

(R-83-1200)

RESOLUTION NUMBER R- 25785A

Adopted on JAN 25 1983

WHEREAS, TECHBILT CONSTRUCTION CORPORATION, a California corporation, hereafter referred to as "Owner/Permittee," filed an application to construct and operate a planned residential development east of Regents Road between Conrad and Ogalala Avenues, within the boundaries of the Clairemont Mesa Community Plan area, and more particularly described as portions of Pueblo Lots 1237 and 1238 of the Pueblo Lands, Miscellaneous Map No. 36, (approximately 19.16 acres), in the R-1-15 (HR) Zone, (proposed R-1-10 Zone); and

WHEREAS, on May 13, 1982, the Planning Commission of The City of San Diego made its findings of facts, denied Planned Residential Development Permit No. 20-231-0, and filed said decision in the office of the City Clerk on June 8, 1982; and

WHEREAS, on May 18, 1982, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, TECHBILT CONSTRUCTION CORPORATION, by James Milch, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 23, 1982, continued to October 12, 1982, November 22, 1982 and January 25, 1983; 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 Development Permit No. 20-231-0:

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 is supported because the proposed project would provide moderately priced family housing within an already established community of the city. By promoting housing growth in a developed area at affordable prices, the project would be fulfilling the goal of the Progress Guide and General Plan to preserve San Diego while meeting the community's needs for housing. Additionally, development of the Greenbelt project would result in the retention of approximately ten acres of natural, undisturbed land, of which 5.25 percent will be deeded to The City of San Diego for open space. The project will, therefore, provide the Clairemont community with additional permanent open space, which The City of San Diego, due to lack of sufficient funds, would otherwise not be able to acquire.

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of the persons residing or working in the area and will not adversely affect other property in the vicinity. The Engineering and Development Department and the Fire Department of The City of San Diego have indicated that there is adequate access for vehicular traffic and emergency vehicles. Additionally, the Transportation Development Division

has indicated that the project would not adversely affect traffic circulation in the project vicinity. This property is located within a Hillside Review Zone, which requires additional landscaping and special considerations for hillside grading. The proposed landscaping is adequate to reduce the visual impacts of the proposed grading and to control soil erosion. For these reasons, this finding can be made.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The applicant is providing 18.3 acres of total open space where 5.37 acres are required. In addition, the Council believes that the criteria which require that "recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units" would be met. The recreational area is located near the center of the development within easy access of all future residents.

4. The proposed usable open space for the Greenbelt Planned Residential District project is 2.05 acres, which is 0.64 acres less than is required. Three additional findings are, therefore, needed in order to grant a deviation from the requirements. The first finding states that because of special circumstances applicable to the property, including size, shape, topography and location, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification. Approximately 90 percent of the site has slopes greater than 25 percent. In order to fit the grading into the character of the surrounding steep topography, the applicant proposes to minimize the grading needed to achieve the usable

open space of a grade less than ten percent. The City Council believes that this finding can be met. The second finding states any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which property is situated because of the conditions imposed. The applicant is providing an additional 12.9 acres of total open space within the boundaries of the Planned Residential District. The City Council believes this finding can be met. The third finding states that the granting of the deviation does not adversely affect the Progress Guide and General Plan for The City of San Diego or the adopted plan of any governmental agency. The general plan designates this area for residential development. Because this Planned Residential Development is providing more than the required total open space, the City Council believes this finding can be met. The City Council believes that, as the three findings for deviation of usable open space can be met and as the required total open space is provided, the third finding for a Planned Residential Development can be made.

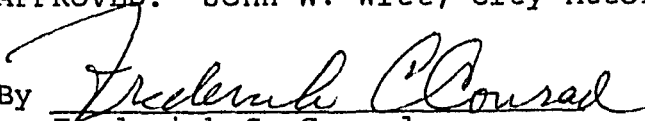
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of TECHBILT CONSTRUCTION CORPORATION, by James Milch, is granted, the decision of the Planning Commission is overruled, and this Council does hereby grant to Owner/Permittee Planned Residential Development Permit No. 20-231-0, in the form and with the terms and conditions as set forth in the permit attached hereto and

made a part hereof, provided 1) an open space easement be granted to The City of San Diego, and 2) that as part of the project a traffic signal be installed at the intersection of Lakehurst and Clairemont Drive at the sole cost and expense of the developer.

APPROVED: John W. Witt, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:imb
02/08/83
Or.Dept:Clerk
Case No. 5-81-031
Form=r.none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-231-0

CITY COUNCIL

This Planned Residential Permit is granted by the City Council of The City of San Diego to TECHBILT CONSTRUCTION CORPORATION, a California corporation, "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 east of Regents Road between Conrad and Ogalala Avenues, and more particularly described as portions of Pueblo Lots 1237 and 1238 of the Pueblo Lands, Miscellaneous Map No. 36, (approximately 19.16 acres), in the R-1-15 (HR) Zone, (proposed R-1-10 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. 78 attached units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Cabana, pool, jacuzzi and spa.

3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property. Building Permits may be issued for model units prior

to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

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 250 parking spaces (or at a ratio of 3.2) 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 January 25, 1983. 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.

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-1-10 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-1-10 rezoning (Case No. 5-81-031). 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. The "Permittee" shall comply with the General Conditions for Planned Residential Developments attached hereto and made a part hereof.

Adopted by the Council of The City of San Diego on January 25, 1983.

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 January 25, 1983, 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 January 25, 1983, 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
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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

3306

Passed and adopted by the Council of The City of San Diego on JAN 25 1983,
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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Golding | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <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"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Vacant |

AUTHENTICATED BY:

BILL CLEATOR

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Barbara Berridge, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-257854 Adopted JAN 25 1983