

(R-85-1788)

RESOLUTION NUMBER R- 262331

ADOPTED ON APR 15 1985

WHEREAS, on October 22, 1979, the Planning Director of The City of San Diego granted Planned Residential Development Permit No. 172 to HOME SAVINGS & LOAN ASSOCIATION, a California corporation, Owner, and J.M. PETERS COMPANY, INC., a California corporation, Permittee, to construct and operate a planned residential development of 360 dwelling units, located south of Pomerado Road, between Avenida Magnifica and Semillon Boulevard, described as Portions of Sections 2 and 3, T15S, R2W, SBBM, and portions of Sections 34 and 35, T14S, R2W, SBBM, in the R-1-20 zone, and which has been subsequently amended by Planned Residential Development Permit No. 20-172-1, granted by the Planning Director on November 17, 1980; and

WHEREAS, on September 18, 1984, the Planning Director of The City of San Diego granted an amendment to Planned Residential Development Permit No. 20-172-1 (hereinafter identified as Planned Residential Development Permit No. 84-0614) to J. M. PETERS COMPANY, INC., a California corporation, Owner/Permittee, which permitted construction of a planned residential development entitled "Scripps Hills," located on the south side of Pomerado Road, between Avenida Magnifica and Semillon Boulevard, within the boundaries of the Scripps Miramar Ranch Community Plan, in the R1-20000 zone; and

WHEREAS, on October 11, 1984, the Planning Commission of The City of San Diego considered the appeal of the Planning Director's decision approving Planned Residential Development Permit No. 84-0614, pursuant to Section 101.0900 of the Municipal Code of The City of San Diego, and received for consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing, denied the appeal and sustained the decision of the Planning Director to grant the amendment; and

WHEREAS, on November 20, 1984, the Council of the City of San Diego considered the appeal brought by James M. Shelger from the Planning Commission's decision granting Planned Residential Development Permit No. 84-0614, pursuant to Section 101.0900 of the San Diego Municipal Code, received for consideration documentary, written and oral testimony, heard from all interested parties present at the public hearing, upheld the appeal and overruled the Planning Commission's decision to grant the application for the amendment to the Planned Residential Development Permit; and

WHEREAS, following the Council's decision to deny the requested Planned Residential Development Permit amendment, the Owner/Permittee, through its attorneys, filed a petition for peremptory writ of mandate in San Diego Superior Court, Case No. 534114; and

WHEREAS, on March 18, 1985, following hearing, the Honorable Douglas R. Woodworth, Judge of the Superior Court, granted judgment in favor of Owner/Permittee, in which he granted the petition for peremptory writ of mandate commanding the City to set aside its Resolution No. R-262012 and to deny the appeal brought by James M. Shelger and to grant Owner/Permittee's application for an amendment to Planned Residential Development Permit No. 172 without further hearing; and

WHEREAS, by Resolution No. R-262930, the City Council has rescinded its Resolution R-262012; and

WHEREAS, the Council desires to further implement the Judgment of the Court in an expeditious fashion; 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. 84-0614:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan nor the community plan. The amendment is specifically for revisions to the floor plans, square footage of the dwelling units and exterior elevations of the single-family homes authorized by Planned Residential Development Permit No. 172 and Amendment No. 20-172-1. The amendment will not affect the previously approved density or site plan. The new models will be built on the 104 lots in Unit No. 5 and 26 lots in Unit No. 2. This amendment to

the Planned Residential Development Permit will have no impact on the adopted Scripps Miramar Ranch Community Plan nor the General Plan.

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. All public improvements have been completed on this subdivision and Planned Residential Development in conjunction with the initial approvals of this project and filing of the final maps. This amendment is for the sole purpose of revising the floor plans, square footage of the dwelling units and exterior elevations of 130 single-family dwellings in Units 2 and 5 of the subdivision. This Council has determined that the 130 proposed dwelling units known as the St. Croix series are similar to the 55 existing Chantemar series homes previously built in Unit No. 2. The style and character of the new models retain the image of the existing single-family units and will be compatible. All the remaining 104 vacant lots are subject to the original requirements of Planned Residential Development Permit No. 172 and this amendment to ensure that there will be no adverse impacts or detrimental effects on other property in the area.

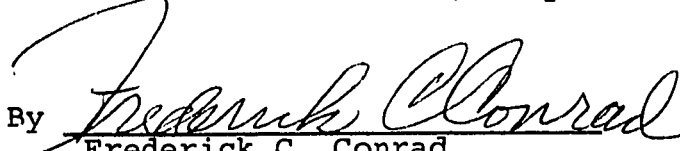
3. The proposed use will comply with the relevant regulations in the Municipal Code. All requirements of the Planned Residential Development Ordinance are satisfied with the

provisions of the amendment hereby approved and the original permit for this project. The open space, landscaping, access, parking and design features of the Planned Residential Development have been provided for.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Council of The City of San Diego, the appeal of the Planning Commission's decision is denied, and Planned Residential Development Permit No. 84-0614 is hereby granted to Owner/Permittee, 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

CCM:FCC:ib:632
Civil Lit. File No. 6351
04/02/85
Or.Dept:Atty.
PRD No. 84-0614
R-85-1788
Form=r.none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 84-0614
SCRIPPS HILLS

CITY COUNCIL

This Planned Residential Development Permit AMENDMENT is granted by the City Council of The City of San Diego to J. M. PETERS COMPANY, INC., a California Corporation, "Owner/Permittee," under the conditions contained in Section 101.0900 of the Municipal Code of The City of San Diego.

1. Permission is granted to "Owner/Permittee" to construct a Planned Residential Development described as Scripps Hills, Units 1-5, Map Nos. 9953, 9965, 10040, 10169 and 10195, located on the south side of Pomerado Road between Avenida Magnifica and Semillon Boulevard, in the R1-20000 Zone.
2. The Planned Residential Development Permit shall include the total of the following facilities:
 - a. 360 detached single-family dwelling units.
 - b. Off-street parking.
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
 - d. Two tot lots, two recreation centers, two tennis courts, two swimming pools, two spas and two cabanas.
3. 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.
4. 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 October 22, 1979, and October 11, 1984, 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.

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

6. 1,080 total parking spaces shall be provided (at a ratio of 3.0 spaces per dwelling unit). Of those spaces, 360 shall be provided for guests (at a ratio of 1.0 spaces per unit). 360 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. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated October 22, 1979, and October 11, 1984. 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.

7. 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.

8. No building additions, including patio covers, 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.

9. No manufactured slope shall be steeper than a ratio of 1.5 to 1. Any new grading not shown on the grading plan dated October 22, 1979, shall not exceed a ratio of 2 to 1.

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

11. 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 R1-20000 Zone.

12. 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.

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

14. The effective date of this permit shall be the date of final action by the Planning Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of 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 forth in Section 101.0900 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

15. 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, the permit shall be void.

16. 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.

17. 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.

18. This Planned Residential Development 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.

19. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," "Row," or "Square." 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.


20. This Planned Residential Development Permit allows the sale of individual lots in Unit No. 1 for the purpose of construction of residential units consistent with conditions and exhibits of the permit. This condition applies to Unit No. 1 only which was planned for custom lots.

21. This Planned Residential Development except for Unit No. 1, 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. This condition applies to the 104 lots in Unit No. 5 and 26 lots in Unit No. 2 for which this amendment to the Planned Residential Development Permit is approved.

22. Lighting for the tennis courts shall be limited to the hours of 6 a.m. in the morning to 10 p.m. in the evening.

23. All landscaping shall be installed with an irrigation system by the homeowner within 90 days of occupancy of the dwelling unit. Street trees shall be provided by the developer when building permits are applied for.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO on
1985.



AUTHENTICATED BY:

Roger Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1985, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECK, 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 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.

J. M. PETERS COMPANY, INC.

By _____

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

54006

Passed and adopted by the Council of The City of San Diego on APR 15 1985,
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"/>
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 type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECK
Mayor of The City of San Diego, California.

(Seal)

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

Barbara Byrter
By Barbara Byrter, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-262931</u>	Adopted <u>APR 15 1985</u>

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