

RESOLUTION NUMBER R- 264288

ADOPTED ON OCT 21 1985

WHEREAS, SAN DIEGO 132, LTD., a California limited partnership, appealed the decision of the Planning Director in denying the proposed planned residential development permit to construct 131 residential dwelling units consisting of a minimum of 75 detached single-family units and a maximum of 56 duplex units, with off-street parking, three tot lots with playground equipment and incidental accessory uses, on property located on the south side of Coronado Avenue, between Beyer Boulevard and Beyer Way, described as portions of the west half of Section 26 and the east half of Section 27, Township 18 South, Range 2 West, SBBM, within the Otay Mesa-Nestor Community Plan area, in the A-1-1, A-1-10 and A-1-10 (HR) Zones (proposed R-3000 and R-3000 (HR)) Zones; and

WHEREAS, on August 8, 1985, the Planning Commission made its findings of fact, approved a revised planned residential development permit and overruled the decision of the Planning Director; and

WHEREAS, on August 14, 1985, pursuant to the provisions of Section 101.0920 of the San Diego Municipal Code, THE COMMITTEE FOR RESPONSIBLE AREA PLANNING, by Phyllis McHone, Chairman, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 1, 1985, trailed from October 14, and continued to October 15 and

21, 1985, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0900, to affirm, reverse or modify in whole or in part any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that all of the following facts exist with respect to Planned Residential Development Permit No. 84-0725:

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 proposed project will fulfill an individual need of 127 prospective home purchasers seeking affordable family housing within the Otay Mesa-Nestor Community. A need has been established for the size, type, configuration and price of the proposed units.

The proposed project will fulfill a community need that was identified by the Otay Mesa-Nestor Community Plan, the San Diego Housing Commission and the City Council.

The community plan goals include goals to:

"Promote a balanced community in terms of housing types and cost, including housing for various age groups, family sizes, racial and ethnic compositions."

"Provide lower cost housing opportunities for persons of low and moderate income, where feasible."

The Housing Commission and City Council evidenced their support and commitment to these goals by the issuance of a Request for Proposals (RFP) as to this specific site.

The proposed project is in response to that RFP and was selected as the preferred project after testimony before both the Housing Commission and City Council.

Provision has been made to make 20% of the project affordable to low income families consistent with the dictates of the RFP and the policies of the City Council to encourage balanced communities and open housing as articulated in Council Policies 600-19 and 600-20.

The proposed project complies with the General Plan and community plan, both as amended, and will not therefore adversely affect either plan.

On August 25, 1981, the City Council approved an amendment to the Otay Mesa-Nestor Community Plan as to this specific site. That approval provided for:

- a. A maximum density of 12 DU/AC. The project proposes 8.9 DU/Net PRD Acre.
- b. Rezoning to R-2. The Project proposes R-3000, the successor zone to R-2.
- c. That the development be done as a Planned Residential Development. The project proposed is a Planned Residential Development.

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 is a residential use. No endangering uses, activities or results have been identified through the EIR process or review by the several city departments or any other testimony that the project would be detrimental to health.

Possible safety concerns related to traffic were included in the scope of the EIR. These concerns were addressed and have been mitigated by design modifications and the implementation by the City of CIP Program Nos. 52.010.2 (for Coronado Avenue) and 52.110.2 (for Beyer Boulevard).

The proposed project is not detrimental to the general welfare. The common or widespread condition or well-being in the community or the city at large will not be adversely affected by implementing a plan of development consistent with the predetermined objectives of the community and the city at large. No substantive evidence of detriment to the general welfare has been presented.

The proposed project does not adversely affect other property in the vicinity. Surrounding zones and uses are:

- a. To the north, R-1-5 Single-Family Residential and Montgomery Waller Park.
- b. To the south, R-2, The Colonias Barrios Senior Citizens Rental Project.

c. To the west, A-1-1, the Otay Mesa Branch Library and CA Convenience Commercial.

d. To the east, R-2 Mobile Home Parks.

3. The proposed use will comply with the relevant regulations in the Municipal Code.

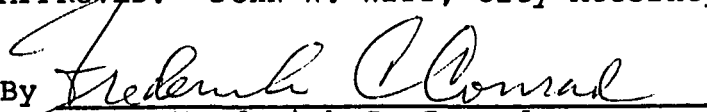
The City Council finds that all of the facts exist in support of Municipal Code Section 101.0900, paragraph E.2.

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

BE IT FURTHER RESOLVED, that this Council hereby denies the appeal of the COMMITTEE FOR RESPONSIBLE AREA PLANNING, by Phyllis McHone, Chairman, sustains the decision of the Planning Commission and does hereby grant to "Owner/Permittee," Planned Residential Development Permit No. 84-0725, 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

FCC:cc:632
01/06/86
03/10/86 Rev. 1
04/30/86 Rev. 2
Or.Dept:Clerk
R-86-859
Form=r.RESCUP

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 84-0725 - CITY COUNCIL

This Planned Residential Development Permit is granted by the City Council of The City of San Diego to SAN DIEGO 132, LTD., a California limited partnership, By STONEHAVEN CORPORATION, a California corporation, General Partner, "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 a Planned Residential Development described as portions of the west half of Section 26 and the east half of Section 27, Township 18 South, Range 2 West, San Bernardino Base and Meridian, located on the south side of Coronado Avenue, between Beyer Boulevard and Beyer Way, in the A-1-1, A-1-10 and A-1-10 (HR), proposed R-3000 and R-3000 (HR), Zones.

2. The Planned Residential Development shall consist of the following:

a. One hundred twenty-seven (127) residential dwelling units consisting of a minimum of 73 detached single-family units and a maximum of 54 duplex units;

b. Off-street parking;

c. Incidental accessory uses as may be determined and approved by the Planning Director; and

d. Three tot lots with playground equipment.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.

Rezoning of the subject property shall be approved by the City

Council and become effective with the recordation of the subdivision map.

4. A "Nonbuilding Area" designation 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 and shall be maintained as open space.

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 conformance with Exhibit A, dated October 21, 1985, 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 substantial 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. Three hundred eighty-seven (387) total parking spaces shall be provided (at a ratio of 3.05 spaces per dwelling unit). Of those spaces, 133 shall be provided for guests (at a ratio of 1.05 spaces per unit). One hundred thirty-three (133) 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 CC&Rs. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit A, dated October 21, 1985. 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, 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.

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 offices 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-3000 Zone.

13. 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.

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 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 San Diego 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.

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 distribution by the City of the decision of the Planning Director, Planning Commission or City Council, 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 set forth in this permit. Cancellation or revocation may be instituted by the City or Permittee.

19. This Planned Residential Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set herein.

20. 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.

21. To mitigate the visual separation of the project site with the community library at the northwest portion of the site, a 3-foot-high masonry wall topped with decorative wrought iron shall be constructed along the rear property lines of proposed lots adjacent to the library site.

22. To mitigate noise conditions of significant levels to residential units adjacent to Beyer Boulevard, the applicant shall construct a 3-foot-high masonry wall at the top of the slope along the rear lot lines adjacent to Beyer Boulevard (Lots 12-19) to reduce exterior noise levels below 65 dB CNEL. Special construction techniques to achieve interior noise levels of 45 dB CNEL (based on future ADT) for attached residences adjacent to Beyer Boulevard shall be utilized. A temporary earthen berm along the western project boundary shall be provided to reduce construction noise during early phases of site grading on the adjacent library building.

23. Automatic garage door opening devices shall be utilized on the garage doors for each residential unit.

24. The minimum setback for the garage of each dwelling unit shall be 11 feet.

25. Solid wood fencing shall be permitted for side yards and black, vinyl-coated chain-link fencing shall be permitted for rear yard fencing. All fencing shall not exceed six feet in height nor exceed three feet in height in the front yards.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON OCTOBER 21,
1985.

AUTHENTICATED BY:

ED STRUIKSMA, Deputy Mayor
The City of San Diego

CHARLES ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ED STRUIKSMA, 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 Planned Residential Development Permit and promises to perform each and every obligation of Permittee hereunder.

SAN DIEGO 132, LTD.,
a California limited partnership,

By: STONEHAVEN CORPORATION,
a California corporation,
General Partner

By _____
ROBERT G. STEWART, President

By _____
RONALD W. WILLIAMSON,
Vice President and Secretary

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

R- 264288
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OCT 21 1985

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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<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"/>
District 7 - vacant	<input 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 *Barbara Bayer*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-264288* Adopted OCT 21 1985