

(R-83-957)

RESOLUTION NUMBER R- 257607

Adopted on DEC 07 1982

WHEREAS, COWLES MOUNTAIN ASSOCIATES, a General Partnership, hereafter referred to as "Owner/Permittee," filed an application to amend Planned Residential Permit No. PRD-20-141-0 to permit construction of 146 additional dwelling units on the eastern portion of their property, resulting in a total of 168 units on Lots 4 through 7, and a total of 308 dwelling units on the entire site, located between the extension of Lake Murray Boulevard and Cowles Mountain Boulevard, described as Portion of Lot 70, Rancho Mission of San Diego, SCC No. 15191, in the A-1-10 (Portion HR) Zone, (proposed R-1-5 and R-2 Zones), in the Navajo Community Plan area; and

WHEREAS, on August 12, 1982, the Planning Commission of The City of San Diego made its findings of facts, granted Planned Residential Permit No. 82-0002, and filed said decision in the office of the City Clerk on September 1, 1982; and

WHEREAS, on August 18, 1982, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, NAVAJO COMMUNITY PLANNERS, INC., by Henry Wilson, Board Member, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 26, 1982, continued to November 23, 1982 and further continued to December 7, 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, by the Council of The City of San Diego as follows:

All of the following facts exist with respect to Planned Residential Permit No. 82-0002:

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 Navajo Community Plan is being amended to allow low-medium density residential (10-14 DU/AC). There are public services and facilities sufficient to accommodate 168 dwelling units on Units 4-7. The proposed project of 168 dwelling units results in a density of 11 DU/AC and, therefore, is consistent with the proposed density range of the Community Plan. In addition, the project will provide the community need of affordable housing.

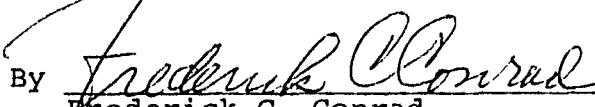
2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The Planned Residential Permit proposes an adequate on-site and guest parking and shows landscaping on slopes. Most of the disturbance is necessary in order to build Lake Murray Boulevard. A density of R-1-5 would not provide an advantage of a lesser graded pad area. Therefore, the proposed Planned Residential Development sensitively provides housing with a clustered product on already existing steep topography.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The Planned Residential Development ordinance requires the Planned Residential Development density not exceed the Community Plan or zone, whichever is less. The proposed Planned Residential Development is consistent with the proposed amendment to the Navajo 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 appeal of NAVAJO COMMUNITY PLANNERS, INC., by Henry Wilson, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to Owner/Permittee Planned Residential Development Permit No. 82-0002 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
Chief Deputy City Attorney

RECORDED
INDEXED
FCC:imb
12/20/82
Or. Dept: Clerk
Case No: 82-0002
Form: none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 82-0002

CITY COUNCIL

This Planned Residential Permit is granted by the City Council of The City of San Diego to COWLES MOUNTAIN ASSOCIATES, a General Partnership, "Owner/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 "Owner/Permittee" to construct and operate a Planned Residential Development located between the extension of Lake Murray Boulevard and Cowles Mountain Boulevard, more particularly described as Portion of Lot 70, Rancho Mission of San Diego, SCC No. 15191, in the existing A-1-10, portion HR Zone (proposed R-2, portion 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. 308 dwelling units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Two swimming pools, cabanas and spas.

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. Not less than 504 parking spaces (or at a ratio of 3.1) shall be provided for Units 1-3. Not less than 386 parking spaces (or at a ration of 2.3:1) shall be provided for Units 4-7. 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 December 7, 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 1-1/2:1.

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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. All of the private streets shall be named and begin with the term "Caminito."

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 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 R-2 rezoning (Case No. 82-0002). 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.

17. Appropriate noise attenuation measures shall be

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utilitized to insure exterior noise level, be reduced to below 65 (db) by the construction of noise attenuating berms and walls surrounding the proposed recreation areas shown on Units 4 through 7.

18. A six-foot earth berm, block wall or equivalent solution, to be approved by the Deputy Director of Environmental Quality Division, shall be constructed along Cowles Mountain Boulevard.

19. The effectiveness of this permit shall be conditioned on the City Council amending the Navajo Community Plan to allow the proposed density.

Adopted by the Council of The City of San Diego on December 7, 1982.

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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 December 7, 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 December 7, 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

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GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS
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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.

PC
12/14/81

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257407

Deputy Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
)
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 BILL CLEATOR, known to me to be the Deputy 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 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 conditional use permit and promises to perform each and every obligation of Permittee hereunder.

COWLES MOUNTAIN ASSOCIATES, a Genl. Partnership

By: _____

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

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DEC 07 1982

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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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.

(Seal)

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

By *Mayra L. Panteleon*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-257607* Adopted **DEC 07 1982**