

RESOLUTION NUMBER R- 254834

Adopted on AUG 18 1981

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-203-0

WHEREAS, the City Council of The City of San Diego has held a duly noticed public hearing regarding Planned Residential Development Permit No. 20-203-0 and has taken the necessary action under California Environmental Quality Act leading to approval of said permit; NOW, THEREFORE,

BE IT RESOLVED, that the City Council of The City of San Diego does hereby:

1. Grant the permit for 110 dwelling units as requested, subject to the terms and conditions attached to Planning Department Report No. 81-194 and set forth in paragraph 3 hereof.

2. Make the following findings:

(A) The proposed use will fulfill an individual and/or community need and will not adversely affect the City of San Diego Progress Guide and General Plan ("General Plan"), the Mid-City Community Plan ("Mid-City Plan") and the State University Area Plan ("State Plan"):

(i) The project fulfills an individual and community need by providing for additional housing in an area where a substantial demand exists.

(ii) The project will not adversely affect the General Plan, Mid-City Plan or State Plan, by reason of the following:

(a) The project preserves over 88% of the property in natural and permanent open space. The open space area will be dedicated to the City for its permanent use and

protection. (General Plan, pages 95-99; Mid-City Plan, pages 40, 43 and 46; State Plan, pages 41-43.)

(b) The proposed density conforms with the zoning of the project area (R-1-5 to R-1-40). The General Plan provides that open space that is not publicly owned or acquired will be preserved through regulatory devices and these areas will be permitted to develop in a manner consistent with the zoning as applied to them. (General Plan Land Use Map, General Plan, page 98.)

(c) The project preserves all of Montezuma Canyon as open space which will be dedicated to the City for its permanent use and protection. The State Plan, in which Montezuma Canyon is located, provides that open space be limitedly developed under zoning and/or acquisition initiated through private means. (State Plan, page 42.)

(d) The project provides high quality multi-family residential development. (Mid-City Plan, page 39.)

(e) The project provides for the efficient use of residential land and various densities according to locations and nature of the area. (Mid-City Plan, page 47.)

(f) The project provides open space of over 88% of the project site in conjunction with a planned unit development. (Mid-City Plan, page 52.)

(g) The project provides a planned residential development in a canyon and with negligible impact on the hillsides. (General Plan, page 119.)

(h) The project provides sensitive development which is built in a way which complements the natural character of hillsides and relates well to the regional open space system.

(General Plan, page 163.)

(B) The proposed use, because of 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 property in the vicinity:

(i) The design and grading plan for the project will leave the majority of the canyons and hillsides undisturbed and preserved in their natural state. The project will involve only a minimal cutting of canyon walls. This minimal cutting is far less than would result from an alternative project of one unit per acre.

(ii) No erosion, slide damage, or flooding problems will occur due to the minimal grading on canyon walls, the proposed landscaping and the installation of a canyon subdrain system.

(iii) An extensive landscaping plan will improve the general visual quality of the area adjacent to and viewed from Fairmount Avenue and will buffer the development from surrounding residences.

(iv) Additional traffic impacts will be minimal and the project will include the addition of a third lane to control access into and out of the development.

(v) The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises. The development of the project will involve only a minimal cutting of canyon walls and minimal disturbance to the canyon. The proposed grading of 144,000 cubic yards is minimal in relation to the 69.7 acre project area. The ratio of total cubic

yards per dwelling unit (approximately 1,309 per unit) is not excessive in comparison with other developments and subdivisions.

(vi) The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or severe cutting or scarring due to the minimal impact of the grading on canyon walls, the proposed landscaping and the installation of a canyon subdrain system.

(vii) By preserving over 88% of the property in natural and open space and by providing a high quality residential development with extensive landscaping, the proposed development will serve to preserve and enhance the natural environment and the aesthetic qualities of the site.

(C) The proposed use will comply with the relevant regulations in the Municipal Code.

(D) The following evidence is incorporated herein by this reference and serves as further support for the findings necessary pursuant to Section 101.0900 of the Municipal Code of The City of San Diego:

(i) The mitigation measures in findings adopted pursuant to the California Environmental Quality Act.

(ii) The resolution of approval and findings adopted for the Tentative Subdivision Map No. 01-074-0.

(iii) The maps, exhibits, written documents, materials contained in the file regarding this permit on record at the City of San Diego, the written documents referred to herein, the oral presentation presented, and the table of changes made to the project which is attached hereto as Exhibit "A" of this resolution.

3. The appeal from the Planning Commission approval of Planned Residential Development Permit No. 20-203-0 and Tentative Subdivision Map No. 01-074-0 is hereby denied and the project is approved subject to the following conditions in addition to those attached to Planning Department Report No. 81-194:

(1) The project shall be modified as set forth on the plot plan filed with the City Council on August 18, 1981.

(2) The project as modified shall be subject to the review and approval of the final grading, landscaping and building plans by the Planning Director.

(3) No final map shall be approved by the City Council nor shall any construction permits whatsoever (such as an advance grading permit or otherwise), be granted by the City with respect to the development contemplated herein, prior to May 19, 1982 provided, however, that the City shall calendar a hearing for a progress report on the status of the public acquisition of the subject property on November 17, 1981 at 2:00 p.m., and at that hearing the City may delete this condition, if it determines that no substantial ongoing effort, having any reasonable probability of success, is being made to acquire the subject property for open space, or in the alternative, the City Council may calendar a public acquisition progress report for February 16, 1982 at 2:00 p.m. for further review.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ps  
11/9/81  
Or.Dept: Clerk  
PRD-20-203-0  
R-82-601  
Form=r.appeal

EXHIBIT A

SUPPLEMENT TO RESOLUTIONS FOR  
PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-203-0  
AND TENTATIVE SUBDIVISION MAP NO. 01-074-0

BE IT RESOLVED that the appeal from the Planning Commission of Planned Residential Development Permit No. 20-203-0 and Tentative Subdivision Map No. 01-074-0 be denied on the following conditions:

- (1) The project shall be modified as set forth on the plot plan filed with the City Council on August 18, 1981.
- (2) The project as modified shall be subject to the review and approval of the final grading, landscaping and building plans by the Planning Director.
- (3) No final map shall be approved by the City Council nor shall any construction permits whatsoever (such as an advance grading permit or otherwise), be granted by the City with respect to the development contemplated herein, prior to May 19, 1982 provided, however, that the City shall calendar a hearing for a progress report on the status of the public acquisition of the subject property on November 17, 1981 at 2.00 p.m., and at that hearing the City may delete this condition, if it determines that no substantial ongoing effort, having any reasonable probability of success, is being made to acquire the subject property for open space, or in

01699

R- 254834

the alternative, the City Council may calendar a public acquisition progress report for February 16, 1982 at 2.00 p.m. for further review.

- (4) The Planning Commission findings contained in its approval of April 2, 1981 are supplemented and modified as attached hereto and this approval shall be final upon adoption hereof.

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-203-0  
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to FAIRMOUNT LTD., a limited partnership, 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 Municipal Code of The City of San Diego.

1. Permission is hereby granted to Permittee to construct and operate a planned residential development located east of Fairmount Avenue between Montezuma Road and Natalie Drive more particularly described as portions of Lot 23 of Rancho Mission of San Diego in the R-1-5 (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. 110 dwelling units
- b. Off-street parking
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Recreational facilities including pool, spa, recreation building and tennis courts.

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. This planned residential development shall be constructed prior to sale to individual owners to insure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.

6. Not less than 312 parking spaces (or at a ratio of 3:1) shall be provided. Each of the parking spaces 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 April 2, 1981. 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.

7. 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.

8. No building additions shall be permitted unless approved by the Planning Director. 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.

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

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-1-5 Zone.

12. Sidewalks shall be provided from each unit to a sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk.

13. All of the private streets shall be named and begin with the term "Caminito," "Row," or "Ruelle."

14. Public refuse collection shall not be permitted unless approved by the Director of General Services.

15. All private streets shall be improved to the requirements set forth by the Engineering and Development Director.

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

17. Failure to utilize subject permit within 24 months will automatically void the same, unless an extension of time has been granted by the Planning Director as set forth in the Municipal Code.

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

Passed and adopted by the City Council of The City of San Diego on August 18, 1981.

01703

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 April 2, 1981, 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 April 2, 1981, 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.

01704

4. This planned residential development permit must be utilized within 24 months after the effective date thereof. Failure to utilize subject permit within 24 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.



AUG 18 1981

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Barbara Benidge, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-254834 Adopted AUG 18 1981