

RESOLUTION NUMBER R-269215

ADOPTED ON SEPTEMBER 8, 1987

WHEREAS, the LA JOLLA TOWN COUNCIL, INC., by David M. Ish, Executive Manager, and THE LA JOLLA SHORES ASSOCIATION, by Dr. Michael N. Oxman, Chairman, appealed the decision of the Planning Commission in approving Planned Residential Development Permit No. PRD-86-0797 submitted by PUEBLA PACIFIC DEVELOPMENT, a California general partnership, Owner/Permittee, to develop 29 multi-family units on a two-lot subdivision on portions of Lots 1280 and 1297 of Pueblo Lands of San Diego, located on the west side of Torrey Pines Road, north of its intersection with Ardath Road, in Tract D of the La Jolla Shores Planned District Zone, in the La Jolla Community Plan area; and

WHEREAS, the matter was set for public hearing on July 7, and continued to August 4 and 11, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Residential Development Permit No. PRD-86-0797:

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 La Jolla Shores Planned District ordinance allows for a dwelling unit density of one unit for

every 4,000 square feet of net land area with a slope ratio of 25% or greater and one unit for every 4,000 square feet of net land area with a slope ratio of less than 25% on Tract "D." The 4.1 acres in 25% or greater slopes would allow 4.46 units and the 2.3 acres in 25% or less slopes would allow 25.05 units for a total of 29.51 units allowed for the site. The proposed 29 units at a residential density of 4.53 units per net acre is within the density limit of Tract "D." The proposed grading of .25 acres of the 25% or greater slopes is consistent with the Tract "D" requirement. The development, as designed, shall minimize drainage and erosion impacts resulting from land disturbance. Continuity with a future bikeway along Torrey Pines Road has been provided. Large trees along Torrey Pines Road will be retained and augmented by new landscaping. A geo-technical report has been furnished by the applicant insuring that the site is stable enough to support the proposed development. Vehicular access to Torrey Pines Road has been limited to one curb cut of 30 feet. The proposed architecture and siting of the structures outside the hillside, with minimal grading, is consistent with the objectives of the La Jolla Community Plan and La Jolla Shores Local Coastal Program.

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 persons residing or working in the area and will not adversely affect other property in the vicinity. Prior to the issuance of building permits and recordation of the final map, a comprehensive geo-technical investigation, which

meets the requirements of the City Engineer, shall be prepared for the site. Potential visual impacts associated with the development would be mitigated by the retention of many of the large, mature trees adjacent to Torrey Pines Road and the addition of landscaping throughout the site. Resident parking will be provided in garages and in an underground parking garage which will minimize visual impacts as well. Vehicular access to the project and connections with Torrey Pines Road have been provided to the satisfaction of the Engineering and Development Department. Adequate resident and guest parking and usable open space has been provided in accordance with the requirements.

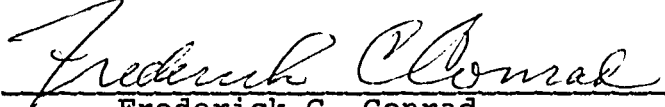
3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to Planned Residential Developments and meets the design criteria and guidelines of the La Jolla Shores Planned District ordinance.

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 the LA JOLLA TOWN COUNCIL and THE LA JOLLA SHORES ASSOCIATION, are denied; the decision of the Planning Commission is sustained, and Planned Residential Development Permit No. PRD-86-0797 is hereby granted to PUEBLA PACIFIC DEVELOPMENT, under the terms and conditions 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:600
09/22/87
Or.Dept:Clerk
R-88-546
Form=r.permit

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 86-0797,
LA JOLLA SHORES GLEN

CITY COUNCIL

This Planned Residential Development Permit is granted by the City Council of The City of San Diego to PUEBLA PACIFIC DEVELOPMENT, a California general partnership, "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 Portions of Lots 1280 and 1297 of Pueblo Lands of San Diego located on the west side of Torrey Pines Road, north of Ardath Road intersection, in the Tract "D" of the La Jolla Shores Planned District Zone.

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

- a. 29 multi-family units (maximum development based on acreage and slope classification);
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Swimming pool and cabana.

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

4. A "Non-Building 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 conformity to Exhibit "A," dated September 8, 1987, 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. 82 total parking spaces shall be provided (at a ratio of 2.8 spaces per dwelling unit). Of those spaces, 32 shall be provided for guests (at a ratio of 1.1 spaces per unit). 0 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 September 8, 1987. 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-15,000 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.

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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 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.

21. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

22. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances, shall be installed in accordance with the plans approved by the Planning Director and City Engineer and the landscaping shall be properly maintained to insure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a Home Owners Association which will assure responsibility for the landscape maintenance.

23. Mechanical ventilation, or other interior attenuation techniques, shall be incorporated into the project to limit future interior noise levels to 45 decibels CNEL or less based on projected (year 2005) traffic levels on Torrey Pines Road.

24. The City's Noise Abatement Office shall review the building plans to ensure that interior noise levels would not exceed 45 decibels CNEL. Building permits for the Planned Residential Development shall be reviewed and approved by the City's Noise Abatement Office prior to final approval by the Planning Department.

25. A final landscape plan shall be reviewed and approved by the La Jolla Shores Advisory Board prior to the issuance of any building permits.

26. An additional ten parking spaces for the La Jolla Apartments to the south shall be provided unless an agreement is accomplished between the two property owners.

27. No access control gates shall be constructed within this PRD.

28. Access to the dwelling units shall be by means of an unnamed, undedicated, privately maintained private driveway constructed in a manner satisfactory to the Fire Department.

29. No open space easements are to be granted in connection with this PRD permit. Non-building easements shall be granted in order to implement open space provisions of the PRD ordinance as it applies to this project.

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30. The developer shall provide an emergency access way at the southerly project boundary. This emergency access shall be improved in a manner satisfactory to the City Engineer and gated at both ends in a manner satisfactory to the Fire Department.

31. In the event that any condition of this Permit is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

APPROVED by the City Council of The City of San Diego on September 8, 1987.

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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 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 permit and promises to perform each and every obligation of Permittee hereunder.

PUEBLA PACIFIC DEVELOPMENT
a California general partnership

(Permittee)

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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SEP 08 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
..... ,
Mayor of The City of San Diego, California.

(Seal)

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

By Maureen O'Connor , Deputy.

Office of the City Clerk, San Diego, California

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Number Adopted SEP 08 1987