

RESOLUTION NUMBER R- 287957

ADOPTED ON OCT 22 1996

WHEREAS, the San Dieguito Partnership, Owner/Permittee, filed an application for a Planned Residential Development Permit and Resource Protection Ordinance Permit (alternative compliance) to develop a residential project known as the Villas at Stallions Crossing, located east of El Camino Real and south of San Dieguito Road, in Subarea II of the North City Future Urbanizing Area ("NCFUA"), described as a portion of the NW 1/4 of the SW 1/4 of Section 7, T14S, R3W, SBM in the County of San Diego, in the A-1-10 Zone, proposed R1-5000 zone; and

WHEREAS, the matter having been set for public hearing on October 22, 1996, 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 the reduced project alternative for Planned Residential Development Permit/Resource Protection Ordinance Permit (alternative compliance) No. 95-0197:

PLANNED RESIDENTIAL DEVELOPMENT PERMIT

- 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 reduced project alternative results in development on a reduced area of 8-acres. The staff recommendation for a reduced project alternative would fulfill a

community need by providing housing that would be developed consistent with the adopted policy documents. Additionally, development under the staff alternative would be clustered as recommended by both the General Plan and Framework Plan, thereby preserving the sensitive resources and a RPO significant cultural resource. It would also result in a density that is compatible with the adjacent community, Carmel Valley, to the south, and provides a gradual transition from suburban densities and intensities to the river valley. The project as proposed by the applicant does not conform to the goals and objectives of the General Plan, with respect to development in the San Dieguito River Valley and the treatment of significant cultural resources.

- 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 project has permit conditions applied to it in addition to a comprehensive set of design guidelines (Villas Design Guidelines), which govern grading, landscaping, brush management, and site and architectural design sensitive to the River Valley and adjacent open space area. The permit conditions incorporate Mitigation Monitoring and Reporting measures which reduce project impacts as identified in the Environmental Impact Report ("EIR") for the project. The Villas

at Stallions Crossing Design Guidelines are referenced as one of the Exhibits "A" to be approved in conjunction with this permit and on file in the office of Development Services.

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

The reduced project alternative recommended by staff would be a land use which would comply with the relevant regulations in the Municipal Code. A clustered development which preserves significant cultural resources as well as biological resources would be consistent with the General Plan, NCFUA Framework Plan and San Diego Municipal Code sections 101.0462 (Resource Protection Ordinance) and 101.0900 (Planned Residential Development). Building permits and engineering permits will be reviewed for substantial conformance with all discretionary permits. This process will ensure another level of review to monitor compliance with all relevant building codes, and site development codes, including but not limited to: the governing permits for the Planned Residential Development, and Resource Protection Ordinance thereby requiring that all other applicable codes will be adhered to.

RESOURCE PROTECTION PERMIT ALTERNATIVE COMPLIANCE

- A. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.
2. THE PROPOSED DEVELOPMENT CONFORMS TO THE ADOPTED COMMUNITY PLAN OF THE AREA.

The proposed amendment and accompanying project, as submitted, and as explained at the September 5, 1996 Planning Commission workshop, is inconsistent with the North City Future Urbanizing Area Framework Plan and the Progress Guide and General Plan. The applicant proposes to amend the Framework Plan to reflect the project thus addressing the inconsistency, however, it is the amendment itself that must be reviewed against the overall broad goals and objectives of the Progress Guide and General Plan. The analysis reveals that the proposed land use, residential, is consistent but that the density, approximately 3 du/ac, is more intense than recommended by both the General Plan and the Framework Plan. Additionally, the development area impacts both biological and archeological resources.

The Open Space element of the Progress Guide and General Plan identifies the San Dieguito River Valley as a non-urban drainage system and recommends that any plan prepared for its development emphasize preservation, retention of agriculture and development of park and recreational uses wherever possible. The General

Plan also recommends that because it may not be possible to acquire all of the land which has utility for open space, that some of these lands should be permitted to develop consistent with the appropriate agricultural and floodplain zoning. This limits the types of uses, the density and intensity and minimizes the impacts to the resource associated with development. The Urban Design element further describes how development should occur to preserve the rural characteristics of river valleys (non-urban).

The Framework Plan follows this direction, and designates all of Subarea II, in which the Villas is located, for very low density residential development, up to 1 dwelling unit per acre, to create the interface between more intense development as designated in the Framework Plan, and the open space resources. The Framework Plan also recommends the use of clustering and sensitive grading techniques to preserve as much of the natural character of the land as possible. The reduced project alternative, which reduces the development area to 8 acres to eliminate the impacts to the biological and cultural resources, is more consistent with the General Plan direction.

The resultant density, however, appears more intense because it is being clustered on a smaller project area, 8 acres. This is a preferable option, however, because clustering, as recommended by both the General Plan and Framework Plan, preserves the sensitive resources and a RPO significant cultural resource, and it results in a density that is compatible with the adjacent, community, Carmel Valley,

to the south, and again, provides a gradual transition from suburban densities and intensities to the river valley. The amendment, as proposed by the applicant, is contrary to the goals and objectives of the General Plan, with respect to development in the San Dieguito River Valley and the treatment of significant cultural resources.

- C. THERE ARE NO OTHER FEASIBLE MEASURES THAT CAN BE TAKEN TO FURTHER MINIMIZE THE POTENTIAL ADVERSE EFFECT ON ENVIRONMENTALLY SENSITIVE LANDS AND STILL AVOID CONFLICT WITH THE SUBSTANTIALLY APPLICABLE PROVISIONS OF CITY COUNCIL POLICY.

The Draft EIR was distributed for public review in July 1996. At that time a number of significant and unmitigated impacts were identified. Subsequent to public review and as a result of comments received on the Draft EIR, the applicant has modified the project and has agreed to implement mitigation measures for significant impacts related to cumulative traffic. The remaining significant and unmitigated impacts associated with the proposed project include land use (encroachment into biologically sensitive lands, steep slopes and a significant archaeological site where RPO limits the encroachment or requires preservation) and cumulatively significant visual quality, air quality and water quality.

Feasible alternatives to the project that would lessen one or more of the identified significant impacts are provided in Chapter Eight of the Final EIR. The Reduced Development Area alternative would result in the preservation of the .89 acre of on-site coastal sage scrub habitat, would reduce the encroachment into steep slopes to that allowed by RPO and would preserve a significant archaeological site consistent with the development regulations of RPO thus eliminating the significant land use impact. The alternative would propose a similar density and product type as with the proposed project, but with a net development area of approximately 8 acres rather than the 13.1 acres, as proposed. The number of development units would be reduced to approximately 48 units as a result of a necessary redesign of the internal circulation, grading and site layout.

The applicant has provided draft Candidate Findings and Statement of Overriding Considerations in accordance with CEQA and the State CEQA Guidelines and it is the applicant's position that the alternatives described in the Final EIR are infeasible. The Development Services Department has reviewed these findings and has determined that they are not supported by sufficient documentation and have not been adequately shown to be infeasible by the applicant. Approval of the project, as proposed, would therefore require the applicant to provide additional oral information or written documentation to support the Findings and Statement of Overriding Considerations. As described above, the reduced project alternative is a feasible measure that minimizes potential adverse impacts.

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

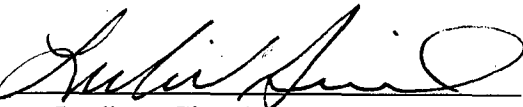
BE IT FURTHER RESOLVED, that Planned Residential Development Permit/Resource Protection Ordinance Permit (alternative compliance) No. 95-0197 is hereby granted to the San Dieguito Partnership for the reduced project alternative, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the San Dieguito Partnership is hereby required to work with the Development Services Department to prepare the appropriate revisions to Vesting Tentative Map No. 95-0197 to reflect the reduced project alternative approved herein.

BE IT FURTHER RESOLVED, that no building permits may issue for development of the project pursuant to this Planned Residential Development Permit/Resource Protection Ordinance Permit (alternative compliance) unless and until the electorate approves a Phase Shift as required by the General Plan and Proposition A.

BE IT FURTHER RESOLVED, that this Planned Residential Development Permit/Resource Protection Ordinance Permit (alternative compliance) is granted conditionally upon the adoption of findings and, if necessary, a Statement of Overriding Considerations and a Mitigation and Monitoring Program, pursuant to the California Environmental Quality Act.

APPROVED: JOHN W. WITT, City Attorney

By 
Leslie J. Girard
Assistant City Attorney

LJG:js:pv
10/16/96
Or.Dept:Dev.Svcs
R-97-422

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DRAFT

PLANNED RESIDENTIAL DEVELOPMENT PERMIT/RESOURCE PROTECTION PERMIT
NO. 95-0197
THE VILLAS AT STALLIONS CROSSING
CITY COUNCIL

This Planned Residential Development Permit/Resource Protection Permit is granted by the City Council of the City of San Diego to THE SAN DIEGUITO PARTNERSHIP, LIMITED PARTNERSHIP, Owner/ Permittee, under the conditions contained in Sections 101.0900 and 101.0462 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 a portion of the NW 1/4 of the SW 1/4 of Section 7, T14S, R3W, SBM, in the County of San Diego, located on the east side of El Camino Real and south of San Dieguito Road, in the A1-10 zone and in the Future Urbanizing Area, proposed R1-5000 zone.

2. The Planned Residential Development/Resource Protection Permit shall include the total of the following facilities:

- a. 80 single-family residential units;
- b. Slopes shall not exceed 2:1 in grade;
- c. One open space lot to be dedicated to the City of San Diego;
- d. One brush management Homeowners' Association lot;
- e. Five landscape/signage Homeowners' Association lots; and
- f. Off-street parking

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 subject to approval by the electorate of the City of San Diego and approval by the State of California Coastal Commission. 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 City Manager.

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.

5. Lot 81 shall be deeded to the City of San Diego in accordance with the conditions of the final map for Tentative Map No. 95-0197.

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

LANDSCAPE CONDITIONS:

7. Prior to the issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A' dated _____, Landscape Concept Plan, on file in the office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

8. Prior to the issuance of any Certificate of Occupancy for any building, it shall be the responsibility of the Permittee to install all approved landscape and obtain all required landscape inspections.

9. All approved landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severely pruning or "topping" of trees is not permitted unless specifically noted in this permit.

10. If any existing or installed landscape (including hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days by the Permittee. The replacement size of plant material after three years shall be the

equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

11. 240 total parking spaces shall be provided (at a ratio of three spaces per dwelling unit). Of those spaces, 80 shall be provided for guests (at a ratio of one space per unit). 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 CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated _____. Parking spaces and aisles shall conform to Development Services standards. No change shall be made at any time for use of these off-street parking spaces.

12. 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.

13. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit and the Design Guidelines for the Villas, Exhibit "A," dated _____.

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

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

16. Any sales office or temporary sales signs advertising the subdivision shall be approved by the City Manager and shall be consistent with the criteria established by the R1-5000 Zone.

17. 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.

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

19. The effective date of this permit shall be the date of final action by the State of California Coastal Commission on the subsequent coastal permit or the effective date of a concurrent rezoning case which is subject to approval by the voters of San Diego at the November 5, 1996 election. 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 City Council, as set forth in Sections 101.0462.P and 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 City Council.

20. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to Development Services;
- b. The Planned Residential Development/Resource Protection Permit is recorded in the Office of the County Recorder.

21. 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 City Manager or the permit has been revoked by the City of San Diego.

22. This Planned Residential Development/Resource Protection 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.

23. This Planned Residential Development/Resource Protection Permit 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.

24. All accessory structures less than 100 square feet require the approval of the City Manager and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards irregardless of Development Services requirements for building permits.

25. 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 Development Services.

26. 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. Curbside collection of recyclables and green waste shall be ongoing for the life of the project. 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.

27. This Planned Residential Development/Resource Protection Permit allows the sale of units as identified in the conditions of the final map for Tentative Map No. 95-0197 for the purpose of construction of residential units consistent with conditions, Design Guidelines, and exhibits of the permit.

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

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

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

31. No permit for grading shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to Development Services.
- b. The Planned Residential Development/Resource Protection Permit is recorded in the office of the County Recorder.

32. Before issuance of any building permits, complete grading and building plans shall be submitted to the City Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated _____, on file in the office of Development Services as well as the Design Guidelines. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

ENVIRONMENTAL MITIGATION CONDITIONS:

33. All artificial lighting shall be directed and shielded away from native habitat and its buffer zone.

34. Any necessary spraying to control mosquitoes within the project boundaries or off-site within sensitive biological areas as a result of the project shall only occur under the direction

of the County Health Department consistent with established County protocol and after early coordination with the U. S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). A plan describing the spraying and the need for early coordination with the USFWS and the CDFG shall be prepared to the satisfaction of the County and the resources agencies prior to issuance of the first building permit.

35. Permanent erosion-control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation shall be installed prior to issuance of the first building permit. Maintenance of the off-site desilting basin, as shown on the accompanying tentative map, shall be the responsibility of a Home Owner's Association or similar maintenance district.

36. Prior to issuance of the first building permit, a report of findings on the recovery of paleontological resources, even if negative, shall be submitted to the Environmental Analysis Section of the City of San Diego and the San Diego Natural History Museum.

37. Construction of a six-foot noise barrier along all lots adjacent to El Camino Real (i.e., Lots 1, 2, 3, 45, 46, 55, 56, 65, 66, 75, 76, 77, 79, and 80) in order to reduce future estimated exterior traffic noise levels to below 65 CNEL on the project site shall be required prior to issuance of the first building permit. These barriers shall be shown on the final improvement plans for the project. Noise barriers can be constructed of masonry, brick, stucco, concrete, Plexiglas (one-half inch thick), tempered glass (one-quarter inch thick), or earth. The barriers must be solid, with no cracks between wall segments or between the ground and the bottom of the barrier.

38. All first-floor interior residential areas shall be designed to reduce exterior noise levels by at least 20 dB. Second-floor areas of buildings within 150 feet of El Camino Real shall be designed to reduce exterior noise levels by at least 25 dB. The second-floor areas of buildings beyond 150 feet shall be designed to reduce exterior noise by at least 20 dB. To insure that the interior standards are met, an interior analysis shall be submitted to the City to be reviewed by the Environmental Analysis Section and the Noise Abatement Administrator at the time of building permits. Appropriate structural mitigation shall be incorporated into building plans prior to issuance of building permits. The structural building inspector then inspect the site to ensure conformance with the approved plans.

39. Payment of school impact fees shall be accomplished in accordance with the mitigation agreements between the applicant and the affected school districts (Solana Beach Elementary and San Dieguito Union High School).

40. All required on- and off-site water facilities, as determined by the approved water facilities study, shall be completed and accepted by the City prior to the occupancy of any buildings. Facilities identified in the updated study may require subsequent environmental review, if deemed necessary by Development Services. Any additional environmental review will be necessary prior to the construction of any off-site facilities. Mitigation to reduce any significant impacts shall be identified during subsequent environmental review.

41. The off-site detention basin shall be kept free of debris, high concentrations of nutrients which could contribute to algae blooms, and organic floatage. Any emergent vegetation (e.g., cattails and bulrushes) shall be removed only as necessary to control the mosquito problem. Active measures for the control of mosquito populations may include the application of a mosquito fog or insecticide spray. The use of this measure shall be minimized and shall require early coordination with the USFWS and the CDFG. Maintenance of the detention basis shall be the responsibility of a Homeowners' Association or similar maintenance district.

42. The Planned Residential Development/Resource Protection permit shall comply with the conditions of the final map for Tentative Map No. 95-0197.

43. Vehicular access to the dwelling units within the Planned Residential Development will be served by a system of privately maintained, unnamed, non-dedicated private driveways constructed in a manner satisfactory to the City Engineer.

44. 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 Landscaping Technical Manual regarding brush and landscaping.

45. 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 City Manager 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.

46. 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
_____.

[MYL] STALLIONS, 2035