

Planned Residential Development Permit No. 133

WHEREAS, IMPERIAL GROUP, INC., Owner, hereafter referred to as "Permittee," filed an application under Planned Residential Development Permit No. 133, to construct 204 dwelling units on 149 acres with parking, landscaping and open space in the R-1-10, R-1-20, and R-1-40 (portion HR) Zones. The property is located on the west side of I-5 between Windemere and Desert View Drive, and is more particularly described as portions of Pueblo Lots 1252, 1776, 1777, 1778 and 1787, and Parcel 1, Parcel Map No. 833; and

WHEREAS, on September 14, 1978 the Planning Commission voted 7-0 to approve the permit subject to conditions and 4-3 to deny development of Unit 4, and filed said decision in the office of the City Clerk on September 26, 1978; and

WHEREAS, on September 25, 1978, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, IMPERIAL GROUP, INC., appealed the decision of the Planning Commission in denying development of Unit 4; and

WHEREAS, on September 25, 1978, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, VIRGINIA ULRICH, et al, appealed the decision of the Planning Commission in granting the permit; and

WHEREAS, said appeal was set for public hearing on November 7, 1978, and testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

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WHEREAS, the City Council in considering said appeal is empowered by the provisions of the Municipal Code, Section 101.0900, to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, that the City Council of The City of San Diego, makes the following findings:

1. The residential development proposed under said permit is desirable and will contribute to the general well-being of the neighborhood and community. Such desirability and contribution is indicated by:

a. The preservation of substantial areas (approximately eighty percent (80%) of the subject property) in natural open space;

b. The overall design of the residential development including, but not limited to, the landscape and structural architecture;

c. The facilitating of emergency access, including fire and other emergency vehicles, to an area which is subject to brush fires and presently has inadequate emergency vehicle access;

d. The residential development will provide housing in an area where a substantial social need for additional housing exists. Such need is evidenced by housing prices having increased in the area an average of one hundred and thirty-nine percent (139%) in the past six (6) years.

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2. The written evidence and testimony demonstrates that the residential development will not be detrimental to the health or general welfare of persons residing in the vicinity or injurious to property or improvements in the vicinity. Detriment and injury have been avoided by the high quality of the development including, but not limited to, the physical layout and design of the streets, structures and landscape.

3. The design criteria and minimum standards set forth in the applicable City ordinances have been satisfied with a minor exception regarding usable open space. The exception is warranted by reason of the following:

a. The unusual topography of the property is a natural limitation on providing usable open space. Additional usable open space can only be achieved by increased grading. Consequently, strict application of the usable open space requirements would result in undesirable increased grading or, alternatively, would deprive the property privileges enjoyed by other similar property in the vicinity.

b. The residential development, including the amount of usable space, does not constitute a special privilege to the property and is consistent with all applicable plans by reason of the following:

i. Sufficient recreational amenities are provided to afford the residents adequate opportunity for outdoor activities.

ii. The residential development, as proposed, is in character with the surrounding area.

4. The residential development is consistent with and carries out the Open Space, Parks and Recreation, and Residential Elements of the La Jolla Community Plan by reason of the following:

a. The development preserves approximately eighty percent (80%) of the property in natural open space; and

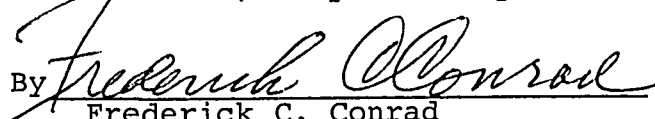
b. The development's density is within the very low density designation of zero (0) to five (5) dwelling units per acre; and

c. The development, as a planned residential development, specifically carries out Recommendation 11 of the Residential Element of the La Jolla Community 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 appeals of VIRGINIA ULRICH, et al, and IMPERIAL GROUP, INC. are hereby denied, and the decision of the Planning Commission to grant Planned Residential Development Permit No. 133 is sustained and affirmed.

APPROVED: JOHN W. WITT, City Attorney

BY   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
1/3/79  
PRD. NO. 133  
Or.Dept.:Clerk

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 133  
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to IMPERIAL GROUP, INC., a California corporation, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and 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 Soledad Mt. Road between La Jolla Scenic Drive and Desert View Drive, more particularly described as portions of Pueblo Lots 1252, 1776, 1777, 1778 and 1787, and Parcel 1, Parcel Map 833 in the R-1-10, R-1-10 HR, R-1-20 HR, and R-1-40 HR Zones.

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. 178 dwelling units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Clubhouse, lighted tennis courts, swimming pools, jacuzzis and multi-use courts.

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 534 parking spaces (or at a ratio of 3:1) 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 August 24, 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 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.

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 driveway entrance shall be constructed in substantial conformity with driveway detail drawing "Exhibit A," dated September 14, 1978.

9. The developer shall retain existing mature landscaping behind Lots 127 and 128, Soledad Corona Estates Unit No. 2, Map No. 4192; said landscaping exists for a depth of approximately 30 feet behind these lots.

10. The developer shall hydroseed existing semi-barren, south-facing slopes within project not included within approved landscape plan.

11. The developer shall agree to improve Soledad Mountain Road and install traffic light as required by Engineering and Development Department.

12. No manufactured slope shall be steeper than a ratio of 2:1.

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

14. 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.

15. 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 ON NOVEMBER 7, 1978.

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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 August 24, 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 August 24, 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 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)  
                          ) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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 CHARLES G. ABDELNOUR, 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.

IMPERIAL GROUP, INC., a California  
corporation (SEAL)

By \_\_\_\_\_

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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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Passed and adopted by the Council of The City of San Diego on NOV 7 1978,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" 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"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Lucy Killea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Laebler Deputy.

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 222193 Adopted NOV 7 1978

CC 1276 (REV. 10-78)

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