with adjacent land uses.** The project environmental analysis identified no significant environmental impacts created by the project.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 28th day January, 2009.