

(R-84-61)

RESOLUTION NUMBER R- 258879

Adopted on JUL 12 1983

WHEREAS, PRUDENT BUENA VISTA PROPERTIES, a limited partnership, hereafter referred to as "Owner," and WOODCREST DEVELOPMENT, INC., a California corporation, hereafter referred to as "Permittee," filed an application for a Planned Residential Development Permit to construct and operate a planned residential development of 2,287 units, with parking and recreation facilities, located on the east side of Clairemont Drive between Dakota Drive and Iroquois Avenue, more particularly described as Clairemont Garden Map No. 2947 and Parcel Map No. 768, within the Clairemont Mesa Community Plan area, in the R-3 zone; and

WHEREAS, on April 28, 1983, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 82-0102, and filed said decision in the office of the City Clerk on May 17, 1983; and

WHEREAS, on May 4, 1983 and May 5, 1983, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, BUENA VISTA GARDENS TENANTS, by William J. Hatcher, HANS JOVISHOFF, TECOLOTE CANYON CITIZENS' ADVISORY COMMITTEE, by M. Eloise Battle, PATRICIA ANN STACY and CLAIREMONT MESA DEVELOPMENT COMMITTEE, INC., by Anita Marie Stroman, hereafter referred to as Appellants, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on June 28, 1983, continued to July 12, 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. 82-0102:

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 plan encourages a wide range of residential densities and building types. The proposed project includes townhouses, mid-rise and high-rise buildings. The proposed density of the project is 40 dwelling units per acre, which is within the range of 15 to 45 units shown in the community plan. The City Council believes that this finding can be made.

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 proposed project includes pedestrian access to be continued along Cowley Way. In addition, the proposed project includes observation areas to be located on the north and south of the area to ensure continued public access and visibility to the adjacent Tecolote Canyon. A landscaping plan is proposed which

will enhance the Tecolote Canyon area where disturbed for the purpose of a drainage plan. The Engineering and Development Department has indicated that there is adequate access for vehicular traffic and emergency vehicles. The parking ratio shown on Exhibit "A", dated April 7, 1983, is considered adequate by the Engineering and Development Department.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The City Council believes that this finding can be made. The Planned Residential Development is proposing 42 acres, which is 16 acres in excess of the minimum required. The proposed usable open space required is 13.1 acres. The permit indicates 27.8 acres, which is 14.7 acres in excess of what is required. In addition, the application proposes a variety of recreational facilities.

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 appeals of said Appellants are denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to PRUDENT BUENA VISTA PROPERTIES, a limited partnership, "Owner," and to WOODCREST DEVELOPMENT, INC., a California corporation, "Permittee," Planned Residential Development Permit No. 82-0102, 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
Frédéric C. Conrad
Chief Deputy City Attorney

FCC:ib:640
07/18/83
Or.Dept:Clerk
Case No. 82-0102
R-84-61
Form=r.none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 82-0102

CITY COUNCIL

This Planned Residential Development Permit is granted by the City Council of The City of San Diego to PRUDENT BUENA VISTA PROPERTIES, a limited partnership, "Owner," and WOODCREST DEVELOPMENT, INC., 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.

1. Permission is hereby granted to "Owner/Permittee" to construct a Planned Residential Development on premises located on the east side of Clairemont Drive between Dakota Drive and Iroquois Avenue, more particularly described as Clairemont Garden Map No. 2947 and Parcel Map No. 768, in the R-3 Zone.

2. The Planned Residential Development shall include the total of the following facilities:

- a. 2,287 dwelling units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Tennis courts, swimming pools, racquetball courts, spas, exercise rooms and community rooms.

3. Prior to the issuance of any building permits, a final subdivision map 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. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated April 7, 1983, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

7. 4,959 total parking spaces shall be provided (at a ratio of 2.17 spaces per dwelling unit). Of these spaces, 1,419 shall be provided for guests (at a ratio of .62 spaces per unit). 225 curb spaces may be included in the calculation. 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. & R.'s. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated April 7, 1983. 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.

8. Exterior radio or television antennas shall be prohibited except for one master antenna 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.

9. No building additions shall be permitted unless approved by the Homeowners' Association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

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

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

12. 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-3 Zone.

13. 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.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

15. The effective date of this permit shall be the day following the expiration of the appeal period or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the seventh day following Planning

Commission action or, if appealed, the day following City Council action. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set out in Section 101.0900 of the Municipal Code.

16. No development shall commence, nor shall any permit for construction be issued, until:

a. The Permittee signs and returns the permit to the Planning Department;

b. The Planned Residential Development Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the decision of the Planning Director, Planning Commission or City Council action, the permit shall be void.

17. 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 authorized by the Planning Director or the permit has been revoked by The City of San Diego.

18. This Planned Residential Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.

19. This Planned Residential Development Permit shall constitute a covenant running with the land; all conditions and

provisions shall be binding upon the Permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

20. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," or "Row." Public refuse collection shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.

21. 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.

22. Grading for the project shall be conducted during the dry season to the extent possible. Any grading along or within Tecolote Rim which occurs during the rainy season (October 31 to April 31) shall require special engineering measures to be approved by the City Engineer.

23. All construction areas shall be fenced during each phase of the project and safe pedestrian access all around the construction zones shall be maintained at all times.

24. An easement shall be granted to the City for pedestrian access at the northern and southern observation areas as shown on Exhibit "A."

25. The area of disturbance for the installation of drainage facility shall be hydroseeded with a natural plant mixture which includes the following plant species: Rhus

integrafolia, Rhus laurina, Artemesia californica, Heteromeles arbutiolia, Erigonum fasciculatuom, Lotus coparius and Diplacus puniceus.

26. The area of disturbance for the fire break shall be revegetated with a mixture of Atriplex and Bacchrias; no Capobrotus or Ice Plant species shall be used in areas which interface with Tecolote Canyon Open Space Preserve.

27. The relocation plan as defined by the Environmental Impact report shall be in effect until the existing units within the present development have been demolished and all tenants are relocated.

28. The relocation plan which is included in the Environmental Impact Report shall be updated for each building phase or every two years, whichever occurs first. The update of this relocation shall be approved by the Planning Director prior to the issuance of building permits.

29. The hours of operation for lighted tennis courts shall be from 6:00 a.m. to 10:00 p.m.

30. Prior to proceeding with Phase 5, subdivider will provide a specific Planned Residential Development plan amendment for approval of the Planning Director which incorporates the number of additional units to be added (not to exceed 100 units) to achieve 200 units of senior citizen housing.

Adopted by the Council of The City of San Diego on July 12, 1983.

JUL 12 1983

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"/>
Gloria McColl	<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 Roger Hedgecock	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Mayrill L. Porterson*, Deputy.

Office of the City Clerk, San Diego, California

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