R. 75-2342

RESOLUTION NO. 212799
Planned Residential
Development Permit No. 85

MAR 13 1975

WHEREAS, TITLE INSURANCE AND TRUST COMPANY (Trustee of Trust PR 46933), a California corporation, Owner, and THE BALDWIN COMPANY, a California corporation, both hereafter referred to as "Permittee," filed an application to construct and operate a planned residential development located on the west side of Carmel Valley Road, between Del Mar Scenic Parkway and the City of Del Mar city limits, more particularly described as a portion of Section 23, Township14 South, Range 4 West, in the A-1-1 (proposed R-2) Zone; and

WHEREAS, on March 13, 1974, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 85, and filed said decision in the office of the City Clerk on April 8, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, TORREY PINES PROTECTIVE ASSOCIATION, by Jill K. Nyce, THOMAS G. UTER, and others, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on May 23, 1974, continued to August 15, December 19, 1974, January 30 and March 13, 1975; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony, and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

- 1. That this Council hereby adopts those written Findings of the Planning Commission set forth in Planning Department Report, dated March 6, 1974, and found beginning at page 3 of said Report, a copy of which is attached hereto and by this reference incorporated herein.
- 2. That this project is consistent with the development shown on the Torrey Pines Community Plan, adopted by the City Council on March 6, 1975.
- 3. That said Findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 7 to 0, the appeals of Torrey Pines Protective Association, Thomas G. Uter and others, are denied and this Council does hereby grant to TITLE INSURANCE AND TRUST COMPANY and THE BALDWIN COMPANY, Planned Residential Development Permit No. 85, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

Frederick C. Conrad

Chief Deputy City Attorney

FCC:mmb 4-22-75

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SUBJECT:

Planned Residential Development Permit #85 - To construct 68 D.U.'s on 6.56 net acres (10.4 per acre) in the A-1-1 (prop. R-2) zone; por. $E_{\frac{1}{2}}^{\frac{1}{2}}$, $NE_{\frac{1}{4}}^{\frac{1}{4}}$, $SE_{\frac{1}{4}}^{\frac{1}{4}}$, Sec. 23, T14S, R4W, SBBM, R.O.S. 7031; Loc. W. side of Carmel Valley Road between Del Mar Scenic Parkway and City of Del Mar City Limits in the A-1-1 (prop. R-2) zone (Baldwin) EQD #73-4-1004P

BACKGROUND

This hearing which was continued from the Planning Commission meeting of February 13, 1974 to permit the Commissioners to review the site concerns a request for a Planned Residential Development to permit construction of 68 dwelling units and recreational facilities on 6.56 acres in the Del Mar Community. The subject property, located immediately west of Carmel Valley Road between Del Mar Scenic Parkway and the Del Mar City limits is vacant and zoned A-1-1. The PRD application is accompanied by a request to rezone the subject property from the A-1-1 zone to the R-2 zone. The property to the northwest which lies within the Del Mar City limits is vacant with the exception of a real estate office and repair garage and zoned for commercial retail uses. The adopted Del-Mar Community Plan designates this adjacent parcel for parks and landscaping. To the north across Carmel Valley Road, the property is vacant and currently zoned A-1-1; the City Council recently rezoned this property to R-1-10 subject to the filing of a final subdivision development. The area to the south and west is vacant and zoned A-1-10. The AT & SF railroad is located southwesterly and is approximately parallel to the property line of the subject property.

THESE RECOMMENDATIONS ARE BASED ON INFORMATION AVAILABLE AT THE TIME OF THIS REPORT.

The elevation of the property varies approximately thirty-five feet with the highest point being at the northerly edge of the property. A strip of property approximately 150 feet in width, along the southwesterly edge of the property is within the 100 year flood limits.

The adopted Del Mar-Torrey Pines Plan designates the subject property for commercial recreation. A revised community plan is presently being prepared and is scheduled for a Planning Commission Workshop on February 20,1974.

RECOMMENDATION

The Planning Department recommends approval of the Planned Residential Development based on the belief that the necessary four findings for approval can be met.

ANALYSIS

The proposed project consists of 68 dwelling units at a net density of 10.36 units per acre. The units consist of attached two-story and split level townhouses with two and three bedrooms. A swimming pool and clubhouse are located central to the project with a network of greenbelts and walkways connecting this proposed facility with all dwelling units. A bikeway is proposed along Carmel Valley Road in a 16-foot curb to property line area.

A 50-foot easement, of which at least twenty-five feet will be left in a natural state will be provided along the northerly boundary of the subject property as a wildlife corridor. Representatives of the State Park and Recreation Department have stated that an existing 50-foot road and utility easement traversing a vacant parcel immediately north of the subject property and Carmel Valley Road will be retained for a wildlife corridor. The extension of the 50-foot easement along the subject property will ensure a lingkage for wildlife between the State Park and the Penasquitos Lagoon.

The landscaping plan consists of a variety of trees and shrubs in the greenbelts and along the streets. The proposed plant materials include Monterey Pines, Torrey Pines, Black Pines, New Zealand Christmas trees, Pittosporum, Eucalyptus as well as other species.

A total of 222 parking spaces are proposed within the entire development, yielding a parking ratio of 3.26 parking spaces per dwelling unit. A two-car garage is proposed for each dwelling unit.

The total open space exceeds the amount required by the PRD regulations by approximately four acres and approximately one and one-half more acres of usuable open space are being proposed than are required.

The first finding that must be met is that the proposed use at this particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community, The Department believes that the proposed net density of 10.36 units per acre is consistent with the residential development across Carmel Valley Road which consists of attached townhouses at a density of approximately twelve units per acre. The Department also believes that the proposed bikeway which will separate the bicyclist from automobile traffic will benefit the community.

Further, the proposed easement for the wildlife corridor would also function as a pedestrianway, providing additional access to the beach.

The second finding that must be met is that such use will not under the circumstances of the particular case be detrimental to the health, safety or general weJfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. The Department believes that the subject proposal which provides vehicular access to each dwelling unit from a short, private street, and which provides a network of greenbelts, walkways

and a bikeway separate from vehicular traffic, will provide adequate safety for the residents of this project as well as persons in the surrounding community. The Department also believes that the requirement by Community Development to grade the subject site only during the summer months and the provision by the developer of an automatic irrigation system with low precipitation rates will provide sufficient protection of the lagoon. The Department recommends that a decorative masonry wall be provided, where necessary, along Carmel Valley Road to buffer the adjacently situated dwelling units from excessive noise caused by passing motor vehicles.

The third finding that must be met is that all design criteria and minimum standards set for the project will be met. The proposed open space within the subject proposal exceeds the amount required within the proposed R-2 zone. The Department believes that an adequate circulation system is reflected in the proposed network of walkways for pedestrian circulation, a proposed bikeway along Carmel Valley for bicyclists and proposed private streets with turnarounds and widths consistent with Council Policy 600-4. Parking at a ratio of 3.26 spaces for each dwelling unit is being proposed; each unit will have a two-car garage. No significant natural features such as trees, rock outcroppings, etc., currently exist on the subject site. The Department believes that this proposed development is compatible with the existing use across Carmel Valley Road which consists of attached dwelling units with a density of approximately twelve units per acre. It is also believed that the proposed street system is subordinate to the overall design with the open system and recreational facilities (swimming pool, club house) which are readily accessible to all of the proposed dwelling units, being dominant. The Department recommends that a variety of elevations for the individual dwelling units be provided to avoid a sense of monotony.

The fourth finding that must be met is that the granting of this permit will not adversely affect the Progess Guide and General Plan for the City of San Diego, or any adopted community plan or the adopted plan of any governmental agency. The adopted Del Mar-Torrey Pines Plan designates the subject property for commercial recreation. It is the Department's belief that the subject proposal is consistent with the adopted plan in that the commercial recreational zone permits, if applied, residential uses in excess of the density proposed for the subject project. The proposed bikeway along Carmel Valley Road is consistent with the adopted Trails for San Diego report. The Department, therefore, believes that the necessary four findings of fact can be met.

The Del Mar Union and the San Dieguito School Districts have indicated that schools are considered to be available in accordance with Council Policy 600-10. Regarding Council Policy 600-19, the Fostering of Balanced Community development for the City of San Diego, the applicant has indicated a price range of \$45,000 to \$65,000. A condition of the tentative subdivision map will be that prior to the acceptance of the final subdivision map by the City Council, the subdivider shall provide evidence to the City Manager to ensure that an affirmative marketing program is established.

The Community Development Department recommends that the following conditions be placed on the tentative map:

- a. All grading shall occur during the summer months between April 1 and November 1.
- b. Temporary silting basins and other silting prevention devices shall be provided, satisfactory to the City Engineer.
- 3. All slope planting for the newly created slopes shall be completed prior to November 1.

Also the Community Development Department recommends that the following conditions be placed on the Planned Residential Development:

- 1. A subdivision map shall be filed prior to the issuance of any building permits.
- 2. All interior private streets shall be of alignment, grade, width, and structural section satisfactory to the City Engineer.
- 3. PCC sidewalk shall be provided from each unit to a walkway within the dedicated right-of-way, and if the walkway is contiguous to the curb, a five-foot general utility easement must be provided behind this walk.
- 4. The parking ratio shall be 3:1.
- 5. The developer shall provide adequate street lighting, acceptable to the Public Works Director and the City Engineer, which will provide illumination in the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned and maintained by a property owners association.

The final Environmental impact Report states:

The site of the Village, proposed 130 unit condominium development, lies along the border of San Diego and Del Mar. Six acres are in San Diego and 6.14 acres are in Del Mar. The City of San Diego, by agreement with the City of Del Mar, is the Lead Agency on this project.

Implementation of the project would result in the alteration of the natural landform, elimination of wildlife, and inducement of open areas to development, reduction in quality of public vistas from Carmel Valley Road, and increased levels of pollutants in drainage water and airshed.

The project will have the following environmental impacts:

- 1. Air pollution. Implementation of the project would result in increased emissions of primary air pollutants from auto, increased use of electricity and demands for pollution contributing services, such as gas stations and dry cleaners.

 (See p. 7, III. F. and P. 11, IV. F.)
- 2. Runoff. As Los Penasquitos Lagoon is urbanized and natural slopes and terrain are replaced with rooftops, paved surfaces, and artifically landscaped areas, the introduction of runoff such as water, silt, nutrients, and noxious substances, will adversely affect water quality. (See P. 8, III. H, and P. 12, IV. H.)
- 3. Traffic and Carmel Valley Road. The design capacity of Carmel Valley Road is about 5,000 vehicles per day. Current traffic load is 3,600 VTD. 461 total units are being developed, which will add approximately 4,200 VTD to the current total. An additional 130 units are proposed by the Baldwin Company, of which 68 will be in San Diego. The Baldwin project will generate approximately 1,040 VTD. The State Department of Parks and Recreation strongly opposes any widening of Carmel Valley Road which involves any impairment or disturbance to Los Penasquitos Marsh and Lagoon. (See P. 6, III. E. and P. II, IV. E.)
- 4. Los Penasquitos Lagoon. The effects of urbanization will significantly alter the aesthetic enjoyment of the Lagoon. The Torrey Pines Reserve is intended to be a passive natural environment and the encroachment of man's activities and domestic animals (particularly predatory pets) will significantly increase the pressures
- on the unique wildlife resources of the Reserve. A natural wildlife corridor

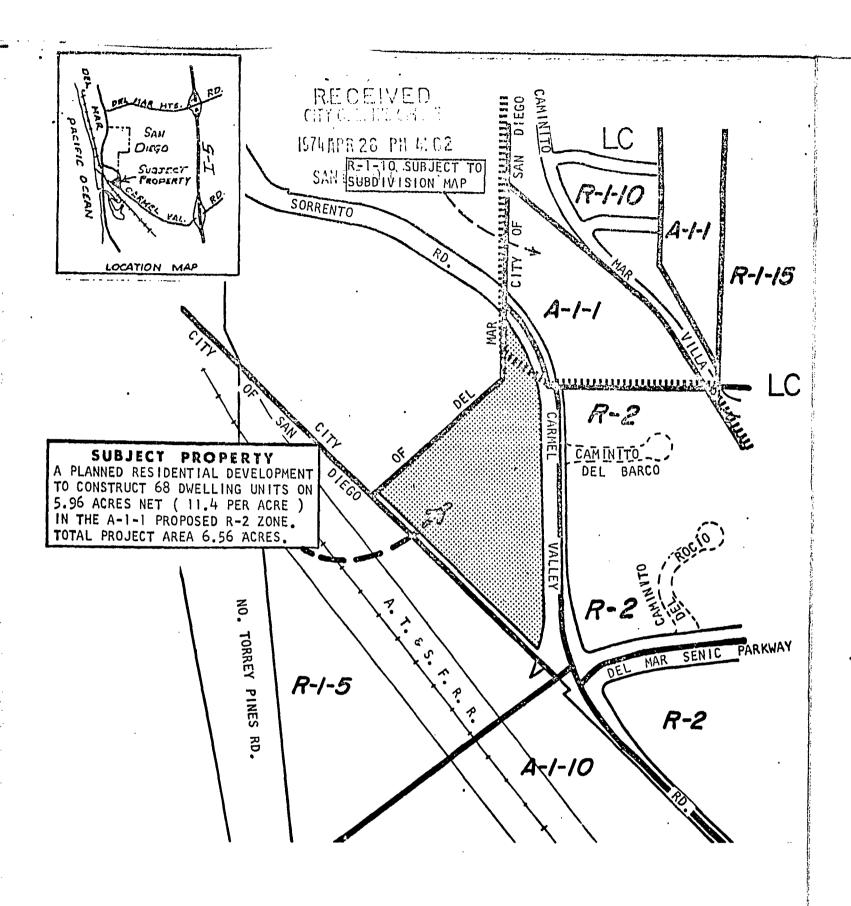
now exists connecting the two parcels of the State Park Preserve. This corridor is threatened by the progressive strangulation of increased vehicular traffic and encroachment by development in the area. (See P. 3, III. B. and P. 9, IV. B.)

5. Land Use. The proposed usage is inconsistent with the San Diego Open Space Plan.

Del Mar has recently rezoned their parcel conservation study zone, which requires any proposed development in that area to go before the City Council. The City of Del Mar further urges that the City of San Diego review with Del Mar land use planning along mutual boundaries and that San Diego consider reducing residential densities in the south Del Mar/Carmel Valley Area. The social-cultural and commercial facilities are mainly in Del Mar, therefore, urbanization functionally impacts the City of Del Mar. The Torrey Pines Community Planning Group is currently engaged in a program to revise the community plan and suggests very low (0-5) density for the subject property. (See P. 3, III. A. and P. 9, IV. A.)

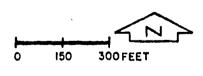
- 6. Natural Resources. The project is entirely within the Coastal Zone and safe provision for beach access must be made. Due to the subject property's proximity to a natural resource, use of the parcel as a natural resource recreational support facility should be considered. (See P. 13, V. 2, P. 14, V. 3; P. 10, VI. C 4; P. 14, VII)
- 7. Ocean Vistas. Comprehensive Planning Organization's coastal plan guidelines urge the protection of significant vistas from roads nearest to the coastline.

 (See P. 6, III. c.5)



POR. E1, NE1, SE1, SEC 23, T145, R4W, SBBM

PRD - 85 AREA 5.96± ACRES NET 281-1690 12-28-73 ACB



PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 85 CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to TITLE INSURANCE AND TRUST COMPANY (Trustee of Trust PR46933), a California corporation, Owner, and THE BALDWIN COMPANY, a California corporation, both hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0900 of the San Diego Municipal Code.

- 1. Permission is hereby granted to Permittee to construct and operate a planned residential development located on the west side of Carmel Valley Road, between Del Mar Scenic Parkway and the City of Del Mar city limits, more particularly described as a portion of Section 23, Township 14 South, Range 4 West, in the A-1-1 (proposed R-2) Zone.
- 2. The planned residential development shall include and the term "Project" as used in the planned residential development shall mean the total of the following facilities:
 - a. 68 dwelling units.
 - b. Swimming pool and clubhouse with storage and office facilities.
 - c. Off-street parking.
 - d. Incidental accessory uses as may be determined and approved by the Planning Director.
- 3. An open space easement shall be granted and shown on said map on all areas not shown for building sites.

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- 4. Not less than 222 parking spaces (or at a ratio of 3.26 to 1) shall be provided and at least two spaces per unit shall be enclosed within a garage. Each of the parking spaces shall be a minimum of 8-1/2 feet by 20 feet in dimension and 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 C.C. & R.'s. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit A, dated March 13, 1974. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.
- 5. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted 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.
- 6. Prior to the issuance of any building permits, a final subdivision map shall be recorded in the office of the County Recorder, except that permits may be issued for six model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

- 7. All of the private streets shall be named and begin with the term "Caminito."
- 8. Public refuse collection shall not be permitted unless approved by the General Services Director.
- 9. All private streets shall be improved to the requirements set forth by the City Engineer.
- 10. No parking shall be permitted on any private streets except in approved locations.
- ll. No building additions shall be permitted unless approved by the Planning Commission. Patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Home Owners Association.
- 12. All manufactured slopes shall have a ratio of 2 to 1 or greater.
- 13. The applicant shall post a copy of the approved resolution on exhibit in the sales office for consideration by each prospective buyer.
- 14. Office and storage facilities shall be provided in conjunction with the recreational building.
- 15. A 50-foot public pedestrian walkway easement, of which 25 feet shall be left in a natural state, shall be granted along the northerly boundary as shown on Exhibit A.
- 16. A bikeway within a 16-foot curb-to-property-line area shall be provided along Carmel Valley Road subject to the approval of the Planning Director and the Engineering and Development Director.

- 17. A solid masonry wall shall be provided along Carmel Valley Road of sufficient height to buffer noises from passing 'motor vehicles, subject to the approval of the Planning Director.
- 18. A variety of elevations shall be provided for individual dwelling units.
- 19. Patio fences shall be of sufficient height to ensure visual and auditory privacy between ground floor areas.
- 20. PCC sidewalk shall be provided from each unit to a walkway within the dedicated right-of-way, and if the walkway is contiguous to the curb, a 5-foot general utility easement must be provided behind this walk.
- 21. Adequate street lighting, acceptable to the General Services Director and the City Engineer shall be provided, which will illuminate the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned and maintained by a property owners association.
- 22. The Planning Director shall approve the landscape plans to ensure the inclusion of Kaffirboom Coral Trees.
- 23. Delete Condition No. 4 of the General Conditions for Planned Residential Developments, and in its stead substitute the following:

This planned residential development must be utilized within 18 months after the effective date of the concurrent R-2 rezoning (Case No. 60-74-3). Failure to utilize subject permit within 18 months will automatically void the same, unless an extension

of time has been granted by the Planning Commission as set forth in Section 101.0900 of the Municipal Code.

24. Permittee shall comply with the General Conditions for Planned Residential Developments attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on March 13, 1975.

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GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

- 2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated

 March 13, 1974, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
- 3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

- 4. This planned residential development permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by The City of San Diego as set forth in Section 101.0900 of the Municipal Code.
- 5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
- 6. The effectiveness of this planned residential development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
 - a. Permittee shall have agreed to each and every condition hereof by having this planned residential development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this planned residential development permit.
 - b. This planned residential development permit executed as indicated shall have been recorded in the office of the County Recorder.

- 7. After the establishment of the Project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.
- 8. The property included within this planned residential development permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.
- 9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this planned residential development permit may be cancelled or revoked. Cancellation or revocation of this planned residential development permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0900. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0900.

10. This planned residential development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

before me the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared PETE WILSON, known to me to be the Mayor, and EDWARD NIELSEN, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

Notary Public in and for the County of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and every condition of this planned residential development permit and promises to perform each and every obligation of Permittee hereunder.

PITLE	a corporation	a corporation
Ву		Ву
Ву	•	Ву

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	Acknowledgment
•	STATE OF CALIFORNIA) ss COUNTY OF SAN DIEGO)
	On this
	the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.
	WITNESS my hand and official seal. (Notary Stamp)
	Notary Public in and for the County of San Diego, State of California
•	Acknowledgment .
	STATE OF CALIFORNIA) ss COUNTY OF SAN DIEGO)
	On this day of, 19 , before me, the undersigned, a Notary Public in and for said County and State, personally appeared known to me to be the known to me to be the of
.:	the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.
	WITNESS my hand and official seal.

Notary Public in and for the County of San Diego, State of California

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		d adopted by the Council of The City of San Diego on			MAR 13 1975		
	Councilmen Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow Bob Martinet Jim Ellis Jess D. Haro Mayor Pete Wilson	Yeas	Nays	Excused	Absent		
(Seal)	AUTHENTIO		PETE WILSON Mayor of The City of San Diego, California, EDWARD NIELSEN City Clerk of The City of San Diego, California, Deputy				
RPR 22 PM 4: 24 Midleo, Galif.		Office of	the City Cl	erk, San Diego, C	California		

Resolution Number

212799

MAR 13 1975

Adopted

CC-1276 (REV. 1-75)

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