

(R-91-775)

RESOLUTION NUMBER R- 276510

ADOPTED ON SEPTEMBER 11, 1990

WHEREAS, The Fieldstone Company by Charles R. Gill of McDonald, Hecht & Solberg, appealed the decision of the Planning Commission in approving, with conditions, Coastal Development Permit No. 89-0892 submitted by The Fieldstone Company for a 369-lot subdivision (Canyon Country West, Units 1 and 2) for the construction of 354 detached single-family residences on approximately 152.0 acres of land, on a portion of Canyon Country Unit No. 3, Map No. 12236, and Unit No. 12, Map No. 11761, and a portion of Parcel 2, Parcel Map PM No. 13065, located south and north of Calle Cristobal/Sorrento Valley Boulevard, north of Mira Mesa Boulevard, west of Camino Ruiz and east of Camino Santa Fe, in the Mira Mesa Community Plan area and the North City Local Coastal Program area, in the R1-5000/HR and A-1-10/HR (proposed R1-5000/HR) Zones; and

WHEREAS, the matter was set for public hearing on September 11, 1990, 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 Coastal Development Permit No. 89-0892:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted local coastal program land use plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

4. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

6. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.


7. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

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 the Fieldstone Company by Charles R. Gill of McDonald, Hecht & Solberg, is denied; the decision of the Planning Commission is sustained, and Coastal Development Permit No. 89-0892 is hereby granted to The Fieldstone Company, subject to 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
Chief Deputy City Attorney

FCC:lc
12/04/90
Or.Dept:Clerk
R-91-775
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COASTAL DEVELOPMENT PERMIT NO. 89-0892 AND
PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 89-0892
(AMENDMENT TO PRD NO. 85-0494)

CANYON COUNTRY WEST, 1 & 2

CITY COUNCIL

This Coastal Development Permit and Planned Residential Development Permit Amendment is granted by the Council of The City of San Diego to THE FIELDSTONE COMPANY, a California corporation, Owner/Permittee, under the conditions contained in Section 105.0201 et seq. and Section 101.0901 et seq. of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Coastal Development and Planned Residential Development described as a Portion of Canyon Country Unit 3, Map No. 12236, and Unit No. 12, Map No. 11761 and a Portion of Parcel 2, Parcel Map No. 12882 and a portion of Parcels 1, 2 and 3, Parcel Map No. 13065, located south and north of Calle Cristobal, north of Mira Mesa Boulevard, west of Camino Ruiz and east of Camino Santa Fe, in the A-1-10/HR (proposed R1-5000/HR) and R1-5000/HR Zone, and Coastal Zone.
2. This Coastal Development Permit and Planned Residential Development Permit shall include the total of the following facilities:
 - a. Unit 1. 201 single-family residences,
Unit 2. 153 Single-family residences;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Planning Director; and
 - d. Scenic Overlook off Calle Cristobal.
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 shall be approved by the City Council and become effective with the 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 Director.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open

space. "Open Space Easements" shall be granted and shown on said map on all areas required as part of the brush management program, as illustrated on Exhibit "A," dated September 11, 1990.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated September 11, 1990, 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. One thousand one hundred sixty-six (1,166) total parking spaces shall be provided (at a ratio 3.2:1 spaces per dwelling unit). Of those spaces, 354 shall be provided for guests (at a ratio of 1:1 spaces per unit). 354 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 September 11, 1990. 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 Director. 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 R1-5000/HR Zone.
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.
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 Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 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 Municipal Code. Any such extension of time must meet all the Municipal 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;
 - b. The Planned Residential Development Permit is recorded in the Office of the County Recorder.
17. The property included within this Coastal Development and 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 Coastal Development and Planned Residential Development Permit may be canceled 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 Coastal Development and 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 100 square feet require the approval of the Planning Director and must meet zoning criteria, Coastal Development Permit Guidelines 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. 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 Director.
23. 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.
24. The erosion control planting of the slopes identified herein is considered to be in the public interest and the developer shall install such erosion control planting within 90 days from the date that the grading of the designated slopes is deemed to be complete. The landscaping of the slopes identified herein is considered to be in the public interest and the developer shall install such landscaping before occupancy permits are granted for adjacent residences. 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 landscaping and erosion control planting as described above include any slope of a length greater than 12 feet. All other slopes are to be landscaped as shown.

25. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
26. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by The City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements pursuant to this condition and their impact on the project are defined.
27. A "Scenic Overlook" along Calle Cristobal, opposite from Unit 2 shall be provided and consist of a public parking area with landscaping as shown on Exhibit "A," dated September 11, 1990. A trailhead and pedestrian, public walkway easement, shall be provided to Los Penasquitos Canyon National Park to the satisfaction of the Planning Director, City Engineer and Park and Recreation Director.
28. Open obscured-color fencing, shall be installed at the rear of the developable areas of lots adjacent to Los Penasquitos Canyon or Lopez Canyon as illustrated on Exhibit "A," dated September 11, 1990.
29. The Permittee/Applicant shall comply with and implement the brush management program as illustrated on Exhibit "A," dated September 11, 1990.
30. The Owner/Permittee shall provide building address numbers visible and legible from the street or road fronting property or a directory.
31. Individual lot pressure regulators shall be required where the lowest fixtures are subject to pressure exceeding 80 p.s.i. in accordance with the Uniform Plumbing Code (UPC).
32. Fire hydrants shall be installed at locations satisfactory to the Fire Department and City Engineer.

33. Revegetation of brush management slopes and areas consistent with the City adopted Brush Management Guidelines shall be provided as shown on Exhibit "A," dated September 11, 1990. The revegetated area shall be maintained and irrigated by a homeowners association established and implemented by the project developer.
34. Rear elevations to the structures along Calle Cristobal and which are located adjacent to the rim, of Los Penasquitos Canyon or Lopez Canyon shall have articulated second-story elevations to the satisfaction of the Planning Director in order to blend in with the adjacent canyon areas and soften the appearance along Calle Cristobal as shown on Exhibit "A," dated September 11, 1990.
35. The construction of a block wall or other suitable noise barrier along Calle Cristobal will attenuate future traffic noise levels below the sensitivity threshold of 65 dB(a) for residential units. The previously approved recommendations of the Canyon Country Noise Report for noise attenuation of Calle Cristobal shall be implemented along Calle Cristobal and for the dwelling along Calle Cristobal.
36. All mitigation measures listed in the Environmental Impact Report No. 89-0892 of March 14, 1990 are incorporated as conditions within this permit by reference.
37. Unless appealed, this Coastal Development Permit and Planned Residential Development Permit shall become effective on the eleventh day following the decision of the Planning Director.
38. A colors and material board (maximum size 8-1/2" x 11") showing all proposed exterior materials shall be submitted for Planning Director approval prior to issuance of building permits.
39. Final pad elevations shall be within one foot \pm of preliminary pad elevations shown on the approved preliminary grading plan, Exhibit "A," dated September 11, 1990.
40. All drainage from the site shall be directed away from any canyons in accordance with the approved preliminary grading plan, Exhibit "A," dated September 11, 1990.
41. The permittee/applicant shall agree to participate in any benefit assessment district or other financing mechanism created to fund the permanent maintenance and conservation of the stream channels and related habitats located within both the City of San Diego and the Los Penasquitos Lagoon watershed.

42. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the event that a challenge pertaining to future growth management requirements, as discussed in Condition 26, is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right but not the obligation, to review this Permit to conform that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on September 11, 1990.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

THE FIELDSTONE COMPANY
a California corporation

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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SEP 11 1990

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Linda Ferguson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-276510
Number Adopted SEP 11 1990