

RESOLUTION NO. 221855

R.79-996

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 121

SEP 19 1978

WHEREAS, DR. JOHN H. LUX, Owner, and and VALLE DEL MAR, INCORPORATED, a California corporation, hereafter referred to as "Permittee," filed an application to construct 15 single-family dwelling units with parking and landscaping on a 4.2 acre site in the A-1-1 proposed R-1-10 (portion H.R.) Zone, located northerly of Del Mar Scenic Parkway between Carmel Valley Road and Caminito Mar Villa, more particularly described as a portion of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 23, Township 14 South, Range 4 West, S.B.B.M.; and

WHEREAS, on June 1, 1978, the Planning Commission of The City of San Diego granted said Planned Residential Development Permit No. 121, and filed said decision in the office of the City Clerk on July 5, 1978; and

WHEREAS, on June 9, 1978, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, SAN DIEGUITO UNION HIGH SCHOOL DISTRICT and MARY T. KELLEY, representing TORREY PINES PROTECTIVE ASSOCIATION, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 8, 1978, continued to September 12, 1978 and heard on September 19, 1978; 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 hearings; NOW, THEREFORE,

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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. 121:

1. 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.

2. 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. As the R-1-10 zoned property to the north and an R-2 zoned parcel to the south have already been developed with condominiums, creation of the PRD would be similar to land use to that allowed the surrounding development in the City of San Diego.

3. The proposed development meets all criteria for a planned residential development with the exception of usable open space. There is no objection to a reduction in usable open space due to the fact that the entire parcel is in the HR Zone, and creation of more usable area would require more grading. Also, many single-family lots in the Del Mar Terrace area have been improved with very little usable open space due to similar topography.

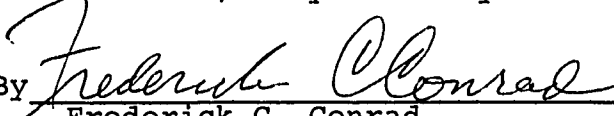
4. The granting of this permit will not adversely affect the Progress and General Plan for The City of San Diego or any

adopted community plan or the adopted plan of any governmental agency can be met. The General Plan and Council Policy 600-22 both require that public facilities shall be available. This project is in an area of the city that requires school letters. Payment by the developer of the sum of \$33,000 to provide school facilities will comply with Council Policy 600-22 and the General Plan.

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 appeal of the SAN DIEGUITO UNION HIGH SCHOOL DISTRICT and MARY T. KELLEY, representing TORREY PINES PROTECTIVE ASSOCIATION, are hereby denied, and this Council does hereby grant to DR. JOHN H. LUX and VALLE DEL MAR, INCORPORATED, Planned Residential Development Permit No. 121, 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  
11/29/78  
60-78-3  
Or.Dept.:Clerk

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221855

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 121  
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to DR. JOHN H. LUX, Owner, and VALLE DEL MAR, INCORPORATED, a California corporation, 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 east side of Carmel Valley Road between Del Mar Scenic Parkway and North Torrey Pines Road, more particularly described as a portion of Southeast 1/4, Section 23, Township 14 South, Range 4 West, S.B.B.M. in the A-1-1 (HR) proposed R-1-10 (HR) 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. 15 units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

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 68 parking spaces (or at a ratio of 4.53 to 1) shall be provided. 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.&Rs. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated June 1, 1978. 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 use of these off-street parking spaces.

6. Exterior radio or television antennas shall be prohibited; however, one mast 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.

7. 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.

8. The Permittee shall submit a detailed landscape plan, including sprinkler system, acceptable to the Planning Director, prior to issuance of any building permits.

9. No manufactured slope shall be steeper than a ratio of 1.5 to 1.

10. The applicant shall post a copy of the approved Permit in the sales office for consideration by each prospective buyer.

11. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R-1-10 Zone.

12. Delete Condition No. 4 of the General Conditions for Planned Residential Development Permits, and in its stead substitute the following: "This Planned Residential Development Permit must be utilized within 18 months after the effective date of the concurrent rezoning (Case No. 60-78-3). 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 the Municipal Code."

13. The developer shall pay the amount of \$33,000 as requested by San Dieguito High School District.

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

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO SEPTEMBER 19, 1978.

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 June 1, 1978, 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 June 1, 1978, 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 of the concurrent rezoning (Case No. 60-78-3). 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 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.



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 person whose name is subscribed to the within instrument and acknowledged to me that \_\_\_\_\_ executed the within instrument.

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 \_\_\_\_\_ 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

SEP 19 1978

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<del>Jess D. Haro</del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>
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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Betty Goebberg*, Deputy.

(Seal)

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **221855** Adopted **SEP 19 1978**

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