

(R-88-2092)

RESOLUTION NUMBER R-270736

ADOPTED ON APRIL 12, 1988

WHEREAS, Rancho Penasquitos Planning Board appealed the decision of the Planning Commission in approving Hillside Review Permit No. 87-0081 submitted by Elder/Hedenberg Partnership, Owner/Permittee, for a 51.8-acre parcel, Southeast 1/4 of the Southwest 1/4 and a portion of the Southwest 1/4 of the Southeast 1/4 of Section 13, Township 14 South, Range 3 West, SBM, located south of the intersection of Carmel Mountain Road and Sundance Avenue and northwest of the intersection of Park Village Road and Brickella Street, in the Penasquitos East Community Plan area, in the A-1-10 (HR) (proposed R1-5000) Zone; and

WHEREAS, the matter was set for public hearing on April 12, 1988, 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 Hillside Review Permit No. 87-0081:

1. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas. The development is located on the upper portions of the site and intrusion into the steeper slopes of the hillside review area has been minimized.

2. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation. Grading within the hillside review area has been minimized and the landscaping plan will minimize erosion through the use of native, self sufficient vegetation.

3. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The proposed development will be compatible in scale, character, design, and landscaping. The site design will maintain the aesthetic and visual qualities of the area.

4. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the Community Plan, any other adopted applicable plan and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff. The development has been determined to be in compliance with the applicable plans and zoning requirements.

5. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129 "Hillside Design and Development Guidelines." Review of the development has determined that it is in substantial conformance with these guidelines.

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 appeal of Rancho Penasquitos Planning Board, is denied; the decision of the Planning Commission is sustained, and Hillside Review Permit No. 87-0081 is hereby granted to Elder/Hedenberg Partnership, 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
04/18/88
Or.Dept:Clerk
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SAN DIEGO, CALIF. J-

HILLSIDE REVIEW PERMIT NO. 87-0081

CITY COUNCIL

This Hillside Review Permit ("Permit") is granted by the Council of The City of San Diego to JERRY ELDER, an individual, ("Owner"), and ELDER/HEDENBERG PARTNERSHIP, ("Permittee"), pursuant to conditions in Section 101.0454 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to subdivide and develop a 51.8-acre parcel into 114 single-family lots, three lots reserved for future streets, and one open space lot, located south of the intersection of Carmel Mountain Road and Sundance Avenue, and northwest of the terminus of Park Village Road, in the Penasquitos East Community Plan area, described as the Southeast 1/4 of the Southwest 1/4 and a portion of the Southwest 1/4 of the Southeast 1/4 of Section 13, Township 14 South, Range 3 West, SBM, in the A-1-10 (HR) (proposed R1-5000) Zone.

2. The Permit shall allow the following:

a. Subdivision and development of a 51.8-acre parcel into 118 lots as follows:

1. 5,000-square-foot lots	58
2. Lots reserved for future streets	3
3. 8,000-square-foot lots	56
4. Open space easement/lot	1
Total Lots	<u>118</u>

b. Slopes shall not exceed 2:1 in grade; and 60 feet in height, and contour grading methods shall be used.

c. A maximum of 114 single-family lots shall be observed; no future lot line adjustments shall be allowed that would exceed this density.

3. No permit for grading shall be granted nor shall any activity authorized by this Permit be conducted on the premises until:

a. The Permittee signs and returns the Permit to the Planning Department.

b. The Permit is recorded in the office of the County Recorder.

4. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 12, 1988, on file in the office of the Planning Department. No change, modifications or alterations

shall be made unless appropriate applications, findings of substantial conformance or amendment of this Permit shall have been granted.

5. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 12, 1988, on file in the office of the Planning Department. Approved planting shall be installed within 90 days of the completion of grading. Such planting shall not be modified or altered unless this Permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

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

7. This Permit must be utilized within 36 months of the date of approval, failure to utilize this Permit within 36 months will automatically void the Permit unless extended under the provisions of Section 101.0454 of the Code. Any such extension must meet all regulations, policies and Code provisions in effect at the said time extension is considered.

8. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this Permit.

9. This Permit is a covenant running with subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

10. A final subdivision map shall be required. 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 Penasquitos East 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; (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; and (c) the construction and actual installation of all public facilities specified in the Transportation and Community Facilities Phasing Plan portion of the applicable community plan update that would be required for this project approval.

11. 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.

12. Rezoning from A-1-10 (HR) to R1-5000 shall be required.

13. Ferocactus viridescens plants disturbed by grading activities shall be transplanted to portions of the project site planned for retention in permanent open space.

14. To reduce erosion impacts, the following measures shall be implemented during project grading: all manufactured slopes shall be hydroseeded following completion of grading. The grading plan shall incorporate erosion control procedures to be used during project development. Temporary erosion control measures shall include, but are not limited to, berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, energy dissipating structures and silt traps.

15. 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.

PASSED AND ADOPTED by the City Council on April 12, 1988.

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.

ELDER/HEDENBERG PARTNERSHIP
(Owner/Permittee)

By _____

By _____

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

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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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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.

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

By *June G. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R 270736 Adopted APR 12 1988