

(R-96-719)

RESOLUTION NUMBER R-286756

ADOPTED ON DECEMBER 5, 1995

WHEREAS, Signal Landmark, a California corporation, Owner/Permittee, filed an application to develop a ninety-three (93) unit single-family Planned Residential Development/Resource Protection Overlay Zone Project entitled "Fairbanks Highlands," described as the NW¼ of Section 12, T14S, R3W, SBBM and those portions of the NE¼ and E½ of the NW¼ of Section 11, T14S, R3W, SBBM, located on the north side of Black Mountain Road, between Via Abertura and Orange Grove Avenue within the Future Urbanizing Area and A1-10 and HRO Zones; and

WHEREAS, on December 5, 1995, the City Council of the City of San Diego considered Planned Residential Development/Resource Protection Overlay Zone Permit No. 88-1041 pursuant to Sections 101.0900 and 101.0462 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that this City Council adopts the following findings with respect to Planned Residential Development/Resource Protection Overlay Zone Permit No. 88-1041:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.**

The proposed project is located within the Future Urbanizing Area (FUA) and as proposed, the project is consistent with the General Plan which designates the eastern half for open space. The project was submitted and deemed complete prior to the adoption of the FUA's Framework Plan, so it is not required to comply with

that plan. The project will dedicate to the City approximately 222 acres of land for open space, public roads and utilities.

- B. 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.**

The proposed residential project has been designed to be located primarily on the disturbed or flatter portions of the site with a Brush Management Plan to reduce fire hazards. The design of the brush management plan maintains all three zones of brush management on the residential lots. The alignment of the proposed open space is consistent with designated open space of adjacent properties.

- C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**

The proposed 93 unit PRD/RPOZ project complies with all of the requirements for Planned Residential Developments located in the Future Urbanizing Area in place at the time that the project was deemed complete. The PRD design includes a deviation to lot frontage for the use of panhandle lots.

**RPOZ FINDINGS:**

- A. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, AND CONSTRUCTED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS UPON SENSITIVE NATURAL RESOURCES AND ENVIRONMENTALLY SENSITIVE AREAS.**

The proposed 93-unit project is designed to preserve 61.5 acres for open space as part of the San Dieguito River Park and Multiple Species Conservation Program (MSCP) along with 160.55 acres for open space, MSCP, public road and utility construction purposes. The project was also designed to conform to the allowed encroachment of Resource Protection Overlay Zone of 10 percent with a resulting 6.8 percent encroachment.

- B. 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.**

The proposed project will dedicate 61.5 acres to the San Dieguito River Park, a regional park. The grading, lot line and brush management design adjacent to the park area was plotted in a very irregular pattern in an

effort to be sensitive to this resource. The width of the wildlife corridor was widened to help ensure the resources function.

- C. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

The grading plan for the proposed project was designed to be sensitive to the adjacent open space area and its 5.8 acres of encroachment is less than the allowed encroachment of ten percent or 8.5 acres. A majority of the grading quantities relate to the development of Carmel Valley Road. The brush management plan helps to reduce risk from fire hazards and is designed to be entirely on the residential lots.

- D. 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.**

The proposed 93 units will be large estate type homes of high architectural quality in an area of a mix of rural, estate and tract development. Proposed grading of the site will create a variety of slope and contour configurations which will generally relate to the natural terrain of the site and retain visual quality in the area.

- E. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN, THE COMMUNITY PLAN, THE LOCAL COASTAL PROGRAM, OR ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**


The proposed 93-unit project is aligned and conforms to the open space and residential designations and all requirements for Planned Residential Developments located in the Future Urbanizing Area in place at the time that this project was deemed complete. The Future Urbanizing Area's Framework Plan was not adopted at that time.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Planned Residential Development/Resource Protection Overlay Zone Permit No. 88-1041 is hereby granted to SIGNAL LANDMARK, a California corporation,

Owner/Permittee, in the form and with the terms and conditions set forth in Planned Residential Development/Resource Protection Overlay Zone Permit No. 88-1041, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
12/22/95  
Or.Dept:Clerk  
Case 88-1041  
R-96-719  
Form=r+t

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT/RESOURCE PROTECTION  
OVERLAY ZONE PERMIT NO. 88-1041  
FAIRBANKS HIGHLANDS  
CITY COUNCIL

This Planned Residential Development and Resource Protection Overlay Zone Permit is granted by the City Council of the City of San Diego to SIGNAL LANDMARK, a California Corporation, Owner/Permittee, under the conditions contained in Sections 101.0900 and 1010.0462 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Residential Development/Resource Protection Overlay Zone project described as the NW $\frac{1}{4}$  of Section 12, T14S, R3W, SBBM, and those portions of the NE $\frac{1}{4}$  and E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 11, T14S, R3W, SBBM, located on the north side of Black Mountain Road, between Via Abertura and Orange Grove Avenue, in the A1-10 and Hillside Review Overlay (HRO) Zones.
2. The Planned Residential Development/Resource Protection Overlay Zone Permit shall include the total of the following facilities:
  - a. Ninety-three (93) detached single-family dwelling units as identified by size, location and dimension on the approved Exhibit "A," dated December 5, 1995;
  - b. Off-street parking; and
  - c. Incidental accessory uses as may be determined and approved by the Development Services Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.
4. A "Nonbuilding 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.

In addition, open space Parcels A and C, shall be granted in fee simple, to the City of San Diego upon final map recordation. Parcel B, a non-building site, shall be maintained as a passive recreation lot and shall be coupled with the severalty interest of the owners of the dwelling units and shall be maintained as open space.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Director for approval. All plans shall be in substantial conformance to Exhibit "A," dated December 5, 1995, on file in the Development Services 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 by the Owner/Permittee.

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

7. A minimum of 279 parking spaces shall be provided (at a ratio of three spaces per dwelling unit). Of those spaces, a minimum 93 spaces shall be provided for guests of the project (at a ratio of one space 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 December 5, 1995. Parking spaces and aisles shall conform to Development Services Department standards. No change 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 or small individual ground mounted satellite dishes of less than five feet in diameter. 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, which require a building permit, shall be permitted unless approved by the homeowners' association and the Development Services

Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit and the brush management plan.

10. No manufactured slope shall be steeper than a ratio of two to one.

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 Development Services Director and shall be consistent with the criteria established by the A1-10 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 Development Services 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 Development Services 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 Development Services 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 Development Services Department;
- b. The Planned Residential Development Permit is recorded in the Office of the County Recorder.

17. The property included within this Planned Residential Development/Resource Protection Overlay Zone area shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by the City of San Diego.

18. This Planned Residential Development/Resource Protection Overlay Zone 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 Planned Residential Development/Resource Protection Overlay Zone 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 Development Services Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Uniform Building Code and other 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 Development Services Department.
22. 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.
23. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services 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 Development Services 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. 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 manufactured slopes adjacent to natural open space and adjacent to Carmel Valley Road. All other slopes are to be landscaped as shown.

25. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated December 5, 1995, shall be permitted by an Encroachment Permit obtained from the City Engineer.

26. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

27. The Planned Residential Development/Resource Protection Overlay Zone (PRD/RPOZ) Permit shall comply with the conditions of the final map for Vesting Tentative Map No. 88-1041.

28. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
- d. Provide temporary street signs.
- e. Comply with the City of San Diego *Landscape Technical Manual* regarding brush and landscaping.

29. The applicant shall implement a brush management program in accordance with the approved brush management plan for the site (Exhibit "A"), dated December 5, 1995, on file in the Development Services Department, including the following measures:

- a. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings, shall be submitted to the Development Services Department, Development and Environmental Planning Division and the Fire Marshall for approval. The plans shall be in substantial conformance to Exhibit "A", dated December 5, 1995, on file in the office of the Development Services Department and shall comply with the applicable provision of the City of San Diego *Landscape Technical Manual*, document number RR-274506. The approved Brush Management Program shall be implemented before issuance of any occupancy permit on any building and shall be inspected by the

Development Services Department, Development and Environmental Planning Division Landscape Inspector prior to issuance of any occupancy permit. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained, at all times, in accordance with the guidelines of the City of San Diego's *Landscape Technical Manual*, document number RR-274506, on file in the office of the City Clerk.

- b. No accessory structures shall be permitted within Zone 1, including but not limited to wood decks, trellises, gazebos, etcetera. Non-combustible accessory structures may be approved by the Fire Marshall and the Development Services Department, Development and Environmental Planning Division.
  - c. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
  - d. No new planting shall occur within the Zones 2 and 3, except to allow for slope erosion control measures on manufactured slopes as shown on the approved Exhibit "A."
  - e. Design of the structures included in this permit identified on the Tentative Map as Lots 13-22, 34-41, 61-73, 75, 79-86 and 88-90, shall incorporate the architectural features outlined in Sections 6.6-2 and 6.6-3 of the *Landscape Technical Manual*, document number RR-274506, on file in the office of the City Clerk.
  - f. All requirements for fire-resistive construction and other architectural features shall conform to all applicable City and Regional building code standards.
30. All mitigation measures listed in the Environmental Impact Report 88-1041 of December 5, 1995, are incorporated herein as conditions within this permit as follows:
- a. Prior to building permit issuance, the noise barriers as described in the EIR shall be constructed for Lots 1 through 4 and Lot 93 to the satisfaction of the Development Services Director.
  - b. Prior to the issuance of occupancy permits for the first residence, verification of the formation of a Mello-Roos district or direct payment of school fees shall be provided and approved by the Director of Development Services Department.

- c. At the time of building permit submittal, service letters from the Fire Department shall be submitted. The proposed project includes the installation of sprinklers in residences located in Lots 46 to 73. If it is determined that the Fire Department cannot respond within six minutes, then the remaining structures (Lots 1 to 454 and Lots 74 to 93) must include fire sprinkler systems to the satisfaction of the San Diego Fire Department. The building plans will be reviewed by the building inspector prior to issuance of building permits to verify that the plans show a requirement for installation of sprinklers.

Sprinkler plans must be submitted for review and approval by the San Diego Fire Department prior to their installation. On-site inspection and approval must be obtained by the San Diego Fire Department prior to occupying any sprinklered residence. This would provide interim protection during the two-minute delay for adequate response time and would reduce the impact to below a level of significance.

If the City Fire Department can provide response within six minutes, then sprinkler systems would not be required (Lots 1 to 45 and Lots 74 to 93 only).

- d. In the event that this project shall remain gated, Police and Fire Department personnel shall be given the means to access the community rapidly (key, code, card or a vehicle strobe detector system approved by the San Diego Fire Department) so that no delay is incurred should they require entry to the project.

31. Prior to grading permit issuance, the grading plan and landscape plan shall include undulated and contoured grading techniques and varied plantings (within the limits of RPOZ and EIR encroachments and consistent with Exhibit "A") in an effort to transition manufactured slope faces into natural open space area to the satisfaction of the Development Services Director.

32. 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.

33. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Federal Endangered Species  
Action of 1973 and any amendments thereto (16 U.S.C. Section 1531  
et seq.).

APPROVED by the City Council of The City of San Diego on  
December 5, 1995, by Resolution No. R-286756.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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.

SIGNAL LANDMARK  
a California corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
12/22/95