

(R-91-2158)

RESOLUTION NUMBER R-278055

ADOPTED ON JUNE 4, 1991

WHEREAS, Robinhood Homes, Inc., a California corporation, Owner/Permittee, by Donald R. Worley of Worley, Schwartz, Garfield & Rice, filed an application for Planned Residential Development Permit No. 86-1014, more commonly known as the Robinhood Ridge project, for the development of 849 dwelling units (191 single-family detached units and 658 attached multi-family dwellings), located on the north side of Otay Mesa Road and east of I-805, and is more particularly described as the southeast quarter of the southeast quarter of Section 19 and a Portion of the north half of Section 29, Township 18 South, Range 1 West, SBM, in the Otay Mesa Community Plan area, in the R1-5000, R-3000, R-1750, CN, Open Space and Hillside Review Overlay zones; and

WHEREAS, on November 29, 1990, the Planning Commission recommended that the City Council deny approval of this project; and

WHEREAS, the matter was set for public hearing on June 4, 1991, 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 (PRD) Permit No. 86-1014:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Otay Mesa Community Plan. The proposed development will provide single-family detached dwelling units in an area which is in need of single-family dwelling units.

2. The proposed use, because of the conditions that have been applied to it, 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 measures incorporated into the permit and vesting tentative map (VTM) minimize the visual and environmental impacts associated with this development. The conditions include provisions for noise, grading and landform, landscaping, biological resources, public facilities, and paleontological resources.

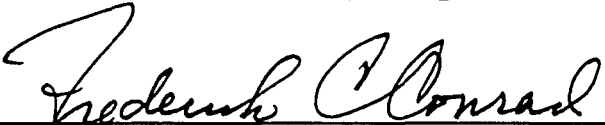
3. The proposed use will comply with the relevant regulations in the Municipal Code. The PRD and VTM meet and exceed the minimum requirements of the PRD ordinance, the local VTM ordinance and the appropriate zones in the precise plan. The PRD proposed 110.3 acres of open space and mini-park area where 30.1 acres are required. Fifty-four percent of the site is proposed for open space where only 15 percent is required in the PRD ordinance.

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 recommendation of the Planning Commission is overruled and Planned Residential

Development Permit No. 86-1014 is hereby granted to Robinhood Ridge, Inc., 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
Chief Deputy City Attorney

FCC:lc
08/10/91
Or.Dept:Clerk
R-91-2158
Form=r.permit

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 86-1014
ROBINHOOD RIDGE

CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to Robinhood Ridge, Inc., Owner/Permittee, under the conditions contained in Section 101.0901 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a planned residential development described as being the southeast quarter of the southeast quarter of Section 19 and a Portion of the north half of Section 29 of Township 18 South, Range 1 West, SBBM, located on the north side of Otay Mesa Road between Otay Valley Road and Interstate 805, in the R1-5000, R-3000, R-1750, CN, open space, and Hillside Review Overlay zones.
2. The planned residential development permit shall include the total of the following facilities:
 - a. Eight hundred forty-nine (849) dwelling units:
 - 1) One hundred ninety-one (191) single-family detached dwelling units; and
 - 2) Six hundred fifty-eight (658) attached multi-family dwelling units to be developed at a later time with an amendment to this planned residential development permit.
 - b. Off-street parking; and
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
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 within the multi-family areas of this permit. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space.

The subdivider and/or homeowner's association will be responsible for the maintenance of the negative open-space easements, in a manner satisfactory to the Park and Recreation Department.

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 June 4, 1991, 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. Five hundred seventy-three (573) total parking spaces shall be provided (at a ratio of 3:1 spaces per dwelling unit). Of those spaces, 191 shall be provided for guests (at a ratio of 1:1 spaces per unit). No 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 June 4, 1991. 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, R-3000, or R-1750 zone, whichever is applicable.
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 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 101.0901 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.

If the signed permit is not received by the Planning Department within 90 days of the decision of the City Council, the permit shall be void.

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 planned residential development 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 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 permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.
24. 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.
25. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 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 all slopes which abut a public right-of-way, abut an open space area, abut an area of existing undisturbed topography and vegetation and manufactured slopes in excess of 50 feet in height. All other slopes are to be landscaped as shown.

26. Prior to issuance of building and grading permits, and the recordation of any final map, the subdivider shall prepare a biological mitigation and maintenance program for preservation of the vernal pool (Lot "G" satisfactory to the Principal Planner of the Environmental Analysis Section of the Planning Department.
27. Prior to recordation of a final map and prior to issuance of a grading permit, the subdivider shall prepare a biological mitigation and maintenance program for transplanting Coastal Barrel Cactus and variegated Dudleya satisfactory to the Principal Planner of the Environmental Analysis Section of the Planning Department.
28. Prior to recordation of a final map and prior to issuance of a grading permit, the subdivider shall prepare a riparian replacement and maintenance program consisting of 0.4 acres for 0.2 acres lost satisfactory to the Principal Planner of Environmental Analysis Section of the Planning Department.
29. Prior to recordation of a final map and prior to issuance of a grading permit, the subdivider shall obtain necessary permits from the California, Department of Fish and Game and U.S. Army Corps of Engineers. Evidence of such permits shall be provided to and approved by the Principal Planner of the Environmental Analysis Section of the Planning Department.
30. Prior to recordation of a final map, \$18,000 for the loss of 4.5 acres of vernal pool habitat shall be contributed to the City of San Diego Vernal Pool Preservation Program. Evidence of such payment shall be provided to the Principal Planner of the Environmental Analysis Section of the Planning Department.
31. During grading and construction, chain link fencing shall be required for the protection of the plant population Golden-spined cereus on site. Grading plans shall be reviewed and approved by the Principal Planner of the Environmental Analysis Section of the Planning Department.
32. Prior to recordation of final map, a revision to the map, as shown in Exhibit "A," (Vernal Pool/lot study) dated June 4, 1991, shall be prepared by the applicant and reviewed and approved by the Principal Planner of the Environmental Analysis Section of the Planning Department.

33. To reduce erosion impacts, the following measures shall be implemented during project grading: All manufactured slopes shall be hydroseeded following completion of grading. The grading plan shall incorporate erosion control procedures to be used during project development. Temporary erosion control measures shall include, but are not limited to, berms, interceptor ditches, sand bagging, hay bales, filtered inlets, debris basins, energy dissipating structures, or silt traps.
34. Prior to the issuance of grading permits, the subdivider shall submit a letter to the satisfaction of the Principal Planner of the Environmental Analysis Section of the Planning Department stating that the following requirements will be met:
 - a. The grading schedule and plans shall be provided to a qualified paleontologist in advance of actual development;
 - b. A qualified paleontologist shall be at any pre-grade meetings to discuss grading plans with the contractors;
 - c. During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil bearing formations;
 - d. The paleontologist shall be allowed to temporarily direct or divert grading to allow recovery of any fossil remains;
 - e. Any remains collected from the project shall be deposited in a scientific institution with paleontological collections; and
 - f. A report describing the results of the above monitoring program shall be submitted to the Principal Planner of Environmental Analysis Section prior to the issuance of any building permits for the proposed project.
35. The Principal Planner of the Environmental Analysis Section shall review and approve grading plans to ensure that implementation of the grading techniques and requirements identified in Figures 18 and 20 of the EIR.
36. The subdivider shall revegetate slopes and pads as soon as possible after grading. All graded areas shall be revegetated within 60 days of grading.
37. Lot G and surrounding area shall be placed in an open space easement for purpose of permanent presentation. Maintenance of the lot shall be the responsibility of the subdivider for

a minimum of five years at which time a maintenance agreement satisfactory to the Principal Planner of the Environmental Analysis Section of the Planning Department shall be prepared.

38. Prior to the issuance of building permits, a school facilities plan shall be entered into and approved by the City Council of the City of San Diego, all affected school districts and signed by the subdivider. The school facility plan shall include a financing plan and school fee schedule which will provide for the present and future needs of all affected school districts and the community.
39. Prior to the recordation of the final map, the subdivider shall enter into an agreement with The City of San Diego to assure the following:
 - a. No dwelling unit will be occupied until the runway for Brown Field Airport has been extended.
 - b. All dwelling units will be insulated to an interior noise level of 45 Db.
 - c. No dwelling unit will be occupied until a noise monitoring system has been provided which will be established for single event noise level for aircraft that will focus on resolving aircraft noise exceedence through communication and positive action.
40. The height of the buildings constructed within this subdivision shall be such that they do not penetrate the surface of the approach zone and clear zone of Brown Field, as defined in the appropriate Federal Aviation Regulations. The height of the buildings will be approved by the Planning Director in connection with approval of the specific development permits.
41. An aviation easement shall be granted over the entire subdivision. The conditions of this easement shall be satisfactory to the Deputy Director of the Airports Division of the General Services Department.
42. In the event that the accompanying specific plan and/or community plan amendment is denied, this planned residential development permit will be deemed denied.
43. 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 and their impact on the project are defined.

44. 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 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 confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on June 4, 1991.

R-278055

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.

ROBINHOOD RIDGE, INC.
a California Corporation
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

R- 278055

203E

JUN 04 1991

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Tom Behr	<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 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 *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-278055* JUN 04 1991
Number Adopted.....