

(R-97-815)

RESOLUTION NUMBER R-288308

ADOPTED ON JANUARY 28, 1997

WHEREAS, Pardee Construction Company, a California corporation, Owner/Permittee, filed an application with The City of San Diego Development Services Business Center for Planned Residential Development ("PRD") Permit No. 96-0442 which would permit the amendment of the South Creek PRD Permits No. 86-0885 and No. 92-0685, and consists of the modification to permit single-family residences in place of multi-family and mobile home residences, located on Springbrook Drive in the Sabre Springs community, and described as Portions of Sections 21 and 22, Township 14 South, Range 2 West, SBM, in the R-1500, R-3000, R-1-500, and A-1-10 Zones; and

WHEREAS, on November 14, 1996, the Planning Commission of The City of San Diego considered PRD Permit No. 96-0442 pursuant to San Diego Municipal Code section 101.0901; and

WHEREAS, the matter was set for public hearing on January 28, 1997, 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 Permit No. 96-0442:

- 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 proposed change in dwelling types and numbers are consistent with recently approved amendments to the Community Plan and the financing plan.

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.**

The environmental analysis identifies potential noise impacts from traffic on Springbrook Drive. Mitigation to reduce the potential adverse impact to below a level of significance consists of the construction of noise walls on Springbrook Drive and structural and/or ventilation upgrades required to meet applicable interior noise standards.

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

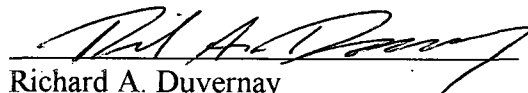
The proposed project would comply with the relevant regulations in the Municipal Code for Planned Residential Developments.

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 No. 96-0442 is hereby granted to Pardee Construction Company, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:lc
02/24/97
Or.Dept:Clerk
R-97-815
Form=permitr.frm
Reviewed by Mary Roush

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 PERMIT NO. 96-0442
SOUTH CREEK PARCELS 35 through 48
AMENDMENT TO PRD SOUTHCREEK/SABRE SPRINGS NO.86-0885 AND 92-0685
CITY COUNCIL

This Planned Residential Development Permit AMENDMENT is granted by the City Council of the City of San Diego to PARDEE CONSTRUCTION COMPANY, a California Corporation, Owner/Permittee, under the conditions contained in Section 101.0900 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 Portions of Sections 21 and 22, T14S, R2W, SBM, located south of Poway Road, generally west of Pomerado Road and the westerly city limits of the City of Poway, north of Spring Canyon Road and Cypress Canyon and east of Interstate 15 in the Sabre Springs Community in the R1-5000, R-1500, R-3000 and A-1-10 Zones.

2. The Planned Residential Development Permit shall include the following facilities:

- a. The South Creek PRD has a total of 763 detached single-family units. Included within this amendment are 18 units in Parcel 35, 54 units in parcel 36 and 87 units in Parcel 41.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the City Manager, and
- d. Recreational amenities.

as illustrated in Exhibit "A," dated January 28, 1997, on file in the offices of Development Services.

3. 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 permit is recorded by Development Services in the office of the San Diego County Recorder.

4. The effective date of this permit for Parcels 35 and 36 shall be the date of final action by the City Council and for Parcel 41, the effective date of the concurrent rezoning case. 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 Hearing Officer, 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 Hearing Officer.

5. This permit shall comply with the conditions of the Final Map for Vesting Tentative Map No. 96-0442.

6. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the City Manager which ties development to: (a) the allocation schedule of the Sabre Springs Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987 and any successor ordinance, plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.

7. Prior to the issuance of any building permits, a final map shall be recorded on the subject property. In addition, the rezoning of Parcel 41 shall be approved by the City Council and become effective with the recordation of the final map. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney and City Manager.

8. The following lots shall be deeded to the City for open space purposes: Unit 16, Lots 21, 22 and 24. Negative open space easements shall be applied to Unit 9, lots 55 and 56; Units 11 and 12, lots 88, 89, 90, 91, 92 and 93; Unit 16, lots 20 and 23.

The deed conveying the property to the City of San Diego is to be submitted to the City Council for acceptance concurrently with the filing of each unit of the final map. No park fee credits will be given because of this land transfer.

9. 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 January 28, 1997, Landscape Concept Plan, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. 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.
11. All approved landscape shall be maintained in a disease, weed and liter 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.
12. 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.
13. Prior to the issuance of a building permit, complete building plans shall be submitted to Land Development Review Section for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 28, 1997, on file in Development Services and shall the location of all fire hydrants.
14. No change, modifications or alterations shall be made unless a finding of substantial conformance or amendment of this permit shall have been granted.
15. Prior to the issuance of a building permit, the applicant shall ensure that building address numbers are visible and legible from the street (UFC 10.208).
16. Prior to the issuance of a building permit, the Permittee shall provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
17. Driveways shall be of sufficient depth and width to provide storage for two standard vehicles without encroaching onto the sidewalk.
18. (Environmental mitigation) Prior to the issuance of a building permit for any structure (home) in Parcel 41, a detailed noise analysis shall be conducted for proposed residential units within the 60 dB(A) CNEL contour (approximately 100 feet from the right-of-way of Springbrook Drive). Depending on the results of this analysis, the described units shall be provided with all structural and/or ventilation upgrades required to meet applicable interior noise standards. Such upgrades may include techniques such as the use of dual-paned sliding windows and enhanced insulation of walls and doors.
19. Noise walls, decorative pavements and other public right-of-way improvements shown on Exhibit "A," , shall be permitted by an Encroachment Permit obtained from the City Engineer.
20. Fencing proposed in the rear yard setback areas of all lots included in this project shall conform to Exhibit "A," dated January 28, 1997, or as approved by the City Manager.

21. Future homes in this project shall have variable front yard setbacks. At least 25 percent of the homes in each Unit, as shown in Vesting Tentative Map No. 96-0442, shall have a setback of a minimum of 18 linear feet, and at least 25 percent of the homes shall have a setback of a minimum of 20 linear feet, and at least 25 percent of the homes shall have a setback of a minimum of 22 linear feet.
22. Future building permits for dwellings within this project shall contain material specifications for exterior colors. For dwellings within each unit, as shown on Vesting Tentative Map No. 96-0442, four (4) different exterior color schemes as per Exhibit "A," dated January 28, 1997, on file in Development Services shall be used.
23. 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.
24. 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.
25. All accessory structures greater than 100 square feet require the approval of the City Manager and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.
26. 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 Development Services.
27. Grading plans shall not contain any manufactured slope with a slope ratio steeper than 2:1.
28. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
29. 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 applicable zone.
30. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
31. 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 City Manager.

32. The equestrian trail, pedestrian and bicycle path, and hiking trail shall be improved by the developer at no cost to the City and deeded to the City in a manner satisfactory to the Park and Recreation Department and to the City Engineer. (The area of the trail/path on Unit 16 is to be dedicated as part of this PRD amendment.)

33. The applicant shall be responsible for maintenance of the Penasquitos Creek revegetation program for a minimum of three years. At the end of the three-year period, the Environmental Analysis Section (EAS) shall determine whether the revegetation is sufficiently established in order to transfer maintenance to the City. If the revegetation effort is not established, the applicant shall continue to maintain the creek until such time that it is determined by EAS to be adequately established.

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

35. 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.

36. This Planned Residential Development Permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.

37. 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.

38. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of this permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of the permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary right conveyed by this permit, but only if the owner complies with all the conditions of this permit.

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 such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall the absolute right to approve, disapprove or modify the proposed permit and the conditions(s) contained therein.

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

40. 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 Council of The City of San Diego on January 28, 1997, by Resolution No. R-288308.

AUTHENTICATED BY THE CITY MANAGER .

By _____

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.

PARDEE CONSTRUCTION COMPANY
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.
02/21/97**