

(R-88-903)

RESOLUTION NUMBER R-269585

ADOPTED ON OCTOBER 27, 1987

WHEREAS, MRS. HELEN SMITH, by James S. Milch, Esq., and GERALD G. MARANS, appealed the decision of the Planning Commission in approving Planned Residential Development Permit No. PRD-86-0994 submitted by FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, as Receiver for SAN MARINO SAVINGS AND LOAN ASSOCIATION, an instrumentality of the United States, Owner/Permittee, for a maximum development of 2,500 multi-family residential units on Parcel 1 of Parcel Map No. 11842, Parcels 2, 3 and 4 of Parcel Map No. 9470, Lot 2 of Reversionary Map No. 11500 and a portion of Pueblo Lot 1307, located east of Towne Centre Drive, south of La Jolla Village Drive, north of the AT&SF right-of-way and west of Interstate 805 in the University Community Plan area, in the R1-5000 (proposed R-1500) Zone; and

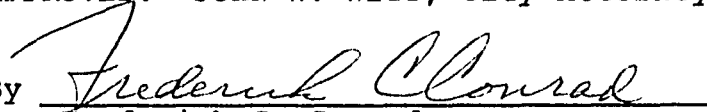
WHEREAS, the matter was set for public hearing on October 26, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts and incorporates herein by reference the findings of the Planning Commission in Planning Commission Resolution No. 0008-PC, adopted August 13, 1987, which are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeals of MRS. HELEN SMITH and GERALD G. MARANS, are denied; the decision of the Planning Commission is sustained, and Planned Residential Development Permit No. PRD-86-0994 is hereby granted to FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, as Receiver for SAN MARINO SAVINGS AND LOAN ASSOCIATION, 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
11/17/87
Or.Dept:Clerk
R-88-903
Form=r.permit

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 86-0994
FIVE CREEKS

City Council

This Planned Residential Development Permit is granted by the City Council of The City of San Diego to the FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER FOR SAN MARINO SAVINGS AND LOAN ASSOCIATION, an instrumentality of the United States, "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 Parcel 1 of Parcel Map No. 11842; Parcels 2, 3, and 4 of Parcel Map No. 9470; Lot 2 of Reversionary Map No. 11500 and a Portion of Pueblo Lot 1307, located east of Towne Centre Drive, south of La Jolla Village Drive, north of the AT&SF right-of-way and west Interstate 805 in the University Community, in the R1-5000 (proposed R-1500) Zone.

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

- a. A maximum of 2500 units contingent upon the approval of site specific plans for each lot, or combination thereof, by the Planning Director via a Planned Residential Development Permit Amendment;
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. One recreation area to include a pool and spa for every lot. For lots having 200 units or more, additional recreational facilities are required

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. "Non-Building Area" designations shall be determined at the time a site specific plan is submitted. Lot 1 of said map shall be deeded to the City for open space and passive recreation purposes in fee title. This lot shall be landscaped in accordance with that shown on Exhibit "A", dated October 27, 1987, prior to City acceptance. Said lot shall be maintained as natural open space and passive recreation purposes only. Lot 19 shall be dedicated to the City in accordance with the provisions

contained in Tentative Map No. 86-0994. Lots 11 and 12 shall be designated on the final map 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. All plans shall be in substantial conformity to Exhibit "A," dated October 27, 1987, on file in the Planning Department. All landscaping adjacent to a lot shall be installed prior to issuance of building permits for units on that lot. 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. The total parking spaces for each project filed on lots contained in this PRD shall be determined at the time a site specific plan is submitted.

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 manufactured slope shall be steeper than a ratio of 2:1.

10. 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-1500 Zone.

12. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

13. This Planned Residential Development Permit will become effective with the effective date of the City council Ordinance that approves Rezoning Case No. 86-0994 and must be used within 36 months after such date or the permit shall be void. An extension of time may be granted 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 City.

14. 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.

15. 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.

16. 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.

17. 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.

18. All accessory structures of more than 100 square feet require the approval of the Planning Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards irregardless of Building Inspection Department requirements for building permits.

19. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

20. This Planned Residential Development Permit allows the sale of individual lots for the purposes of constructing residential units. Prior to construction of units on lots covered by this permit, a Planned Residential Development Permit Amendment must be approved by the Planning Director.

21. Future 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. The slopes designated for timely landscaping as described above include these slopes, Lots 1, 5, 8, 9, 11, 12, 16, 24 and 25.

23. A landscaped buffer area, including a meandering pedestrian walkway, ranging in width from 90 feet to 240 feet, shall be constructed along Towne Centre Drive as shown on the approved landscaping plan, part of Exhibit "A", dated October 27, 1987. Said improvements shall be installed prior to the issuance of building permits on any sites within this project. If grading is phased, said improvements shall be installed for that portion of the phase adjacent to Towne Centre Drive prior to the issuance of building permits for that phase.

24. Landscaping and pedestrian walkways shown along Street "A" shall be installed following the completion of grading of this road or any part thereof. The width, pedestrian improvements and landscaping for pedestrian areas adjacent to Street "A" shall be as shown on the approved landscaping plan, part of a Exhibit "A", dated October 27, 1987.

25. The applicant shall install landscaping on open space areas located west and south of Lot 1, south of Nobel Drive, as shown on the approved landscaping plan, part of Exhibit "A", dated October 27, 1987.

26. Landscaping shown adjacent to B, C, D, E and F Streets shall be installed upon the completion of road improvements for these streets and prior to the issuance of occupancy permits for lots adjacent to these streets. Pedestrian walkways adjacent to these streets shall be articulated in a manner satisfactory to the Planning Director and City Engineer. Said Plans for these walkways shall be approved prior to the issuance of grading permits for any portion of this site.

27. Pedestrian linkages and landscaping between Lots 2 and 3, 4 and 5, 17 and 21, 18 and 20, 22 and 23, and 24 and 25; as shown on the landscaping plan part of Exhibit "A", dated October 27, 1987, shall be installed following the completion of grading of said lots and prior to the issuance of any occupancy permits for these lots. Said areas shall be maintained as open space.

28. Landscaping abutting Nobel Drive, the future Shoreline Drive and Golden Haven Drive, shall be installed in conformance with that shown on the approved landscaping plan, part of Exhibit "A", dated October 27, 1987, following the completion of road improvements and prior to the issuance of occupancy permits for lots abutting these roads.

29. Residential units to be constructed on Lots 9, 10 and 16 shall be designed to provide minimal intrusion to residential and open space areas to the west. Design characteristics which will be required will be a transition of product type, height, bulk and scale from the westerly boundaries of these lots to the east. Units located within the height limit setback as shown on Exhibit "A", dated October 27, 1987, shall not exceed a height of thirty feet above Towne Centre Drive.

30. At grade, surface parking areas shall be limited to the following:

- a. Lots accommodating densities of 40 dwelling units per acre or more shall have no more than 25 percent of the required resident and guest parking accommodated in ground surface unenclosed spaces.
- b. Lots accommodating densities of 30 dwelling units per acre or more shall have no more than 35 percent of the required resident and guest parking accommodated in ground surface unenclosed spaces.
- c. Lots accommodating densities of 20 dwelling units per acre or more shall have no more than 55 percent of the required resident and guest parking accommodated in ground surface unenclosed spaces.
- d. Any other lot within this project accommodating residential uses shall have no less than 60 percent of the total required resident and guest parking accommodated unenclosed in surface spaces.

31. The Five Creeks Master Planned Residential Development proposes the following numbers of units on the referenced lots:

Lot No.	Gross Acreage	Use	Number of Units
1	2.18	Open Space	0
2	4.72	Residential	118
3	2.62	Residential	60
4	2.20	Residential	52
5	3.26	Residential	75
6	2.29	Residential	74
7	2.09	Residential	66
8	6.31	Residential	158
9	3.87	Residential	97
10	2.14	Residential	42
11	1.91	Open Space	0
12	5.28	Open Space	0
14	4.15	Residential	154
15	7.00	Residential	355
16	6.78	Residential	260
17	3.55	Residential	112
18	4.41	Residential	160
19	1.11	Residential*	0
20	3.68	Residential	147
21	4.14	Residential	158
22	4.70	Residential	116
23	5.59	Residential	140
24	2.55	Residential	64
25	3.42	Residential	86
TOTAL	94.45		2,494

*To be dedicated to the City

The above unit allocations result in a total of 2,494 units. This Master Planned Residential Development permit proposes a total of 2,500 units, therefor, six units remain unallocated to a specific site. Units allocated to Lot 19, which will be dedicated to the City per Condition 4, remain unallocated. Allocation of these units and future transfer of units between sites will require an amendment to this Planned Residential Development Permit to identify specific impacts and planning issues.

32. Development of any lots contained within the Five Creeks Master Planned Residential Development Permit shall require the approval, by the City, of a Planned Residential Development Permit Amendment.

33. The submittal of noise mitigation plans for Lots 2, 5, 8, 9, 16, 23, 24 and 25 within this project shall be required prior to the construction of units on any lot.

34. Site specific soils investigation shall be conducted, prior to the issuance of building permits, to identify any specific soils or geological problems associated with any lot within this PRD. Detailed grading and foundation design shall be submitted to minimize possible safety hazards to future residents of this project.

35. Compensation for the loss of riparian habitat shall be on the basis of two units for each unit lost. Final revegetation plans for replacement riparian areas shall be completed and approved prior to recordation of the final map. Revegetation plans shall consist of planting trees and shrubs associated with riparian habitat and shall contain a restriction which requires a three-year monitoring and maintenance program to be executed by the applicant. Such revegetation shall be installed within 90 days upon completion of grading of revegetation areas. The riparian and revegetation plan shall be reviewed and approved by the Environmental Quality Division prior to execution.

36. A qualified paleontologist shall monitor the grading of this site. If, during grading of this site, well preserved fossils are uncovered, grading shall be discontinued or redirected so that materials may be recovered. Fossil remains collected during the salvage program would be cleaned, sorted catalogued and deposited with a scientific institution.

37. The applicant shall provide three bus shelters along Nobel Drive at locations satisfactory to the Metropolitan Transit Development Board and the Planning Director. The design of these shelters, which shall accommodate handicapped access, shall be reviewed and approved by the Planning Director and MTDB prior to installation. The project shall additionally, contribute to the North University loop shuttle if this property is included in an assessment district for the shuttle.

38. The landscaped medians and easements along the major streets are to be maintained by either a landscape Maintenance District or Master Home Owner's Association. This may require an Encroachment Removal Agreement Permit.

39. Permittee shall enter into an agreement with the City for the preparation of a park master plan and for the design and construction of a portion of the community park directly east of the project site. This agreement shall require that construction of a portion of the community park, as shown on the park master plan, shall commence with the first phase of development of the project. The costs of preparation of the park master plan and bid documents and construction will be shared by the Permittee and the City, with the Permittee's obligation not to exceed \$500,000.00. The scope of this project will be determined after the approval of a master plan by the City.

40. If the entire community park is not constructed by the time the 1000th building permit for the project is issued and if there are sufficient funds available in the North University City Facilities Benefit Assessment ("FBA") fund, the Permittee shall make a good faith effort to enter into an agreement with the City to grade the remainder of the community park and install necessary drainage and erosion control planting in exchange for FBA credit or cash representing reimbursement for the cost of said work.

41. All medians in the perimeter streets shall be landscaped. A detailed landscaping plan for these medians shall be submitted and approved by the Planning Director and City Engineer prior to the issuance of grading permits.

42. Street sections shall be modified on the associated tentative map to include a three-foot, non-motorized vehicle and pedestrian access easement for landscaping and sidewalks along Lots 23 and 24 adjacent to Judicial Drive. An eight-foot sidewalk and five-foot landscaped parkway shall be provided along Judicial Drive. These improvements shall be reviewed and approved by the Planning Director and City Engineer prior to issuance of grading permits.

43. The sidewalk on Nobel Drive shall be non-contiguous with a five-foot landscaped parkway and a five-foot sidewalk. Plans for this area shall be reviewed and approved by the Planning Director and City Engineer prior to issuance of grading permits.

44. Street sections shall be modified on the associated tentative map to include a sidewalk on Golden Haven Drive, east of Street "A." This sidewalk shall be five feet in width and a five-foot landscaped parkway, adjacent to the sidewalk, shall be located on a manner satisfactory to the Planning Director and City Engineer.

45. Pedestrian access shall be permitted through Lots 11 and 12 and on the sidewalks along all public streets indicated on Exhibit "A," dated October 27, 1987.

46. In the event that any condition of this permit, on a legal challenge by the "Owner/Permittee" of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

47. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: (a) the allocation schedule of the University Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.

48. This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987; and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.

Approved by the City Council of the City of San Diego on October 27, 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.

FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION, as Receiver for SAN
MARINO SAVINGS AND LOAN ASSOCIATION
(Permittee)

By _____

By _____

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

OCT 27 1987

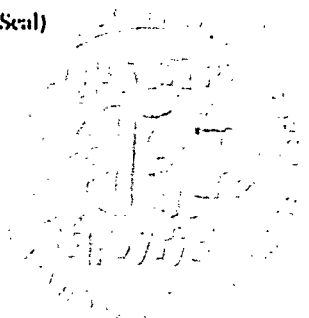
Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

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 Struikma	<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"/>
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-269585 Adopted OCT 27 1987