

(R-88-822)

RESOLUTION NUMBER R-269518

ADOPTED ON OCTOBER 19, 1987

WHEREAS, ERIC RHEE, appealed the decision of the Planning Commission in approving North City West Planned District Development Plan Permit No. NCWPD-86-0821, an amendment to Permit No. 85-0178, submitted by DONAHUE/SCHRIBER and PARDEE CONSTRUCTION COMPANY, INC., Owners/Permittees, to construct a planned district development entitled "Del Mar Highlands Town Center Development Plan," on a portion of Section 18, Township 14 South, Range 3 West, SBBM, located on the south and east sides of Townsgate Drive, between El Camino Real and Carmel Country Road, in the Development Unit 9 Precise Plan area of the North City West Community Plan area, in the TC Zone; and

WHEREAS, the matter was set for public hearing on October 19, 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, that the appeal of ERIC RHEE is denied; the decision of the Planning Commission is sustained, and North City West Planned District Development Plan Permit No. NCWPD-86-0821 is hereby granted to DONAHUE/SCHRIBER and PARDEE CONSTRUCTION COMPANY, INC., under the terms and conditions set forth in the permit attached hereto and made a part hereof.

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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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CORRECTED COPY

NORTH CITY WEST PLANNED DISTRICT DEVELOPMENT PLAN PERMIT NO. 86-0821

CITY COUNCIL

This Planned District Development Plan Permit ("Permit") is granted by the Council of The City of San Diego to DONAHUE/SCHRIBER, a California Corporation and PARDEE CONSTRUCTION COMPANY, INC., a California Corporation ("Owners/Permittees"), for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 103.0600 of the Municipal Code of The City of San Diego ("Code").

RESIDENTIAL

1. Permission is hereby granted to Pardee Construction Company, Inc., a California Corporation, Owner/Permittee, to construct a Planned District Development, titled "Del Mar Highlands Town Center Development Plan," located on the south and east sides of Townsgate Drive between El Camino Real and Carmel Country Road in the A-1-5 (proposed TC) Zone. The Project site is legally described as a Portion of E1/2, SW1/4 and SW1/4, SW1/4, Section 18, T14S, R3W, SBM.

2. The Planned District Development Plan Project ("Project") shall include the total of the following facilities:

a. Seven hundred ninety-nine (799) multi-family attached dwelling units consisting of four hundred seventy-nine (479) two-bedroom units and three hundred twenty (320) one-bedroom units.

b. Off-street parking.

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

d. Recreational facilities consisting of three (3) swimming pools, jacuzzis, restroom and changing rooms, play areas and open space.

3. Prior to the issuance of any building permits, the accompanying Planned District zone designation shall be approved by City Council and a final subdivision map or maps 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 October 19, 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. One thousand and six hundred thirty-three (1,633) total parking spaces shall be provided (at a ratio of 2.08 spaces per dwelling unit). Of those spaces, four hundred eighty (480) shall be provided for guests (at a ratio of 0.6 spaces per unit). No curb spaces are 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 19, 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. Building additions shall conform to the underlying zone. No building additions, including patio covers, shall be permitted unless approved by the homeowners association, if an association exists, and by 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 North City West Towne Center Development Unit No. 9 Precise Plan which references minimum standards described in the Carmel Valley Precise Plan and sign regulations of Paragraph D., Section 101.0410, Division 4; Sign Regulations for R-zones, of the Code.

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 Commission or, if appealed, the date of City Council action.

16. No development shall commence, nor shall any Permit for construction be issued, until the Permittee signs and returns the Permit to the Planning Department. If the signed Permit is not received by the Planning Department within ninety (90) days of the decision of the Planning Commission or City Council, the Permit shall be void.

17. The property included within this Planned District Development shall be used only for the purposes and under the terms and conditions as set forth in this Permit unless specifically authorized by the Planning Director or the Permit has been revoked by The City of San Diego.

18. This 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, Planning Commission or Permittee.

19. This 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. Prior to the issuance of building permits, it shall be demonstrated to the Planning Department of The City of San Diego that the design of all critical structures, including buildings over five (5) stories in height, has been reviewed by the Building Inspection Department for compliance with all applicable regulations and/or guidelines pertaining to the construction of buildings over or adjacent to potentially active faults.

22. Rooftop mechanical equipment shall be totally enclosed by an acoustical screen integral with the building design.

23. All wall and fence details and treatments shall conform to the Precise Plan "arterial edge conditions residential element" as detailed on pages 68-72.

24. The intersections of Deacons Court and Kelsford Place with Townsgate Drive shall be specially highlighted by lighting, paving, landscaping and signage as shown in the Precise Plan on pages 73-74.

25. The urban residential walkways shown in the Precise Plan on pages 77-79 and the garden pedestrian walkways on pages 80-81 which are adjacent or within the Town Center Development Plan shall be developed as shown in the applicable figures. The developer shall assure the construction of these walkways with the request for the building permit for the first dwelling unit. The walkway system shall be expanded to include a connection from the cul-de-sac street off Carmel Country Road to the proposed walkways to the north and south.

26. All landscaping on the final plans for subdivision or development plan submittals, shall be reviewed for conformance with the landscape, grading and site conditions on pages 87-113 of the Precise Plan.

27. Ten percent (10%) of parking lot interiors shall be landscaped with the inclusion of landscape strips, islands and planter boxes.

28. All grading which produces manufactured slopes shall provide for contouring and undulation to create a natural appearance.

29. This Project shall be served by one named, privately maintained, private street between Deacons Court and Kelsford Place. All the remaining interior access ways shall be unnamed, non-dedicated, privately maintained, private driveways constructed in a manner satisfactory to the Fire Department.

30. No access control gates shall be constructed within this Project except for those that may be constructed within the parking garages.

31. There shall be no restrictions in the public access to the guest parking spaces.

32. No open space easements shall be granted within this Project. Non-building area easements shall be granted in order to implement the open space provisions of the Planned Development Ordinance.

COMMERCIAL

1. Permission is granted to Donahue/Schriber, a California Corporation, Owner/Permittee, to construct a regional neighborhood shopping center titled "Del Mar Highlands Town Center Development Plan," located on the south side of the future

extension of Del Mar Heights Road, the east side of El Camino Real and the north side of Townsgate Drive, described as a Portion of the E1/2, SW1/4, and SW1/4, SW1/4, Section 18, T14S, R3W, SBM, in the A-1-5 (proposed TC) Zone of the North City West Planned District.

2. The facility shall consist of the following:

a. Twenty (20) commercial use structures which include two (2) major tenant buildings, three (3) structures for a supermarket, drugstore, theatre and attached shops, six (6) satellite buildings, and seven (7) structures for shops on the mall, parking deck structures and accessory buildings such as bus terminal shelters are also included. Building heights are two (2) and three (3) stories.

b. Four hundred twenty-five thousand, four hundred seventy-five (425,475) square feet of floor area at a floor area ratio of 0.43. The distribution by use is as follows:

1) Shops	195,400 square feet
2) Major tenants	140,000 square feet
3) Theatre	25,000 square feet
4) Daycare	3,500 square feet
5) Drugstore	23,672 square feet
6) Satellite pads	32,900 square feet
7) Parking	--- square feet

c. Two thousand, one hundred twenty-seven (2,127) parking spaces.

d. Landscaping on a minimum of thirty-one percent (31%) of the site.

3. A minimum of fifty thousand (50,000) square feet of neighborhood commercial uses, including food and drug stores and three (3) other convenience services shall be provided with the first phase of Development Area 1. Full development of Area 1 shall contain a minimum of eighty-six thousand (86,000) square feet of neighborhood commercial uses.

4. No restaurant uses shall be permitted within the development plan area with this Permit. A restaurant use may be added with the approval of the Planning Director, City Engineer and Environmental Quality Division Director if parking ratios can be justified.

5. The theatre shall not be finalized for theatre purposes until parking standards can be established and justified. The Planning Director, City Engineer, and Environmental Quality Division Director shall review applications for this use and determine that required parking can be provided prior to approval of this facility. No building permits for Phase II shall be approved until the theatre parking is resolved. The Precise Plan requires a theatre within this development area.

6. Only mechanical equipment which cannot be incorporated into alternative building design and locations, may be placed on building rooftops. Rooftop form and screening must follow guidelines for "roofscape" as described on page 123 of the North City West Town Center Precise Plan. A maximum of fifty percent (50%) of the total roof area may be flat. Equipment on pitched roofs shall be totally enclosed by an integral architectural screen.

7. The architecture of the satellite pad buildings shall be similar to that of the nearest commercial core area as prescribed on page 138 of the Precise Plan.

8. Prior to the approval of any signage for the Town Center commercial site, a comprehensive sign plan shall be submitted to the Planning Director and include location, size, color, height, lighting, orientation and visual effects.

9. The rear elevations of the neighborhood commercial development and the screening of all loading docks and trash enclosures shall incorporate the use of landscaping, trellis enclosures and walls. No outdoor storage shall be permitted.

10. Bicycle racks shall be provided at convenient and key locations. These locations shall include the theatre, bus terminal and the ends of the three (3) spines of the mall.

11. As a part of the initial development of Phase II, the mall and stores between the pedestrian overcrossing on Del Mar Heights Road and the Town Square shall be provided.

12. Building landmarks and secondary building edges shall be provided as specified on page 120, of the Precise Plan.

13. A clear separation of vehicular and pedestrian traffic shall be provided as prescribed in the Precise Plan. Walkway widths, paving forms and materials, pedestrian scale lighting, landscape buffers, clearly identifiable driveway crossings and sidewalk furniture shall be designed and provided.

14. Where retail uses front directly onto exterior pedestrian linkages, the paving shall be of a special finish texture or color for a width of eight (8) feet.

15. No wall surface shall exceed two hundred (200) square feet without a change in plans, material or texture.

16. The architectural style of the parking structures shall be complementary to the nearest building(s). All exposed facades shall be so designed, including wall and street frontages.

17. Roof materials are limited to clay and concrete tile of natural color, slate and metal. No wood or asphalt shingles shall be utilized. Flat roofs shall be colored to match adjacent pitched roofs.

18. Roof forms shall convey a sense of "village character" when seen from street level or from above from adjoining residential development. The use of small scale but "complete" room forms shall be incorporated into building designs which does not constitute a facade approach to merely hiding a flat roof.

19. No more than sixty percent (60%) of any wall nor less than thirty percent (30%) of all walls within twelve (12) feet of the pedestrian spines will be glass or spandrel glass.

20. Extensive landscaping guidelines are specified within the Town Center Precise Plan which includes size of material, tree to landscape area ratios, plant palette matrix's and design techniques and standards for the various site conditions including pedestrian walkways. Among these criteria is a tree ratio for parking lots of one (1) tree for each eight (8) parking spaces and criteria for parking decks. All landscaping and irrigation shall be provided as specified in the Precise Plan. The submittal of improvement plans shall require the applicant to indicate how the landscape plans comply with the precise plans. In addition, prior to the issuance of occupancy permits, the Licensed Landscape Architect shall certify in writing that all landscaping and irrigation has been installed per the approved plans.

21. A pedestrian overcrossing shall be provided at the intersection of Del Mar Heights Road and El Camino Real. This crossing shall be a minimum of eight (8) feet in width. This overcrossing is required with the request for the first building permit for Phase II of this Project.

22. Special treatment of intersections shall be provided as shown on pages 73-76 of the Precise Plan and shall include signage, directional information, lighting, enriched paving, traffic signals and quality landscaping.

23. All enhanced paving shall require the approval of the Planning Director and City Engineer as to location and safety factors. A minimum of ten percent (10%) of all paved vehicular areas shall consist of enriched pavement.

24. With the construction of Phase I, the initial Neighborhood Center, a temporary access road to both El Camino Real and Townsgate Drive shall be provided to serve the Neighborhood Center.

25. With the construction of the access road described above in Condition No. 24., a temporary bus terminal shall be provided off El Camino Real in the approximate location as shown on the Town Center Precise Plan. The approval of this facility is primarily for bus turnarounds and passenger transfers. No building permits shall be approved for Phase I unless the Metropolitan Transit Development Board has provided the Planning Director with their recommendations or approval of design.

26. Prior to the approval of any final map, grading or improvement plans or building permits, for Phase II, the applicant shall provide evidence to the Planning Director that all concerns of the Metropolitan Transit Development Board have been satisfied relative to the location of the permanent bus terminal. If these changes are significant, an amendment to this development plan may be processed administratively if the Planning Director, City Engineer and the Metropolitan Transit Development Board are in agreement concerning these revisions.

GENERAL CONDITIONS

1. Prior to the issuance of any building permits, complete grading and building plans (including signs and exterior lighting) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A," dated October 19, 1987, for the residential site and October 19, 1987, for the commercial site, as on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the Project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this Permit shall have been approved and granted.

2. Prior to the issuance of any grading or building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A," dated October 19, 1987, for the residential site and October 19, 1987, for the commercial site, as on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this Permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

5. This Permit shall not be final until the tenth (10th) day following the decision of the Planning Commission and is subject to appeal to the City Council as provided for in Section 103.0606 of the Code.

6. The effectiveness of this Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the Permittee shall have agreed to each and every condition hereof by having this Permit signed within ninety (90) days of the Planning Commission's decision.

7. After the establishment of the Project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission or unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.

8. The property included within this Planned District Development Plan shall be used only for the purposes and under the terms and conditions as set forth in this Permit unless specifically authorized by the Planning Director or the Permit shall have been revoked by the City Council.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this Permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof, and this Permit may be cancelled or revoked. Cancellation or revocation of this Permit may be instituted by the City or Permittee. The Planning Commission may cancel or revoke this Permit with that decision appealable to the City Council. Public notice will be provided as in Section 103.0606 of the Code. An appeal from the decision of the Planning Commission may be taken to the City Council within seven (7) days after the decision is filed with the City Clerk. The Clerk shall set this matter for public hearing before the City Council, giving the same notice as provided in Section 103.0606 of the Code.

10. This Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor shall be subject to each and every condition herein set out.

11. To avoid impacts to critical facilities (such as school and high-rise structures) located on or adjacent to the potentially active fault identified on the site, the applicant shall provide evidence to the Planning Director that all critical facilities have been designed to the satisfaction of the Building Inspection Department.

12. The Fire Marshal shall review all site plans prior to approval of any permits for the Town Center Development Plan.

PASSED AND ADOPTED by the City Council on October 19, 1987.

01/25/88 REV. 1

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OCT 19 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McCoil	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-269518 Adopted OCT 19 1987