

(R-82-684)

RESOLUTION NUMBER R- 255203

Adopted on OCT 13 1981

PLANNED RESIDENTIAL DEVELOPMENT PERMIT
NO. 20-219-0

WHEREAS, HENEGAR HOMES, INC., a California corporation, Owner, hereafter referred to as "Permittee," filed an application to construct 30 dwelling units on 8.83 acres, being a portion of Section 24, Township 14 South, Range 4 West, S.B.B.M., located at the southerly terminus of Mira Montana and Mango Drives in the R-1-15 (portions HR) Zone and within the boundaries of the Torrey Pines Community Plan; and

WHEREAS, on August 20, 1981, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 20-219-0, and filed said decision in the office of the City Clerk on August 31, 1981; and

WHEREAS, on August 25, 1981, the TORREY PINES COMMUNITY PLANNING GROUP, by Adrian Marine, the TORREY PINES PROTECTIVE ASSOCIATION, by Maralyn Benn; and on August 26, 1981, the CALIFORNIA STATE PARK RANGERS ASSOCIATION, by Richard Parmer, appealed the decision of the Planning Commission, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code; and

WHEREAS, said appeal was set for public hearing on October 13, 1981; 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:

All of the following facts exist with respect to Planned Residential Development Permit No. 20-219-0:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The City Council believes this finding can be met. The project is located within the Torrey Pines community planning area which shows the property for very low (0-4 dwelling units per acre) residential development. The applicant is proposing 30 dwelling units at a density of 3.4 units per acre, which is consistent with the community plan.

2. 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. The Engineering and Development and Fire Departments have indicated that adequate access for vehicular traffic and emergency vehicles has been provided. The Fire Department has indicated that a 30-foot setback from the Torrey Pines State Reserve Extension provides a sufficient fuelbreak. In addition only 4% of the land with a slope of 25% or greater is proposed to be graded resulting in minimal disturbance; proposed

landscaping and drainage system are adequate to control erosion and runoff; the major portion of the bluff will remain undisturbed. The Council believes this finding can be met.

3. The proposed use will comply with the relevant regulations of the Municipal Code. The applicant is proposing 8.71 acres of total open space which is 2.51 acres more than is required. In Addition, 3.28 acres of usable open space is proposed where only 3.10 is required; therefore, the Council believes this finding can be met.

BE IT FURTHER RESOLVED, that the Council makes further findings as follows:

A. The proposed used 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") and the Torrey Pines Community Plan:

(i) The project fulfills an individual and community need by providing for additional housing in an area where a substantial demand exists. (Torrey Pines Community Plan, pages 21 and 22.)

(ii) The project will not adversely affect the General Plan and the Torrey Pines Community Plan:

(a) The proposed density conforms with the zoning (R-1-15) and plan designation of Very Low Density (0-4 du/NRA) of the project area. (Torrey Pines Community Plan, page 22.)

(b) The project preserves approximately 69% of the property in natural and landscaped open space. A

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common open space area of 50% will be granted to the City for its permanent protection. (Torrey Pines Community Plan, pages 22, 23, 26 and 27.)

(c) The project provides sensitive development which is built in a way which complements the natural character of the setting and relates well to the adjacent Torrey Pines State Reserve Extension. (Torrey Pines Community Plan, pages 22, 23, 26 and 27.)

(d) The project provides high quality multi-family planned residential development. (Torrey Pines Community Plan, page 22.)

(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 Engineering and Development and Fire Departments have indicated that adequate access for vehicular traffic and emergency vehicles has been provided. Also, the Fire Department has indicated that a 30-foot setback from the Torrey Pines State Reserve Extension provides a sufficient fuelbreak.

(ii) The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises. The proposed grading of 15,000 cubic yards is minimal in relation to the 8.83 acre project area. The ratio of total cubic yards per dwelling unit (approximately 500 per unit) is not excessive

in comparison with other developments and subdivisions. Also, only 4% of the land with a slope of 25% or greater is proposed to be graded.

(iii) 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, the proposed landscaping and the installation of a storm drain system designed for a 100 year flood.

(iv) By preserving approximately 69% of the property in natural and landscaped 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 Tentative Subdivision Map TM-02-029-0; and

(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, and the oral presentation presented.

BE IT FURTHER RESOLVED, that the appeals of the TORREY PINES COMMUNITY PLANNING GROUP, by Adrian Marine, the TORREY PINES PROTECTIVE ASSOCIATION, by Maralyn Benn, and the CALIFORNIA STATE PARK RANGERS ASSOCIATION, by Richard Parmer, are denied, the decision of the Planning Commission is upheld, and this Council does hereby granted to HENEGAR HOMES, INC. Planned Residential Development Permit PRD-20-219-0, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof, and with the further following conditions:

1. That construction not start until after April 1, 1982.
2. That there be a reduction in the height of the units to 25 feet.
3. That approximately 100 Torrey Pines be planted by the developer as a buffer on the edge of the bluff line.
4. That a firebreak be maintained not less than 30 feet on each side of structures as recommended in the 1979 edition of the Uniform Fire Code as referred to in the letter dated July 16, 1981, from the San Diego Fire Department to the California Department of Parks and Recreation, a copy of which is attached hereto and by this reference incorporated herein.

APPROVED: John W. Witt, City Attorney

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

FCC:ps
12/1/81
Or. Dept: Clerk
PRD-20-219-0
R-82-684



THE CITY OF

SAN DIEGO

FIRE DEPARTMENT • 1222 FIRST AVENUE • SAN DIEGO, CALIFORNIA • 92101

July 16, 1981

Herb Heinzie
Regional Director
California Department of Parks and Recreation
2505 Congress Street
San Diego, CA 92110

AUSTIN-HANSEN, A.I.A.
JUL 17 1981
RECEIVED

This correspondence is in reference to the proposed property development known as Torrey Pines Reserve being conducted by Henegar Homes, Inc., which borders on Torrey Pines State Park. As requested by Mr. Herb Heinzie of the California Parks and Recreation Department, and Mr. Jon Briggs of Henegar Homes, Inc., this letter outlines the recommendations of the City of San Diego Fire Department for a firebreak between the proposed project and the Park.

Recommendations were based on the 1979 edition of the Uniform Fire Code, Appendix E, Section 16a.

Recommendations to provide reasonable firesafety for the property in question relating to a firebreak between the property and the Park are:

To maintain around and adjacent to any building or structure an effective firebreak made by removing and clearing away for a distance therefrom of not less than thirty (30) feet on each side thereof, all flammable vegetation or other combustible growth. This Section shall not apply to single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

If you have any questions concerning this matter please contact me at:

San Diego Fire Department
Fire Prevention Bureau
1222 First Avenue
San Diego, CA 92101
Telephone: 236-6495

Sincerely,

Michael A. Burner

Michael A. Burner, Captain
Deputy Fire Marshal

MAB:js

cc: Russell Hunt, Project Manager ✓
Austin-Hanson, Inc.

R-255203
00261

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-219-0
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to HENEGAR HOMES, INC., 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 Municipal Code of The City of San Diego.

1. Permission is hereby granted to Permittee to construct and operate a Planned Residential Development located south of Mira Montana Drive between Del Mar Heights Elementary School and Calais Drive, more particularly described as portion of SE1/4 of NW1/4 of Section 24, T14S, R4W, SBBM, in the R-1-15 (portion 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. 30 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 the 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. Such areas shall be coupled with the severalty interests of the owners of the dwelling units.

5. Not less than 118 parking spaces (or at a ratio of 3.93:1) 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. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated August 20, 1981. Areas and driveways shall be surfaced with not less than 2 inch 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 Director. Patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Homeowners' Association.

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

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

10. 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-1-15 Zone.

11. Sidewalks shall be provided from each unit to 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.

12. No grading is permitted on the custom lots indicated on Exhibit A dated August 20, 1981. Building plans shall have approval of the Homeowners' Association and the Planning Director prior to issuance of building permits.

13. The remainder of this planned residential development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.

14. Landscaping with Torrey Pines shall utilize native species (*Pinus torreyana*).

15. Installation of a temporary fence is required along the Torrey Pines State Reserve Extension boundary to prevent off-site disturbance during construction.

16. Easements giving public access to Torrey Pines State Reserve Extension shall be marked with appropriate signs which have been approved by the Planning Director. Easement area

shall be maintained by Homeowners' Association. Nine parking spaces shall be available for visitors to the State Reserve.

17. The plans on file with the Planning Department and approved by the Planning Commission on August 20, 1981, shall be revised to limit the building height to 25 feet in the southwesterly portion of the property. Such revised plans shall be submitted to, reviewed and approved by the Planning Director.

18. The landscape plans on file with the Planning Department and approved by the Planning Commission on August 20, 1981, shall be revised to provide approximately 100 Torrey Pine trees in the southwesterly portion of the property in order to mitigate any adverse visual impact of the project from the Torrey Pines Reserve Extension. Such revised plans shall be submitted to, reviewed and approved by the Planning Director.

19. A minimum 30 foot fuelbreak setback shall be maintained as specified in the letter dated July 16, 1981, from Deputy Fire Marshal Michael A. Burner to Herb Heinze, Regional Director, California Department of Parks and Recreation.

20. 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 October 13, 1981.

FCC:ps
PRD-20-219-0
12/1/81

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 20, 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 August 20, 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.

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.

OCT 13 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 checked="" type="checkbox"/>	<input 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 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"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 *Barbara Berridge*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255203 Adopted OCT 13 1981