

(R-99-317)

RESOLUTION NUMBER R-290594

ADOPTED ON AUGUST 4, 1998

WHEREAS, Pardee Construction Company, a California corporation, Owner/Permittee, filed an application with The City of San Diego for a permit to rescind previously approved Planned Residential Permit No. 89-1258 and to develop 72 single-family detached residential units through the Planned Residential Development Permit process on the same site, which is located on the south side of Sabre Hills Drive between Interstate 15 and Evening Creek Drive South, in the Sabre Springs Community Plan area, in the A-1-10 and R-1-1500 zones (proposed R1-5000 zone); and

WHEREAS, the project site is legally described as a portion of the northeast quarter of Section 20, a portion of the northwest quarter of Section 21, and a portion of the south half of Section 16 of Township 14 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California; and

WHEREAS, on June 25, 1998, the Planning Commission of The City of San Diego considered rescinding Planned Residential Development Permit No. 89-1258 and approving the new Planned Residential Development Permit No. 96-7647, and pursuant to Resolution No. 2660-3-PC voted to recommend City Council approval of these two actions; and

WHEREAS, the matter was set for public hearing on August 4, 1998, 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. 96-7647:

**1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.**

This project site was originally a part of Planned Residential Development Permit No. 89-1258 approved by the Planning Commission of The City of San Diego on January 28, 1993, for a 280 unit multiple family development. With the concurrent request to amend the Sabre Springs Community Plan from multiple family to single family and rezone the parcel from R-1500 to R1-5000 the proposed 72 single family dwellings will be consistent with the Sabre Springs Community Plan and the General Plan for the area. The use provides for individual and community needs in the form of single family residential units within an area already developed with housing. Developing this parcel with single family homes will not adversely affect the balance of multiple and single family homes the Community Plan encourages.

**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 subject Planned Residential Development Permit is being processed concurrently with a Sabre Springs Community Plan Amendment, zone change, and a Vesting Tentative Subdivision Map. The Planned Residential Development Permit has conditions to assure orderly development with the proposed R1-5000 residential zone requirements and has been reviewed for compatibility with the previously developed residential neighborhood. In addition, the conditions of approval for the Vesting Tentative Map assure all public improvements and facilities to serve these proposed residences to create conditions not detrimental to the health, safety and general welfare of persons and property in the vicinity.

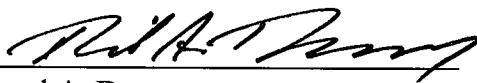
**3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.**

The proposed residential development comply with the relevant regulations of the San Diego Municipal Code. In order to develop this project, the Owner/Permittee must also satisfy conditions of approval for the accompanying Vesting Tentative Subdivision Map in order to record the map and create these legal building sites. A community plan amendment is also being approved to redesignate this 55.5 acre site to low density single family (5-10 du/ac) from the current low medium density multi-family (10-15 du/ac) land use designation. Conditions have been attached to the project that requires additional amenities to be developed into the project. The proposed architectural treatment of the homes shall be enhanced to improve the visual quality of the project. With all these required actions and conditions for approval, this development will comply with all relevant requirements of the San Diego Municipal Code.

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 sustained; that Planned Residential Development Permit No. 89-1258 is rescinded; and that Planned Residential Development Permit No. 96-7647 is hereby granted to Pardee Construction Company, a California corporation, 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  
11/09/98  
Or.Dept:Clerk  
R-99-317  
Form=permitr.frm  
Reviewed by Robert Gentles

**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

**PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 96-7647  
SABRE SPRINGS PARCEL 11  
RESCISSION OF PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 89-1258  
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Pardee Construction Company, a California corporation, Owner/Permittee, pursuant to Section 101.0900 of the Municipal Code of the City of San Diego. The 55.2 acre site is located on the south side of Sabre Hills Drive, between Interstate 15 and Evening Creek Drive South in the R1-5000 Zone of the Sabre Spring Community Plan. The project site is legally described as a portion of the northeast quarter of Section 20, a portion of the northwest quarter of Section 21 and a portion of the south half of Section 16 of Township 14 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, state of California.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner /Permittee to develop a 72 unit single family development in conjunction with an accompanying Sabre Springs Community Plan Amendment to designate this site as single family and rezoned from R-1500 to R1-5000, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated August 4, 1998, on file in the Office of Development Services. The facility shall include:

- a. The development of 72 single family dwelling units on 72 newly subdivided lots with three (3) models (with variations), all two-stories in height, having attached 2 or 3-car garages and ranging in floor area from 2,520 to 3,432 square feet;
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Two (2) vest pocket parks of a minimum of 2,500 square feet each located at both ends of cul-de-sac bulbs along Street B, sound attenuation walls/berms varying in height between 4-7 feet for lots 1 through 21;
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

## CONDITIONS-GENERAL

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. 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 appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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; and
  - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. 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 Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 4, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
9. 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 the 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 this 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 rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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 an 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(s) 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 be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

11. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

12. All projects shall be in compliance with Sections 101.0214 (Maximum Height of a Building or Structure) and 101.0215 (Procedural Requirements for Determination of Structure Height) of the Municipal Code.

13. All projects shall be in compliance with Section 101.0216 (Topographical Survey Requirements) of the Municipal Code and all building plans shall be predicated upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in Section 101.0101.24 (Grade) of the Municipal Code.

14. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated August 4, 1998, on file in the Office of Development Services).

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

15. Prior to the issuance of building permits the following measures shall be implemented to reduce impacts associated with existing and future traffic noise from the Interstate 15 freeway and Poway Road to below a significant level:

a. Noise attenuation barriers consisting of a combination of berms and walls shall be constructed along the westerly boundaries of the following Lots (heights measured relative to pad elevations):

(1) Lot 21 and a portion of Lot 20: 4 feet in height

(2) Lots 1-4, Lots 11-19 and a portion of Lot 20: 6 feet in height

(3) Lots 5-10: 7 feet in height.

The noise barriers shall be constructed with a quality of construction, barrier material mass and acoustical properties, to achieve at least the 10 dB(A) sound transmission loss in accordance with Federal Highway Administration standards. For example, if a barrier attenuates noise levels by 8 dB(A) at a receiver location, the barrier transmission loss must be at least 18 dB(A) to prevent audible noise from traveling through the barrier and adding to the ambient noise levels. Examples of acceptable barrier materials include, but are not limited to masonry block, wood frame with stucco, 0.5-inch-thick Plexiglass, or 0.25-inch-thick glass plate. If transparent barrier materials are used, no gaps shall occur between the panels.

- b. The applicant shall submit a detailed interior noise analysis to the satisfaction of the City Manager for proposed Lots 1-14 and 19-36, prior to the issuance of building permits. 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.
- c. The above mitigation monitoring and reporting program for PRD/VTM No. 96-7647 shall require a \$450 deposit to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.
- d. All mitigation measures set forth in previous environmental documents for development within the Sabre Springs Community, are included in this report by reference.

16. Lighting shall be directed away, and shielded as necessary from the Multiple-Habitat Planning Area (MHPA)

17. No non-native invasive plant species shall be planted adjacent to or within the MHPA.

18. All developed areas shall not drain directly into the MHPA.

19. Unless authorized by the City Manager, grading shall be restricted to the non-breeding season for the gnatcatcher. If grading is proposed during the breeding season (March 1 - August 15), a survey should be conducted to determine presence/absence. If the applicant chooses not to conduct a gnatcatcher survey, then a temporary wall or berm shall be constructed adjacent to gnatcatcher habitat.

20. Areas within the MHPA shall be conserved either through dedication in fee to the City of San Diego, conservation easement, or covenant of easement.

21. The issuance of this permit by the City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).

In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City

of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997 and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

#### **ENGINEERING REQUIREMENTS:**

22. All retaining walls and their footings shall be located outside of the City right-of-way.
23. All water and sewer requirements for the development of this subdivision shall be conditions of the accompanying Tentative Subdivision Map No. 96-7647.
24. This Planned Residential Development Permit No. 96-7647 shall be consistent with the accompanying Tentative Subdivision Map No. 96-7647 and all conditions contained in the map resolution.

#### **PLANNING/DESIGN REQUIREMENTS:**

25. No fewer than 144 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated August 4, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with Chapter X, Article 1, Division 8, of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
26. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
27. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.
28. A topographical survey conforming to the provisions of Section 101.0216 of the Municipal Code may be required if it is determined, during construction, that there may



be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

29. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

30. The architectural articulation depicted on the front elevations of the homes shall be continued to include the side and rear elevations of the homes where visible from a public street.

31. The Plan 2 homes shall have a swing garage design. The two car garage will face out onto the street and the one car garage will not be visible from the front elevation. The side of the garage that faces out onto the street shall be well-articulated and match the architecture of the home.

32. Two pocket parks shall be provided at the end of each cul-de-sac bulb along Street B containing a minimum of 2500 square feet apiece. An alternative to providing these two pocket parks is to dedicate Lot 19 as a non-buildable lot to be improved as a pocket park. These pocket parks shall be maintained by the Home Owner's Association.

33. The applicant shall disclose to potential purchasers of the dwelling units being developed, the presence of Marine Corp Air Station (MCAS) Miramar to the south and the potential for noise and visual impacts of military aircraft to and from the Miramar Air Station.

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

35. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

36. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

#### **LANDSCAPE REQUIREMENTS:**

37. Prior to 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," Landscape Concept Plan, dated August 4, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

38. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated August 4, 1998, on file in the Office of Development Services and all other applicable conditions of related permits.

39. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

40. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

41. All required 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 severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction 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.

43. Provide 60% 15 gallon trees and 40% 24" box trees on the perimeter slopes facing the Public Rights of Way.

44. Revegetation: All slopes 6:1 and in excess of five feet in vertical height shall be planted with herbaceous or prostrate shrubby groundcover. A minimum of 50% of the total slope area shall be planted with deep rooting groundcovers. Seeded plantings at least 50% of the seed shall be deep rooting. All slopes greater than 15' in vertical height shall be planted with a combination of trees and shrubs, minimum one gallon at an average rate of 1 per 100 square feet of slope area.

APPROVED by the Council of The City of San Diego on August 4, 1998, by Resolution No. R-290594.

11/6/98

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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.

**PARDEE CONSTRUCTION COMPANY**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

11/9/98

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