

(R-83-508)

RESOLUTION NUMBER R- 257186

Adopted on SEP 20 1982

WHEREAS, TREETOPS UNLIMITED, a California Corporation, hereafter referred to as "Owner," and PACIFIC SCENE INCORPORATED, a California corporation, hereafter referred to as "Permittee," filed an application to construct a 192 dwelling unit subdivision on property located on the east side of Genesee Avenue between Balboa Avenue and Marlesta Drive and within the boundaries of the Clairemont Mesa Community Plan and more particularly described as Lots 332 through 403, Cambridge Colony Unit No. 1, Map 9260, and a portion of Pueblo Lot 1212, Miscellaneous Map 36; and

WHEREAS, on July 8, 1982, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Permit No. 20-256-0, and filed said decision in the office of the City Clerk on July 21, 1982; and

WHEREAS, on July 15, 1982, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, CLAIREMONT COALITION FOR SAFE AND PLANNED DEVELOPMENT, by Ram Hawley, appealed the decision of the Planning Commission; and

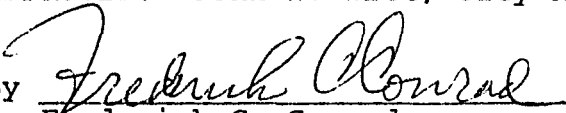
WHEREAS, said appeal was set for public hearing on September 20, 1982; and

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 hearings; NOW, THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego hereby adopts as its findings the findings set forth in Planning Report No. 82-320, dated July 2, 1982, and found beginning at Page 3 of said report, a copy of which is attached hereto and by this reference incorporated herein, and which findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that the appeal of CLAIREMONT COALITION FOR SAFE AND PLANNED DEVELOPMENT, by Ram Hawley, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to Owner/Permittee Planned Residential Development Permit No. 20-256-0, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof, provided Owner/Permittee submits for approval of this Council a workable plan for handling the drainage from the development.

APPROVED: John W. Witt, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:imb  
12/06/82  
Or.Dept:Clerk  
PRD No. 20-256-0  
Case No. 5-81-085

FINDING OF FACT:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. This property is located within the Clairemont Mesa Community Plan which designates this site for low (5-10 dwelling units per acre) and medium (15-45 dwelling units per acre) densities. The project is proposed at a density of 12.9 dwelling units per acre which is consistent with the adopted community plan. The Planning Commission believes this finding has been satisfied.
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 will be provided for vehicular traffic and emergency vehicles. Conditions attached to the tentative map shall insure the provision of public improvements. Proposed "A" Street is aligned to allow for the future extension of Mt. Albertine Avenue from Balboa Avenue to Genesee Avenue if the alignment is retained in the community plan and other privately held property is developed to insure this extension. The Planning Commission believes this finding has been made.
3. The proposed use will comply with the relevant regulations in the Municipal Code. The minimum required total open space for this project is 8.40 acres and 13.70 are proposed. However, the minimum required usable open space is 4.20 acres and only 3.49 acres are provided. In order to grant a deviation from the minimum required usable open space, three additional findings must be made.
  - a. The first finding states because of special circumstances applicable to the property including size, shape, topography, location or surroundings the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification. Approximately 53 percent of the site has an existing slope of 25 percent or greater. The majority of the development is concentrated in the areas with a less steep slope. The Planning Commission believes that the topography of this site allows for this finding to be made.
  - b. The second finding states that any deviation granted with assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which properties situated because of the conditions imposed. A portion of this property is located in the Hillside Review Zone. In order to achieve the required minimum usable open space, excessive grading would have to occur on steep sloping portions of the property. The Planning Commission believes that this finding can be made.

- c. The third finding states that the granting of the deviation does not adversely effect the Progress Guide and General Plan for The City of San Diego or the adopted plan of any governmental agency. The General Plan and the Clairemont-Mesa Community Plan encourage minimal grading and development on steep sloping sites. Therefore, the Planning Commission believes that this finding can be made.

The three findings for deviation of the required usable open space can be met and the total proposed open space has been provided for this project. Therefore, the Planning Commission believes that the third finding for Planned Residential Development can be made.

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-256-0

CITY COUNCIL

This Planned Residential Permit is granted by the City Council of The City of San Diego to TREETOPS UNLIMITED, a California corporation, "Owner," and PACIFIC SCENE INCORPORATED, a California corporation, "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, provided Owner/Permittee submits for approval of this Council a workable plan for handling the drainage from the development.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Residential Development located on the east side of Genesee Avenue, between Balboa Avenue and Marlesta Drive, more particularly described as Lots 332 through 403, Cambridge Colony Unit No. 1, Map 9260, and a portion of Pueblo Lot 1212, Miscellaneous Map 36, and within the boundaries of the Clairemont Mesa Community Plan.

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. 192 units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Pool, spa and recreational building.

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.

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 470 parking spaces (or at a ratio of 2.45:1) 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 C.C. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated September 20, 1982. 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 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-1-5 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. If private streets are proposed, such streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," or "Row."

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

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

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

16. Delete Condition 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 twenty-four months after the effective date of the concurrent R-2A rezoning (Case No. 5-81-085). Failure to utilize subject Permit within twenty-four months, will automatically void the same, unless an extension of time has been granted by the Planning Director as set forth in the Muncipal Code."

17. Noise from Genesee Avenue shall be mitigated as indicated on the Mitigation Negative Declaration report.

18. Landscaping shall be in accordance with Exhibit "A," dated September 20, 1982 to ensure that erosion on the northern slopes is adequately controlled.

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

Adopted by the Council of The City of San Diego on September 20, 1982.



## GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete grading and building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A," dated September 20, 1982, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and 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 an appropriate application for an amendment to this permit has been approved and granted.
2. Prior to the issuance of any grading or building permits, a complete landscape 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 September 20, 1982, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit for any building. Such planting shall not be modified or altered unless this permit has been amended to permit such modification or alteration.
3. All outdoor lighting shall be shaded and adjusted so that the light therefrom is directed to fall only on the premises where such light sources are located.
4. This planned residential development permit must be utilized within 24 months after the effective date thereof. Failure to utilize the permit within 24 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Municipal Code. The effective date of this permit shall be the seventh day following action by the Planning Commission or, if an appeal of the Planning Commission decision is filed, the effective date of the permit shall be the day on which the City Council acts to refuse to hear the appeal or, having heard the appeal, acts to approve the permit.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This planned residential development permit shall not be final until the seventh day following the decision of the Planning Commission and is subject to appeal to the City Council as provided in Section 101.0900 of the Municipal Code of The City of San Diego.
7. No development shall commence, nor shall any permit for construction be issued, until the following events have occurred:
  - a. Permittee has agreed to every condition hereof by having this planned residential development permit signed within 90 days of

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS  
Page 2

the Planning Commission's decision; in no event shall this condition be construed to extend the time limitation as set forth in Condition No. 4 above, i.e., the time commences to run on the date that the Planning Commission granted this planned residential development permit;

- b. This planned residential development permit executed as indicated has been recorded in the office of the County Recorder.

8. After establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Director.

9. The property included within this planned residential development shall be used only for the purposes and under the terms and conditions set forth in this permit unless specifically authorized by the Planning Director of unless the permit has been revoked by The City of San Diego.

10. 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 the Permittee or 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 initiated by the City or Permittee. The Planning Director may cancel or revoke this permit, with that decision appealable to the Planning Commission; public notice will be provided as in Section 101.0900. An appeal from the decision of the Planning Commission may be taken to the City Council within seven (7) days after the decision is filed with the City Clerk; the City Clerk shall set this matter for public hearing before the City Council, giving notice as provided in Section 101.0900.

11. 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 on Permittee and any successor or successors thereto, and the interests of any successor shall be subject to 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.

TREETOPS UNLIMITED, a California corporation  
By \_\_\_\_\_

NOTE: NOTARY ACKNOWLEDGMENTS  
MUST BE ATTACHED - PER  
CIVIL CODE, SEC.1180 et seq.

PACIFIC SCENE INCORPORATION, a California corp.

By

00631

Passed and adopted by the Council of The City of San Diego on SEP 20 1982,  
 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"/>
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 type="checkbox"/>	<input checked="" 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.

(Seal)

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

By Jane A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-257186 Adopted SEP 20 1982