

RESOLUTION NUMBER R-271349

ADOPTED ON JULY 5, 1988

WHEREAS, James A. Clarke, Owner/Permittee, appealed the decision of the Planning Commission in denying Planned Residential Development Permit No. 87-0883 submitted by Sunburst Homes Company, a general partnership - James A. Clarke and William C. Ruzich, principal owners, to construct a planned residential development described as Southwest 1/4 of the Southwest 1/4 of Section 26, Township 14 South, Range 2 West and a portion of Northwest 1/4 of Section 35, Township 14 South, Range 2 West, SBM, located at the northwest side of Pomerado Road, east of the existing terminus of Fronsac Court, in the Scripps Miramar Ranch Community Plan area, in the R1-6000, R-2500, R-3000, CN and Hillside Review Overlay Zones; and

WHEREAS, the matter was set for public hearing on July 5, 1988, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Residential Development Permit No. 87-0883:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Scripps Miramar Ranch Community Plan. An overall community

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goal of the Community Plan is to "maintain and enhance the rural-residential characteristic of the existing Scripps Miramar Ranch, while promoting a variety of housing opportunities throughout the community." A residential element objective is to "[p]romote a variety of housing types and prices throughout the community in support of the City-wide concept of balanced housing opportunities" and "[e]ncourage quality design of family-oriented homes emphasizing usable outdoor living area on the home sites." Almost all of the residential areas of the existing Scripps Miramar Ranch are developed with single-family homes on relatively large lots. The map and associated planned residential development provides a variety of housing opportunities; single-family homes on standard lots, single-family homes on small lots, and duplexes. The single-family lots, as well as duplex homes, provide outdoor living areas on the home sites. As demonstrated by the project's architecture, the single-family homes on small lots have many of the small qualities of homes on larger lots. The Community Plan recognizes that the County Island provides an "extensive amount of common external open space systems." In view of this, the Community Plan states that "consideration should be given to relaxing the standards for usable open space in each subdivision in order to minimize grading." Nonetheless, this project exceeds the open space requirements of the Planned Residential Development Ordinance. The project meets a number of the parks, recreation and open space objectives of the Community Plan, by providing a pedestrian trail from the park to the Cypress Canyon

Open Space, topographic open space buffers including a one hundred (100) foot landscaped buffer between existing single-family homes and the proposed single-family homes, and almost fifty percent (50%) of the project is in some type of open space. As required by the Community Plan, the project is "in substantial conformance with the conceptual grading plan and land use plan adopted by the City Council in association with the approved plan amendment for this area."

2. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The project includes single-family homes on standard size lots immediately adjacent to the existing single-family homes on Fronsac Court. Above the existing family homes and beyond a one hundred (100) foot landscaped buffer area, the project provides single-family homes on small lots. Adjacent to the proposed neighborhood park, duplexes are proposed. In response to the desire by the Community Planning Group for single family homes, the portion of the project separated by the one hundred (100) foot landscaped buffer is proposed for single families instead of a clustered multi-family project. The Scripps Miramar Ranch Community Planning Group approved the project. This project, along with the other projects within the County Island, will construct large portions of major roads needed by the community and the region, and a neighborhood park needed by the community.

3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. As required by the Community Plan, the project is "in substantial conformance with the Conceptual Grading Plan and Land Use Plan adopted by the City Council in association with the approved plan amendment for (the County Island)." The City Council found that the conceptual grading plan for the County Island complied with the Hillside Review Overlay Zone. The grading required for this project is in great part a direct result of the construction of Pomerado Road and Spring Canyon Road. The Community Plan recognizes that the development in the County Island does not precipitate the need for these roads. The roads are needed by the region, but for fiscal reasons, can only be built by, and concurrently with, the development of County Island. The project complies with all other relevant San Diego Municipal Code regulations.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of James A. Clarke, Owner/Permittee, is granted; the decision of the Planning Commission is overruled, and Planned Residential Development Permit No. 87-0883 is hereby granted to Sunburst Homes Company, a general partnership - James A. Clarke and William C. Ruzich, principal owners, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 87-0883
SUNBURST SCRIPPS

CITY COUNCIL

This Planned Residential Development Permit ("Permit") is granted by the Council of The City of San Diego to SUNBURST HOMES COMPANY, a general partnership ("Owner/Permittee"), under the conditions contained in Section 101.0900 of the Municipal Code of the City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to construct a planned residential development described as Southwest 1/4 of the Southwest 1/4 of Section 26, Township 14 South, Range 2 West and a portion of Northwest 1/4 of Section 35, Township 14 South, Range 2 West, SBM, located at the northwest side of Pomerado Road, east of the existing terminus of Fronsac Court, in the S-90 (County), approved A-1-10 and HR (upon annexation to the City) proposed R1-6000, R-2500, R-3000, CN and Hillside Review (HR) zones.

2. The Permit shall include the total of the following facilities:

a. Three hundred sixteen (316) residential units; one hundred sixty-four (164) detached single-family residential units and one hundred fifty-two (152) paired housing units;

b. Off-street parking;

c. Incidental accessory uses as may be determined and approved by the Planning Director; and

d. Two (2) recreation facilities each with pool, cabana and accessory structures.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Rezoning of the subject property has been approved by the City Council and will become effective with the annexation of the site to The City of San Diego and recordation of the subdivision map. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering and Development Director and Planning Commission.

4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites with the exception of Lots 156-162 and 323-325. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. Those lots designated as open space on the planned residential development site plan shown as Exhibit "A," dated July 5, 1988, shall be designated as "non-building areas" on the final map and maintained by the homeowners association, Scripps Ranch Open Space Maintenance District or Permittee as open space.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Department for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Department for approval. All plans shall be in substantial conformity to Exhibit "A," dated July 5, 1988, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this Permit shall have been granted. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

6. The construction and continued use of this Permit shall be subject to the regulations of this or other governmental agencies.

7. Nine hundred and sixty-two (962) total parking spaces shall be provided (at a ratio of approximately three spaces per dwelling unit). Of those spaces, three hundred thirty (330) shall be provided for guests (at a ratio of approximately one space per unit). Ninety-one (91) curb spaces may be included in the calculation. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated July 5, 1988. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these off-street parking spaces.

8. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

9. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

10. No manufactured slope shall be steeper than a ratio of 2:1.

11. The applicant shall post a copy of the approved Permit in the sales office for consideration by each prospective buyer.

12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-6000, R-2500 and R-3000 Zones.

13. Sidewalks shall be provided from each unit to the sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk. Sidewalks are required on one side only of private interior streets.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

15. The effective date of this Permit shall be the date of final action by the Planning Commission or the effective date of the Vested Tentative Map No. 87-0883 whichever is later. If an appeal is filed, the effective date shall be the date of final action by the date of City Council action or the effective date of the Vesting Tentative Map No. 87-0883 whichever is later. The Permit must be utilized within thirty-six (36) months after the effective date. Failure to utilize the Permit within thirty-six (36) months will automatically void the Permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Code. Any such extension of time must meet all the Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

16. No development shall commence, nor shall any Permit for construction be issued, until:

a. The Permittee signs and returns the Permit to the Planning Department; and

b. The Permit is recorded in the Office of the County Recorder.

Permittee may, however, proceed with the construction of Pomerado Road/Spring Canyon Road pursuant to the issuance of a public improvement permit.

17. The property included within this planned residential development shall be used only for the purposes and under the terms and conditions set forth in this Permit unless authorized by the Planning Director or the Permit has been revoked by The City of San Diego.

18. This Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this Permit. Cancellation or revocation may be instituted by the City or Permittee.

19. This planned residential development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the Permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

20. All accessory structures less than one hundred (100) square feet require the approval of the Planning Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.

21. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

22. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," "Row," or "Square." Public refuse collection shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.

23. This planned residential development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Commission.

24. This Permit allows the sale of the seven individual lots on Fronsac Court for the purpose of construction of residential units with the terms and conditions of this Permit. Additionally, the Permittee shall provide evidence to the Planning Director which assures sufficient deed restrictions are recorded to assure these seven (7) homes will be designed to be compatible with the existing homes on Fronsac Court. The Planning Director shall not approve a building permit if the proposed residential dwelling is not compatible in materials, size and bulk, setbacks and height.

25. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

26. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within ninety (90) days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances, shall be installed in accordance with the plans approved by the Planning Director and City Engineer and the landscaping shall be properly maintained to insure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a Home Owners Association which will assure responsibility for the landscape maintenance. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

The slopes designated for timely landscaping as described above include Lots 327-329, 166, 168-169, 332 and 333 and the off-site slopes. All other slopes are to be landscaped as shown.

27. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: (a) the allocation schedule of the Scripps Miramar Ranch Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987 and any successor ordinance, plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.

28. This map and site plan shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987; and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.

29. Fence and wall details shall be provided as shown on Exhibit "A," dated July 5, 1988. All other walls and fences shall require the approval of the Planning Director.

30. A non-building area easement shall be placed over Lot 333 or some alternative which addresses the legal lot status of this parcel of land which is acceptable to the City Engineer and Planning Director.

31. During the grading and up to the operation of the temporary water service, a monitoring program shall be implemented in which the water quality of the Creek Road residences' wells would be monitored as grading associated with the development occurs. The program would involve water sampling of the wells twice a month or as directed by the Deputy Director of Environmental Quality Division, who shall review the results of the monitoring program. If deterioration of the water quality and/or the quantity, as a result of the grading, is detected, the subdivider shall immediately provide piped potable water to Creek Road residents.

32. Temporary water service shall be provided to the affected Creek Road residences prior to the issuance of the first building permit in a manner satisfactory to the Water Utilities and Environmental Quality Directors as required in Environmental Impact Report No. 84-0744. The operation of this temporary water service may be deleted upon completion of the water line to be built by the City of Poway.

This temporary water service shall be within the existing Pomerado Road right-of-way or within easements from individual residences along Creek Road for the installation and access to this water service.

The subdivider shall initiate an agreement with The City of San Diego and the City of Poway for the provisions of this water service.

In addition, prior to the recordation of the final map, easements shall be acquired for access to and installation of pipeline to individual residences along Creek Road. In the alternative, an easement shall be retained along the existing Pomerado Road right-of-way for provision of water service to Creek Road residences.

33. In order to reduce exterior noise levels to 65 dB(A) CNEL, a maximum five-foot-high landscaped berm shall be constructed adjacent to Lots 156 and 157. In addition, a maximum two-foot-high wall shall be constructed adjacent to the rear property line of Lots 130-151, 156 and 157. Mechanical ventilation shall be installed in the second story of units on lots adjacent to Pomerado Road to achieve an interior noise level not to exceed 45 dB(A) CNEL.

34. A three year landscape maintenance and monitoring program shall be implemented by the developer to ensure successful revegetation of all manufactured slopes outside of the lots for individual sales. The program shall include irrigation, plant replacement, and fertilization. Once a year for three years following the date of initial plantings, the Deputy Director of the Environmental Quality Division shall review the revegetation program to verify satisfactory establishment of the vegetation. If the initial plantings have not been adequately established, the maintenance plan shall remain in effect for an additional year.

35. The Homeowners Association shall assure via C.C. and R's, or other suitable alternative, the maintenance of all privately owned manufactured slopes.

36. Prior to issuance of permits, a Permit shall be required for the portion of Lot 163 located on the east intersection of Spring Canyon Road and Pomerado Road.

37. In the event that any condition of this Permit on a legal challenge by the Owner/Permittee of this Permit is held by a competent jurisdiction to be invalid unenforceable or unreasonable, this Permit shall be void.

PASSED AND ADOPTED by the City Council on July 5, 1988.

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JUL 5 1988

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Rhonda R. Baer*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-271349 Adopted JUL 5 1988