

(R-92-1792)

RESOLUTION NUMBER R-279852

ADOPTED ON APRIL 27, 1992

WHEREAS, Village and Country Properties by Donald R. Worley of Worley, Schwartz, Garfield & Rice, appealed the decision of the Planning Commission in denying Planned Residential Development ("PRD") and Hillside Review ("HR") Permit No. 88-0767 (Rancho La Cresta Project) submitted by Village and Country Properties, a California limited partnership, Owner/Permittee, for the construction of 367 detached single-family residential units, located west of Pomerado Road, approximately 0.9 miles south of Poway Road, in the Scripps Miramar Ranch Community Plan area, in the R-3000, R1-6000, A-1-10 and HR zones; and

WHEREAS, the matter was set for public hearing on April 27, 1992, 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 and Hillside Review Permit No. 88-0767:

PLANNED RESIDENTIAL DEVELOPMENT PERMIT FINDINGS

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The project is located in an area designated for low density residential (3-5 du/nra), low-medium residential

(5-10 du/nra) and open space within the Scripps Miramar Ranch Community Plan. The project as proposed results in an overall density of 2.78 du/nra. The development will occur primarily on two northerly trending ridges and a central canyon, side slopes on the canyon area are to remain primarily as open space.

2. The proposed use, because of 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. This project has been determined to be in substantial compliance with the conceptual grading of the community plan approved by the City Council in 1987. A number of conditions have been incorporated into this permit relative to the mitigation of potentially significant environmental impacts including landform alterations and visual quality as a result of grading proposed to accommodate the proposed land uses.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The residential development respects the development recommendations within the adopted community plan and is in substantial conformance with the adopted conceptual grading plan and fulfills the regulations of the Municipal Code relative to Planned Residential Development and Hillside Review Permits.

HILLSIDE REVIEW PERMIT FINDINGS

1. The site is physically suitable for the design and siting of the proposed structures and will result in the minimum disturbance of sensitive areas. The development would occur

primarily on two northerly trending ridges and a central canyon, side slopes on the canyon areas to remain primarily as open space.

2. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self-sufficient vegetation. All graded disturbed areas which are not otherwise developed shall be permanently vegetated with native vegetation.

3. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material. Variable front yard setbacks have been incorporated into the project.

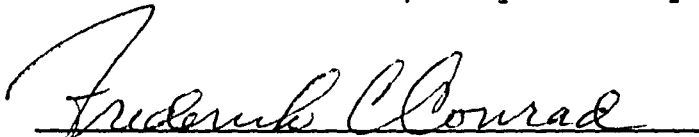
4. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. PT-262129, "Hillside Design and Development Guidelines." Although this project includes areas in the Hillside Review Overlay Zone; the adopted conceptual grading plan consequently superseded the Hillside Review Overlay Zone Design criteria, guidelines and recommendation. The grading for Alternative 8A road alignment established the precedent for landform alterations within this portion of the Community Plan.

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 Village and Country Properties by Donald R. Worley of Worley, Schwartz, Garfield & Rice, is granted; the decision of the Planning Commission is overruled, and Planned Residential Development and Hillside Review Permit No. 88-0767 is hereby granted to Village and Country Properties, a limited partnership, 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
05/21/92
Or.Dept:Clerk
R-92-1792
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PLANNED RESIDENTIAL DEVELOPMENT PERMIT AND
HILLSIDE REVIEW PERMIT NO. 88-0767

RANCHO LA CRESTA

CITY COUNCIL

This Planned Residential Development ("PRD")/Hillside Review ("HR") Permit is granted by the Council of The City of San Diego to VILLAGE COUNTRY PROPERTIES, a California limited partnership, 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 and Hillside Review Permit described as Northeast of Section 27, Township 14 South, Range 2 West, SBM located west of Pomerado Road, approximately 0.9 miles south of Poway Road, in the A-1-10, R1-6000, R-3000 and HR Zones.
2. The Planned Residential Development/Hillside Review Permit shall include the total of the following facilities:
 - a. 367 detached single family;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the City Council.
3. 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. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Landscape and erosion control measures shall be submitted to the satisfaction of the Planning Director and Environmental Analysis Section of the Planning Department. 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 April 27, 1992, 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.

5. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
6. A total of 1,029 parking spaces shall be provided (at a ratio of 2:8 spaces per dwelling unit). Of those spaces, 295 shall be provided for guests (at a ratio of 0.8 spaces per unit). 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 CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated April 27, 1992. 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.
7. 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.
8. No building additions, including patio covers, pools and spas 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.
9. No manufactured slope shall be steeper than a ratio of 2:1 and all manufactured slopes greater than 30 feet shall be contour graded in conformance with Exhibit "A," dated April 27, 1992.
10. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
11. 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 A-1-10, R1-6000, R-3000 Zones.
12. Sidewalks shall be provided from each unit to the driveway or 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.
13. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
14. The effective date of this permit shall be the final action

by the City Council. 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.

15. 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.
16. The property included within this Planned Residential Development and Hillside Review Permit 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.
17. This Planned Residential Development and Hillside Review 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.
18. This Planned Residential Development and Hillside Review 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.
19. 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.
20. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
21. This Planned Residential Development and Hillside Review Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.

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 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 ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of homeowners' association that will assure responsibility for the landscape maintenance.

The slopes designated for timely landscaping, as described above, include all manufactured slopes greater than eight feet, as shown on Exhibit "A," dated April 27, 1992, except those constructed by the City of Poway for Scripps North Parkway.

25. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated April 27, 1992, shall be in substantial conformance with the City-wide Landscape Ordinance and shall be permitted by an Encroachment Permit obtained from the City Engineer if in the public right-of-way.

MITIGATION MEASURES INCORPORATED INTO THE PROJECT:

26. Paleontology. Impacts to any encountered fossil resources from the grading of the Mission Valley Formation on the site would be avoided or reduced to a level of insignificance by the measures which will be made conditions of the Vested Tentative Map. These measures include provisions for a qualified paleontologist to monitor the grading activity, conduct a recovery program if significant fossil resources are encountered, and submit a report summarizing the monitoring and any performed salvage program.
27. Geology/Soil Erosion. The project site is underlain by Pomerado Conglomerate and the Mission Valley Formation. The Mission Valley Formation contains claystones and clayey

sandstones. The resultant surface soil is a Redding cobbly loam which has moderate to high runoff potential and erosion hazard. The project site poses a potential landslide and debris flow hazard.

Potentially significant impacts from soil erosion and geologic hazards would be reduced to below a level of significance by measures which will be made conditions on the Tentative Map. These measures include limiting the grading in extent and timing, the preparation of a more site-specific geologic assessment to prevent landslides and debris flows, and requiring a landscape architect to monitor the landscaping and to submit reports on the planting progress and viability. A performance bond will be posted to assure that the required revegetation of the manufactured slopes are completed and that the plantings have successfully been established.

28. Noise. The future alignment of Scripps North Parkway/South Poway Parkway will traverse the northern portion of the project site. This four-lane road is expected to ultimately carry 31,000 average daily trips. This level of traffic volume will subject proposed dwelling units within the northern portion of the project site to noise levels exceeding the City exterior noise standard of 65 dB(A) CNEL. Prior to the issuance of building permits, four segments of a continuous noise barrier will be constructed.
29. Manufactured slopes proposed for open space lots within Vesting Tentative Map No. 88-0767 shall be built with variable slope contours and undulation techniques and native plant materials established per Landscape Concept Plan, Exhibit "A," dated April 27, 1992, on file in the Planning Department.
30. Where there are more than four dwelling units adjacent to each other, variable front yard setbacks from the property line shall be provided. Setbacks shall vary from 15 feet to 25 feet in accordance with Exhibit "A," dated April 27, 1992, on file in the Planning Department.
31. With regard to setbacks and zone depth, the project shall comply with Exhibit "A," dated April 27, 1992, and on file in the Planning Department and with the *Landscape Technical Manual* for grading and maintenance established for the project's brush management program. The brush management component of the project's approved landscape plan will meet fire code standards.
32. Prior to the issuance of occupancy permits, a field inspection shall be made by Development and Environmental Planning Division of the Planning Department, to ensure that the brush management plan has been satisfactorily

implemented. Maintenance of the brush management areas shall be the responsibility of the homeowners' association. Field checks every three years, shall be made by the Development and Environmental Planning Division to ensure compliance with on-going maintenance as outlined in the *Landscape Technical Manual*.

33. The color and materials for all structures shall be in conformance with Exhibit "A," dated April 27, 1992.
34. Public access will be guaranteed from all public streets which abut public open space areas. A system of pedestrian trails will link open space areas and access points to the satisfaction of the Parks and Recreation Director.
35. A three-year landscape maintenance and monitoring program shall be implemented by the developer to ensure successful revegetation of all manufactured slopes. The program shall include irrigation, plant replacement and maintenance. The Development and Environmental Planning Division of the Planning Department shall be informed in writing of the date on which revegetation of the slopes has been completed. Once each year for three years following the date of initial plantings, the Deputy Director of the Development and Environmental Planning Division shall review to verify satisfactory establishment of the vegetation. If the initial plantings have not been adequately established the maintenance plan shall remain in effect.
36. Prior to the issuance of a land development permit, Development and Environmental Planning Division shall review and approve the grading plans for conformance with Vesting Tentative Map No. 88-0767.
37. Fencing shall be installed within the rear yard of the developable areas of lots that abut open space as per Exhibit "A," dated April 27, 1992.
38. All mitigation measures, and the associated Mitigation Monitoring and Reporting Program listed in the Environmental Impact Report No. 88-0767, are incorporated as conditions within this permit by reference.
39. The rear and side elevations of residences shall have articulated elevations as shown on Exhibit "A," dated April 27, 1992, on file in the Planning Department.
40. Prior to issuance of the first development grading permit, the developer shall pay to the City the sum of five hundred seventy thousand dollars (\$570,000), which shall be directed by the City to the Scripps Ranch Community Special Account to be established to help finance projects for the benefit of that community.

41. Prior to issuance of the first building permits, the developer shall pay to the City in the sum of seven hundred fifty thousand dollars (\$750,000), of which two hundred thousand dollars (\$200,000) shall be directed to the Scripps Ranch Community Special Account to be established to fund projects for the benefit of that community, and five hundred fifty thousand dollars (\$550,000) shall be directed to be used to convert Alternate 8A, if approved, within the Scripps Ranch Community, from four (4) lanes to six (6) lanes with a center median barrier, within the existing right-of-way.

42. Within 120 days of City Council approval of this permit the developer shall enter into a Stipulation for Judgment and Final Order(s) of Condemnation in the case entitled City of San Diego v. Milton Upton, Village and Country Properties, et al. (San Diego Superior Court Case No. 633253), and related cross actions, satisfactory to The City of San Diego and the City of Poway, and dismissals with prejudice of the developer's cross complaints in that actions filed against The City of San Diego and the City of Poway. Further, developer will be required and does waive and relinquish any and all causes of action arising out of or in connection with this Planned Residential Development Permit and Vesting Tentative Map and the litigation associated with Alternate 8A.

Approved by the Council of The City of San Diego on April 27, 1992, by Resolution No. 279852.

5/09

APR 27 1992

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 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"/>
George Stevens	<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"/>
Valerie Stallings	<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:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Brenda R. Gurnes Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-279852 Adopted APR 27 1992