

(R-88-947)

RESOLUTION NUMBER R-269576

ADOPTED ON OCTOBER 26, 1987

WHEREAS, James and Joan C. Beu, appealed the decision of the Planning Commission in approving North City West Planned District Development Plan Permit No. 85-0220 submitted by Pardee Construction Company, Owner/Permittee, for North City West Neighborhood 4A, for the development of 304 lots for residential use and 16 lots for open space on a portion of Sections 8 and 17, Township 14 South, Ranch 3 West, SBBM, located 0.3 miles east of Torrey Pines High School, north of Del Mar Heights Road, in the North City West Community Plan area, in the A-1-10 Zone; and

WHEREAS, the matter was set for public hearing on October 26, 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 City Council adopts and incorporates herein by reference the findings of the Planning Commission in Planning Commission Resolution No. 6029, adopted December 5, 1985, which are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of James and Joan C. Beu, is denied; the decision of the Planning Commission is sustained, and North City West Planned District Development Plan

Permit No. 85-0220 is hereby granted to Pardee Construction Company, Owner/Permittee, 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
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ta
10/26/87
Or.Dept:Clerk
R-88-947
Form=r.permit

**NORTH CITY WEST PLANNED DISTRICT
DEVELOPMENT PLAN PERMIT NO. 85-0220
(Residential)**

CITY COUNCIL

This Planned District Development Plan Permit ("Permit") is granted by the Council of The City of San Diego to PARDEE CONSTRUCTION COMPANY ("Owner/Permittee"), 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.

1. Permission is hereby granted to Owner/Permittee to construct a Planned District Development, Development Unit 4A, Units 1 through 5, located on both sides of the existing Black Mountain Road, east of Torrey Pines High School and north of the future easterly extension of Del Mar Heights Road in the SF1 and SF1-A Zones. The project site is legally described as portions of the south 1/2 of Section 8, T14S, R3W; and portions of the north 1/2 of Section 17, T14S, R3W, SBBM; and portions of Black Mountain Road.

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

- a. Three hundred four (304) single-family dwelling units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Two (2) public view overlook points.

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. 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. An open space dedication shall be granted to The City of San Diego ("City") and shown on said map for Lots A, B, C, D, E, F and H. These lots shall be maintained by the City. A "Non-Building Area" designation shall be granted and shown on said map for Lots G, I, J, K, L, M, N, O, P and Q. These lots shall be maintained a master home owners association for the Neighborhood 4A Precise Plan area and shall maintained as open space. Lots Q and N shall be developed as passive recreation areas.

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 26, 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. Nine hundred twelve (912) total parking spaces shall be provided (at a ratio of 3.0 spaces per dwelling unit). Of those spaces, three hundred four (304) shall be provided for guests (at a ratio of 1.0 spaces per unit). Three hundred four (304) 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 26, 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 SF1 Zone.

13. Sidewalks shall be provided from each unit to the sidewalk with the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five (5) foot general utility assessment 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.

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. To mitigate potential impacts to the paleontological record, a qualified paleontologist shall be present at the pregrading meeting to consult with the grading and excavation contractors. A professional paleontologist shall be allowed to periodically examine cuts of the eocene sedimentary material during grading. If well preserved fossil materials are found, adequate time shall be allowed during grading for the recovery of significant finds. This can be achieved by the temporary diversion of heavy equipment from the location of significant resource sites. Materials salvaged during the grading shall be deposited in a scientific institution such as the San Diego Natural History Museum or the Natural History Museum of Los Angeles County. A report describing the results of the paleontological monitoring program shall be submitted to the Environmental Quality Division of the Planning Department.

21. The off-site sewer line shall be revegetated with a native, non-irrigated hydroseed mix. Any trees removed for construction shall be replaced with specimen trees of the same species.

22. A six (6) foot high solid block wall shall be constructed at the top of the slope between Lots 285 through 293 and Del Mar Heights Road.

23. Plant materials shall be placed in front of the noise walls to soften the appearance of the walls from Del Mar Heights Road as shown on Exhibit "A," dated October 26, 1987.

24. Minimum setbacks, lot dimensions and lot areas for this development shall conform to the SF1 Zone.

PASSED AND ADOPTED by the City Council on October 26, 1987.

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.

PARDEE CONSTRUCTION COMPANY
(Permittee)

By _____

By _____

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

34245

OCT 26 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"/>	
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 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 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 *Bhonda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-269576* **OCT 26 1987**
Number Adopted