

RESOLUTION NUMBER R-292324

ADOPTED ON OCTOBER 19, 1999

WHEREAS, the San Diego Unified School District, Owner/Permittee, filed an application with The City of San Diego for a permit to redevelop a previously designated school site by subdividing the site into 17 lots for single-family residences, 2 lots for open space and 1 lot for a 3.11 gross acre park site on portions of a 12.06 gross acre site, located on the south side of Fairbrook Road east of Caminito Magnifica, and legally described as Lot 40, Scripps Hills Unit No. 1, Map 9953 and Lot 215, Scripps Ranch Estates, Map 9587, in the Scripps Miramar Ranch Community Plan area, in the R1-20000 and R1-40000 (proposed R1-8000 and OS-P zones); and

WHEREAS, on September 16, 1999, the Planning Commission of The City of San Diego considered Planned Residential Development Permit [PRD] No. 98-1011, and pursuant to Resolution No. 2547-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on October 19, 1999, 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. 98-1011:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Scripps Miramar Ranch Community Plan. The subject 12.06 gross acre site is designated in the adopted Scripps Miramar Ranch Community Plan as a school/park site. The property is composed of two legal lots, consisting of one lot each from two adjacent previously approved and subsequently developed Planned Residential Developments. Through the development of residential lands to the north and as a consequence of school population demographics, this site has been determined to no longer be necessary as a school site. The applicant, in conjunction with this permit, is requesting a community plan

amendment, rezoning and a subdivision map to resubdivide the site into 17 single-family residential lots, 2 lots for open space and a 3.11 gross acre park site. The Scripps Miramar Ranch Community Planning Group has taken an active part in the planning of the alternative use of this site and expresses community support for the change. The development proposed will provide additional housing compatible with surrounding older development and provide a desired additional park site in a community seeking additional public spaces.

2. The proposed use, because of the 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 properties in the vicinity. The 12.06 gross acre site has been previously graded in anticipation of the development of a school which has since been determined to not be required at this location. The site is comprised of two lots, one each from two adjoining PRDs which have been fully developed. The City of San Diego, the community planning group and the Owner/Permittee are desirous of developing the proposed 17 single-family residences as a compatible project to the existing neighborhood through architectural criteria, site requirements, landscaping and walls and fencing. A 3.11 gross acre/2.7 net acre park site will be developed by The City of San Diego and provide an additional recreational opportunity for the new residents and the community. Two additional parcels totaling 1.06 acres will remain in open space through non-building area easements. Through a Mitigation Monitoring Reporting Program, mitigation of Biological Impacts, Wetlands and Hydrology/Water Quality is provided and with development conditions of the PRD Permit, this project and uses proposed, 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 properties in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to developments and tentative maps and meets the criteria and guidelines of the adopted Scripps Miramar Ranch Community Plan. The resubdivision of this 12.06 gross acre site for the development of 17 single-family residential units, 2 open space lots and a 3.11 gross acre/2.7 net acre park site through a Vesting Tentative Map, a community plan amendment and a rezone accompany this Planned Residential Development Permit along with a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program. Through the review of this project, it has been determined that the project will conform to all regulations of the Municipal Code in effect for this site.

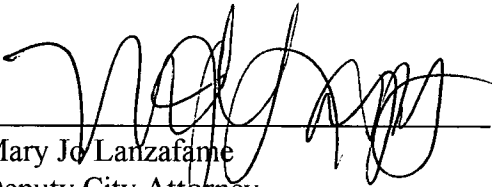
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Planned Residential Development Permit No. 98-1011 is hereby granted to the San

Diego Unified School District, 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



Mary Jo Larzafame
Deputy City Attorney

MJL:pev
11/01/99
Or.Dept:Clerk
R-2000-498
Form=permitr.frm

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT [PRD] PERMIT NO. 98-1011
FAIRBROOK ESTATES
AMENDMENT TO PRD NOS. 84-0522 AND 84-0614

CITY COUNCIL

This permit, Amendment to Planned Residential Development Permit Nos. 131 and 172, (?) is granted by the City Council of The City of San Diego to the San Diego Unified School District, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 101.0901 and 111.0510. The 12.09 gross acre site is located on the south side of Fairbrook Road east of Caminito Magnifica in the R1-20000 and R1-40000 (proposed R1-8000 and OS-p zones within the boundary of the Scripps Miramar Ranch Community Plan area. The project site is legally described as Lot 40, Scripps Hills Unit No. 1, Map No. 9953 and Lot 215, Scripps Ranch Estates, Map No. 9587.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to redevelop a previously designated school site by subdividing the site into 17 lots for the construction of detached single-family residences, two lots for open space and one lot for a 3.11 gross acre park site described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 19, 1999, on file in the Planning and Development Review Department. The facility shall include:

- a. Seventeen single-family detached lots; and
- b. Landscaping for the 17 single-family lots and the maintenance of existing slopes (planting, irrigation and landscape related improvements); and
- c. On- and Off-street parking facilities for the single-family dwellings; and
- d. 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; and
- e. A 3.11 acre (gross)/ 2.7 acre (net) Park site with on- and off-street parking; and

f. Two non-building area easement lots totaling 1.06 acres.

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 Planning and Development Review; 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 October 19, 1999, on file in Planning and Development Review. 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 new 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. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. This project shall satisfy the requirements enumerated in the Mitigation Monitoring and Reporting Program of Mitigated Negative Declaration No. 98-1011 with respect to Biological Resources, Wetlands and Hydrology/Water Quality.

ENGINEERING REQUIREMENTS:

13. The Permittee shall provide a sight-distance easement on proposed Lot 1 satisfactory to the City Engineer and the subsequent property owner shall maintain this easement area.

14. Lots 'B' and 'C' shall have a non-building easement on their entirety. Lot 'B' shall be owned and maintained by the permittee, by the adjoining Homeowners Association (the HOA having a right of first refusal) or by the owner of Lot 15. If Lot 'B' is not transmitted to the adjoining Homeowners Association and is to be owned by the owner of Lot 15, the final map shall include this as one lot with the non-building easement on that portion shown on the tentative map as Lot 'B'. Lot 'C' shall be owned and maintained by the permittee or a HOA.

15. This Planned Residential Development Permit shall conform to Vesting Tentative Map No. 98-1011.

PLANNING/DESIGN REQUIREMENTS:

16. The dwelling units shall not exceed two-stories in height and shall include a mix of one and two-story units. A minimum of four product types shall be utilized and the same product shall not be utilized on contiguous lots.

17. The minimum front yard setback shall be 20 feet for garages and 15 feet for living areas. A variety of front yard setbacks shall be incorporated and the front walls of no more than two adjacent units shall be on the same plane.

18. Side yard setbacks are a minimum of 5 feet when a single-story model or a two-story model is adjacent to a two-story unit with an adjacent one-story element or the side yard of an adjacent two-story unit is at least 15 feet or the side yard of an adjacent one-story unit is at least 10 feet. The combined side yard setbacks of adjacent two-story units shall be a minimum of 20 feet.

19. Roof materials shall be tile or other similar non-combustible materials with wood shake, asphalt shingles, composition roofs or similar materials not permitted. No living areas shall have flat roofs. Colors may vary but shall be compatible with the adjacent development.

20. Wall and trim colors of the structures shall be subtle earth tones and be compatible with the adjacent development.

21. Wooden and chain-link fencing is specifically prohibited on the residential project perimeter to Fairbrook Road and the park site. Perimeter fencing shall be decorative block or stone walls with columns and capping and shall include a combination block or stone with wrought-iron where views are preserved or enhanced. Fencing of the Park shall be to the satisfaction of the City Manager.

22. The permittee/developer shall include in the project CC&R's, a provision to prohibit the parking and storage of recreational vehicles (including but not limited to trailers, motorhomes, boats and boat trailers) on the residential lots unless screened from view from the public right-of-way and satisfying minimum setback requirements.

23. Driveways on corner Lots No. 1, 11 and 17, shall be located as far from the street intersection as practical to allow more landscaping opportunity at the intersections without impeding "line-of-sight" safety considerations.
24. Side and rear elevations shall incorporate strong articulation of materials and forms. Consistent use of materials and forms for doors, windows, trim and other features is required on all elevations.
25. No fewer than 34 off-street parking spaces shall be maintained for the 17 single-family residences at a ratio of 2:1, together with on-street parking for the property at all times in the approximate locations shown on the approved Exhibit "A," dated October 19, 1999, on file in the Planning and Development Review Department.
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 within the San Diego 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 regulation 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. No building additions, including patio covers, shall be permitted unless approved by the City Manager. Additions may be permitted only if they are consistent with the architecture of the dwelling unit.
31. The Permittee shall disclose to potential purchasers of the dwelling units proposed with this development, that the site is within the "Miramar Airport Influence Area" identified in the Comprehensive Land Use Plan [CLUP] for Miramar and that visual and noise impacts will be routinely experienced.
32. All signage associated with this development shall be consistent with Citywide sign regulations.

33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
34. The use of textured or enhanced paving within the public right-of-way shall meet applicable City standards as to location, noise and friction values.
35. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
36. No material or equipment shall be stored on the roof of any building.

LANDSCAPE REQUIREMENTS:

37. The existing mature Eucalyptus to remain shall be shown on the site plans submitted for construction permits or grading permits. Justification for any removal must be submitted through an appropriate revision or amendment to the approved Planned District Permit. (?) Proposed removal of any of these trees will require a replacement of a Eucalyptus specie of 15 gallon size. No change, modification or alteration shall be made unless appropriate application or amendment of this permit shall have been granted.
38. 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.
39. 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. The Urban Forester must approve of the final selection of the street tree. Copies of these approved documents must be submitted to the City Manager.
40. 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.
41. 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 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. 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 October 19, 1999, on file in the Planning and Development Review Department. No change, modification or alteration shall be made unless appropriate application or amendment of this permit shall have been granted.

42. The Owner/Permittee shall disclose to potential home purchasers, the future development of the Park on Lot 'A'.

APPROVED by the Council of The City of San Diego on October 19, 1999, by Resolution No. R-292324.

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.

SAN DIEGO UNIFIED SCHOOL DISTRICT
Owner/Permittee

By _____

By _____

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

11/9/99

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