

RESOLUTION NUMBER R- 265577  
ADOPTED ON APR 28 1986

WHEREAS, the decision of the Planning Commission in approving Planned Residential Development Permit No. PRD-83-0896.1 for an increase from 32 to 42 the number of single-family detached dwelling units within the planned residential development boundary and to develop two equestrian centers and establish easements for farming and equestrian uses, in the A-1-10 Zone, in the North City West and Penasquitos East communities was appealed; and

WHEREAS, on February 13, 1986, the Planning Commission voted 6 to 0 to deny the appeal, approve Planned Residential Development Permit No. PRD-83-0896.1 and sustain the decision of the Planning Director; and

WHEREAS, on February 19, 1986, pursuant to the provisions of San Diego Municipal Code Section 101.0900, RANCHO DEL SOL PARTNERSHIP and ROBERT D. BARCZEWSKI, filed by PAUL C. ZUCKER, ZUCKER SYSTEMS, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on March 31, 1986, and continued to April 14 and 28, 1986, 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 appeals 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 as follows:

All of the following facts exist with respect to Planned Residential Development Permit No. PRD-83-0896.1:

1. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan or the community plan.

2. The proposed project, 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 vicinity.

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

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 RANCHO DEL SOL PARTNERSHIP and ROBERT D. BARCZEWSKI, filed by PAUL C. ZUCKER, ZUCKER SYSTEMS, is denied; the decision of the Planning Commission to deny the appeal is sustained; and this Council does hereby grant to PACIFIC SOLAR PROPERTIES, INC., a California corporation, Planned Residential Development Permit No.

PRD-83-0896.1, 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*  
Frederick C. Conrad  
Chief Deputy City Attorney

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Or.Dept:Clerk  
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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. PRD-83-0896,1

CITY COUNCIL

This Planned Residential Development Permit amendment is granted by the City Council of The City of San Diego to PACIFIC SOLAR PROPERTIES, 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 Parcels 1, 2, 3 and 4 of Parcel Map No. 12337, located on the south side of Black Mountain Road, east of the intersection of Carmel Valley Road and Black Mountain Road and south of the terminus of Via de Pico Alto Road, in the A-1-10 Zone in the Future Urbanizing area of the City of San Diego.

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

- a. Forty-two (42) single-family dwelling units (32 at "Rural Cluster" density of one unit per four acres and 10 units at "urban reserve" density at one unit per ten acres);
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Recreation facilities as approved by the Planning Commission pursuant to Condition 22 of this permit.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. 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. Different forms of open space easements shall be provided to assure compliance with Council Policy 600-29 and regulate the use of the underlying land within the Planned Residential Development. Four categories of open space easements totaling 87 acres would be provided in the Planned Residential Development as follows:

- a. 51 acres as negative (no public access) easement to preserve significant biological and topographic resources.
- b. 8.3 acres within a negative open space easement as a future equestrian center for the residents.
- c. 7.4 acres within a negative open space easement for farming and equestrian activities.
- d. 20.3 acres in positive (public access) open space easements for farming and equestrian activities.

In addition, 114.9 acres would be preserved in a non-building area easement over undeveloped portions of the site for future development when the property is shifted from the Future Urbanizing to Planned Urbanizing designation. An open space easement shall also be granted for those areas of Lots 1-42 which are not used or shown for building sites. These open space areas shall be in conformance to Exhibit "A", dated April 28, 1986.

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 28, 1986, 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. Two hundred and ten (210) total parking spaces shall be provided (at a ratio of five spaces per dwelling unit). Of those spaces, 84 shall be provided for guests (at a ratio of two spaces per unit). No 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 April 28, 1986. 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 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 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 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 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 of this permit. Cancellation or revocation may be instituted by the City or Permittee.

19. 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.

20. Private streets shall be named 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.

21. This Planned Residential Development Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.

22. Two equestrian centers are proposed for the site; one equestrian center is proposed for Lot 24 and a second equestrian center is not determined. These equestrian centers shall only be permitted if an amendment to the Planned Residential Development permit for these recreation facilities is reviewed and approved by the Planning Director.

23. This permit has been approved in conformance with the "Rural Cluster" development concept of the Planned Residential Development Ordinance. The Planned Residential Development permit allows 32 dwelling units to be developed on 128 acres (87 acres of open space and 41 acres of developed land) for a density here of one unit per four acres. Development rights have been transferred from the permanent open space easements in Unit 5 (totalling 78.7 acres) and the open space Lot 24 (8.3 acres) to Lots 11-23 and 25-43.

Lots 11-23 and 25-43	36.7
Private streets	4.3
Equestrian Center (Lot 24)	8.3
Open Space Easements (Unit 5)	78.7
	<u>128.0 acres</u>

128 acres x 1 unit/4 acres permits 32 units.

In conformance with the Planned Residential Development Ordinance, the area outside of the open space easement in Unit 5, consisting of 102.6 acres, shall be considered an "urban reserve" and is being developed at a density of 1 unit per 10 acres under the existing A-1-10 Zone.

24. Prior to the approval of any amendments to this Planned Residential Development permit which involves development in the non-building area easement area, a biological survey for sensitive plant species shall be conducted in the spring season in conformance with Mitigated Negative Declaration No. 83-0896.

25. Permanent open space easements shall be placed on 78.7 acres in Unit 5 in the locations illustrated on Exhibit "A," dated April 28, 1986, and on all of Lot 24 (8.3 acres). The open space easements are also indicated on Tentative Map No. 83-0896.1. All of Lot 24 and Portions of Unit 5 are designated as indicated in condition No. 4.

26. The applicant has agreed that all future property owners shall be informed through the C.C. & R.'s that the property is located within the 60 to 65 decibel (CNEL) noise contour for the Miramar Naval Air Station. However, this noise level is considered compatible with residential development and no noise mitigation is required.

27. All open space easements shall be granted with the first map filed containing building sites as specified in City Council Policy 600-29.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON APRIL 28, 1986.



AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

CHARLES G. 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 MAUREEN O'CONNOR, 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 Planned Residential Development Permit No. PRD-83-0896.1, and promises to perform each and every obligation of Permittee hereunder.

PACIFIC SOLAR PROPERTIES, INC.  
a California corporation

By \_\_\_\_\_

By \_\_\_\_\_

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

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Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>
Judy McCarty	<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:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Byler*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-265577* Adopted APR 28 1986