

RESOLUTION NO. 216222

R.76-2814

Planned Residential Development Permit No. 68

JUN 16 1976

WHEREAS, PARDEE CONSTRUCTION COMPANY, a California corporation, Owner, hereafter referred to as "Permittee," filed an application to construct and operate a planned residential development of 60 condominium dwelling units and recreation area at a density of 12.18 dwelling units per acre located on the east side of Carmel Valley Road, south of Del Mar Scenic Parkway, more particularly described as a portion of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 14 South, Range 4 West, all of Lot 3 and a portion of Lot 2, Torrey Pines Beach Subdivision, in the R-2 and R-3 Zones; and

WHEREAS, on January 16, 1974, the Planning Commission of The City of San Diego made its findings of facts, approved said Planned Residential Development Permit No. 68 to Permittee, and filed said decision in the office of the City Clerk on November 8, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, TORREY PINES PROTECTIVE ASSOCIATION, by Kent R. Wilson, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 19, 1974, continued to January 30, April 17, May 15, 1975, May 25 and June 15, 1976; and

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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:

All of the following facts exist with respect to Planned Residential Development Permit No. 68:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. That all design criteria and minimum standards for a Planned Residential Development will be met.

4. That the granting of this permit will not adversely affect the General Plan of the City, the adopted Del Mar-Torrey Pines Community Plan which designates the subject property for a neighborhood park; however, if it is not acquired it should remain zoned R-2 and this permit was continued for one year for acquisition which was not successful; therefore, the permit density is consistent with the plan.

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

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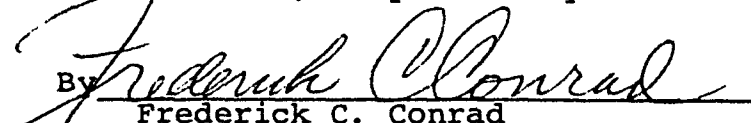
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BE IT FURTHER RESOLVED, that by a vote of 7 to 2, the appeal of TORREY PINES PROTECTIVE ASSOCIATION, by Kent R. Wilson, is denied and this Council does hereby grant to PARDEE CONSTRUCTION COMPANY, a California corporation, Planned Residential Development Permit No. 68, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
6/25/76

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 68  
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to PARDEE CONSTRUCTION COMPANY, a California corporation, Owner, 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 of 60 condominium dwelling units and recreation area at a density of 12.18 dwelling units per acre located on the east side of Carmel Valley Road, south of Del Mar Scenic Parkway, more particularly described as a portion of the Southeast 1/4 of the Southeast 1/4 of Section 23, Township 14 South, Range 4 West, all of Lot 3 and a portion of Lot 2, Torrey Pines Beach Subdivision, in the R-2 and R-3 Zones; and

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. 60 townhouse units.
- b. Recreation area.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

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3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property.

4. An open space easement shall be granted and shown on said map on all areas not shown for building sites.

5. Not less than 180 parking spaces (or at a ratio of 3 to 1) shall be provided and at least two spaces per unit shall be enclosed. 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 January 16, 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 offstreet parking spaces.

6. 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.

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7. All manufactured slopes shall have a ratio of 2 to 1 or greater.

8. All of the private streets shall be named and begin with the term "Caminito."

9. Public refuse collection shall not be permitted unless approved by the Director of Public Works.

10. All private streets shall be improved to the requirements set forth by the Community Development Director.

11. No parking shall be permitted on any private streets except in approved locations.

12. The 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 June 16, 1976.

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GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated January 16, 1974, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the Project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

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 January 16, 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.

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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.

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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.

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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.

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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 \_\_\_\_\_ and  
\_\_\_\_\_ 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 Stamp)

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

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## GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated January 16, 1974, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
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 January 16, 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 Planning Commission 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. This Planned Residential Development Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0900 of the Municipal Code of The City of San Diego.
7. 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 Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition 4 above, i.e., the time commences to run on the date that the Planning Commission 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.
8. 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

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(Gen.Conds., PRD's,P.2)

Commission or unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The property included within this Planned Residential Development 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.

10. 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 the Permittee or its successors in interest, shall be deemed a material breach hereof and this Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the 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, Paragraph E. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 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.

11. 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.

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(5/10/74)

Passed and adopted by the Council of The City of San Diego on JUN 16 1976  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

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Office of the City Clerk, San Diego, California

Resolution Number 216222 Adopted JUN 16 1976