

(R-82-1711)

RESOLUTION NUMBER R- 256125

Adopted on MAR 30 1982

WHEREAS, MARDEL PROPERTIES, c/o DENA PICTURES, INC., a general partnership, Owner, and WATT INDUSTRIES/SAN DIEGO INC., a California corporation, hereafter referred to as "Permittee," filed an application to construct and operate a planned residential development located east of El Camino Real, southerly and easterly of Via de la Valle, described as portions of Sections 4 through 9, Township 14 South, Range 3 West, S.B.B.M.; and

WHEREAS, on October 7, 1981, the Planning Director of The City of San Diego approved said Planned Residential Development Permit No. 20-252-0, and filed said decision in the office of the City Clerk on February 1, 1982; and,

WHEREAS pursuant to Section 101.0900 of the San Diego Municipal Code, the Rancho Santa Fe Association, by Richard D. Westfall, Planning Director, appealed the decision of the Planning Director; and

WHEREAS, said appeal was set for public hearing on November 5, 1981, continued to November 19, 1981 and December 3, 1981, when the Planning Commission of The City of San Diego made its findings of facts, denied the appeal and upheld the decision of the Planning Director and the Subdivision Board; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, the RANCHO SANTA FE ASSOCIATION, by Ellen B. Spellman, attorney, appealed the decision of the

Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 30, 1982; 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:

That all of the following facts exist with respect to Planned Residential Development Permit No. 20-252-0:

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 Council believes this finding can be met. The Precise Plan Amendment shows this area for one dwelling unit per acre, consistent with the A-1-1 Zone. This proposed PRD results in slightly less than one dwelling unit per acre.

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 Council believes that this finding can be met. The applicant is providing access from San Dieguito Road and Via de la Valle. All slopes will be revegetated. The Engineering and Development Department has indicated that there is adequate access for vehicular traffic and emergency vehicles, as well as public facilities being available.

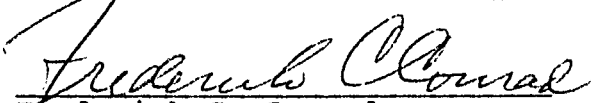
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3. The proposed use will comply with the relevant regulations in the Municipal Code. The Council believes that this finding can be met. The applicant is providing 355 acres of open space where 219 acres would be required. In addition, the applicant is providing 157 acres of usable open space where 109 acres is the minimum required.

BE IT FURTHER RESOLVED, that the appeal of the RANCHO SANTA FE ASSOCIATION, by Ellen B. Spellman, attorney, is denied, and this Council does hereby grant to MARDEL PROPERTIES, c/o DENA PICTURES, INC., a general partnership, Owner, and WATT INDUSTRIES/SAN DIEGO INC., a California corporation, Permittee, Planned Residential Development Permit No. 20-252-0, 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
Deputy City Attorney

FCC:clh
4/7/82
Or.Dept:Clerk
R-82-1711
Form=r.none

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Planned Residential Development Permit
No. 20-252-0

This planned residential development permit is granted by the Planning Director of The City of San Diego to MARDEL PROPERTIES, a general partnership, Owner, and WATT INDUSTRIES/SAN DIEGO INC., a California corporation, 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 Owner and Permittee to construct and operate a planned residential development located east of El Camino Real, southerly and easterly of Via de la Valle, more particularly described as portions of Sections 4 through 9, Township 14 South, Range 3 West, S.B.B.M., in the proposed A-1-1 Zone.

2. The planned residential development shall include and the term "project" as used in the planned residential permit shall mean the total of the following facilities:

- a. 341 units;
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Recreational facilities.

3. Prior to the issuance of any building permits, the accompanying rezoning shall be approved by the City Council and a final subdivision map or maps shall be recorded on the subject property.

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

5. No less than 1,092 parking spaces, or at a ratio of 3.2:1, 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 CC&Rs. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated October 7, 1981. Areas and driveways shall be surfaced with not less than two-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 A-1-1 zone.

11. Sidewalks shall be provided from each unit to the 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. If private streets are proposed, such streets shall be named and begin with appropriate terms; such as: "Caminito"; "Ruelle"; or "Row."

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

15. A sprinkler system shall be installed for each residence, satisfactory to the Fire Department.

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

17. 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 24 months after the effective date of the concurrent A-1-1 rezoning Case No. 5-81-076. 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.

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

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON MARCH 30, 1982.

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 October 7, 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 October 7, 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 24 months after the effective date of the concurrent A-1-1 rezoning Case No. 5-81-076. 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.

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.

Passed and adopted by the Council of The City of San Diego on MAR 30 1982,
 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 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"/>
Ed Struiksma	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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)

B. *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-256125 Adopted MAR 30 1982