

(R-88-2191)

RESOLUTION NUMBER R-270816

ADOPTED ON APRIL 26, 1988

WHEREAS, Alice A. Goodkind, representing Friends of the San Dieguito River Valley, and Emily A. Durbin, representing the Sierra Club (San Diego Chapter), appealed the decision of the Planning Commission in approving Planned Residential Development Permit No. 86-0897 submitted by Laguna Bernardo Management Company, Permittee, for a planned residential development described as Parcel No. 3 of Parcel Map 12542, located on the east side of Interstate 15, south and west of Pomerado Road, in the Rancho Bernardo Community Plan area, in the existing A-1-1, R1-20,000 and Hillside Review Overlay Zone (proposed A-1-1, R-3000 and Hillside Review Overlay Zone); and

WHEREAS, the matter was set for public hearing on April 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 the following findings with respect to Planned Residential Development Permit No. 86-0897:

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 proposed planned residential development is located in an area designated for low-medium residential

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development (9 to 14 dwelling units per acre) within the Rancho Bernardo Community Plan area. In this case, the project proposes 6.4 dwelling units per acre, consistent with the adopted community plan. In addition, approximately 67 acres (Battle Mountain) located at the south portion of the subject site shall be preserved as natural open space which is also consistent with the adopted community plan.

2. The proposed use, because of 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. This project proposes to develop 886 attached multi-family residences at a density of 6.4 units per gross acre. The adopted Rancho Bernardo Community Plan designates this site for a maximum 14 units per acre; therefore, this project is consistent with the plan. A number of conditions have been incorporated into this permit relative to revisions of the project's original site design and residential product type. These conditions address a number of issues, including: permitted dwelling units, noise, traffic circulation, biological resources, passive recreational facilities and visual quality. A reduction from the number of original dwelling units proposed, widening of internal and exterior site roads, reductions in permitted residential building height and other conditions have contributed significantly to project integrity and as such would 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.


3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The project fulfills regulations in the San Diego Municipal Code relevant to planned residential developments and tentative maps and meets the design criteria and guidelines of the adopted Rancho Bernardo Community Plan.

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 Alice A. Goodkind, representing Friends of the San Dieguito River Valley, and Emily A. Durbin, representing the Sierra Club (San Diego Chapter), is denied; the decision of the Planning Commission is sustained, and Planned Residential Development Permit No. 86-0897 is hereby granted to Laguna Bernardo Management Company, 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  
Chief Deputy City Attorney

FCC:ta  
06/01/88  
Or.Dept:Clerk  
R-88-2191  
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: :  
PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 86-0897  
BERNARDO VISTA DEL LAGO

CITY COUNCIL

This Planned Residential Development Permit ("Permit") is granted by the Council of The City of San Diego to AVCO COMMUNITY DEVELOPERS, INC., ("Owner") and LAGUNA BERNARDO MANAGEMENT COMPANY, ("Permittee"), under the conditions contained in Section 101.0900 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to construct a planned residential development described as Parcel No. 3 of Parcel Map 12542, located on the east side of Interstate Highway 15, between Pomerado Road and Escala Drive, in the existing A-1-1, R1-20,000 and Hillside Review Overlay Zone (proposed A-1-1, R-3000 and Hillside Review Overlay Zone).

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

a. Eight hundred eighty-six (886) attached multi-family residential dwelling units with approximately three thousand six hundred (3,600) square feet of ancillary commercial area included.

b. Off-street parking.

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

3. A total of approximately fourteen thousand (14,000) square feet shall be provided as the project's recreational and commercial component. On-site facilities and services shall provide a number of recreational pursuits including, but not limited to the following: game room, lighted tennis court, pool, spa meeting room, observation gazebo, exercise/weight room and children's playground.

4. 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. 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.

5. 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.

6. 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 April 26, 1988, 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. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

7. The construction and continued use of this Permit shall be subject to the regulations of this or other governmental agencies.

8. One thousand nine hundred and fifty-eight (1,958) total parking spaces shall be provided (at a ratio of 2.2 spaces per dwelling unit). Of those spaces, five hundred forty (540) shall be provided for guests (at a ratio of .6 spaces per unit). Fifty-one (51) 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 April 26, 1988. 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.

9. 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.

10. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and/or architectural review committee and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

11. No manufactured slope shall be steeper than a ratio of 2:1.

12. The applicant shall post a copy of the approved Permit in the sales office for consideration by each prospective buyer.

13. 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-3000, A-1-1 and Hillside Review Overlay zone.

14. 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 (5) foot general utility easement must be provided behind this walk.

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

16. The effective date of this Permit shall be the date of final action by the City Council or the effective date of a concurrent rezoning case. The Permit must be utilized within thirty-six (36) months after the effective date. Failure to utilize the Permit within thirty-six (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 Code. Any such extension of time must meet all the code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

17. 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 Permit is recorded in the office of the County Recorder.

If the signed Permit is not received by the Planning Department within ninety (90) days of the decision of the City Council, the Permit shall be void.

18. 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.

19. 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 or Permittee.

20. 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.

21. All accessory structures less than one hundred (100) square feet require the approval of the Planning Director and must meet zoning criteria and planned residential development permit guidelines and standards regardless of Building Inspection Department requirements for building permits.

22. 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.

23. 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.

24. This planned residential development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.

25. 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.

26. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within ninety (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 City Council and City Engineer and the landscaping shall be properly maintained to ensure 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. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

27. 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 Rancho Bernardo 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.

28. This map and site plan 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.

29. The tentative map shall contain conditions of approval as outlined by the Engineering and Development Department relating to signalization and necessary widening at the intersections of Highland Valley Road/project entrance/Pomerado Road and at the Pomerado Road/Northbound Interstate 15 ramps intersection.

30. The planned residential development includes the following conditions to mitigate potential noise impacts from existing and future traffic (year 2005) on Interstate 15 and Pomerado Road:

a. Noise attenuation barriers consisting of a wall and berm shall be construction as shown on Tentative Map No. 86-0897 dated April 26, 1988. The minimum height of such barriers varies from three (3) to ten (10) feet.

b. Sound insulation measures including, but not limited to, mechanical ventilation or air conditioning shall be incorporated into the construction of the units to achieve interior noise levels of 45 DB(A) CNEL or less based on year 2000 traffic volumes. Prior to issuance of building permits, an acoustical analysis shall be prepared to identify such specific construction techniques and such analysis shall be reviewed and approved by the Deputy Director of the Environmental Quality Division and Administrator of the Noise Abatement and Control Division.

31. The tentative map includes 67.5 acres in the southern portion of the site (Battle Mountain) as open space. The open space is designated as "Lot A" on the tentative map and shall be maintained in its natural, undisturbed state for open space purposes.

32. Proposed residential structures for this site shall not exceed two (2) stories in height as shown on Vesting tentative Map No. 86-0897 dated April 26, 1988, on file in the Planning Department.

33. The proposed three thousand six hundred (3,600) square feet (approximate) of ancillary commercial area for this site has not been clearly identified for permitted uses. Therefore, any development of the commercial area may require a conditional use permit and/or an amendment to the approved Permit.

34. All proposed walls, fences and project entry monuments shall be in substantial conformity to Exhibit "A," dated April 26, 1988, on file in the Planning Department.

35. The applicant shall provide solid screening for all trash enclosures proposed on the subject site. In addition, each trash enclosure area proposed shall allow for a landscaped area from which to provide further screening from adjoining residential units.

36. Vehicular access to the dwelling units within the planned residential development shall be by means of a system of unnamed, non-dedicated, privately maintained private driveways constructed in a manner satisfactory to the City Engineer.

37. The applicant shall provide an emergency access as shown on the approved planned residential development exhibit. This emergency access shall be maintained by the homeowners' association and shall be gated in a manner satisfactory to the Fire Department.

38. Access control gates shall be constructed providing a turnaround for non-entrants in a manner satisfactory to the City Engineer.

39. To reduce erosion impacts, the following measure 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, sand bagging, hay bales, filtered inlets, debris basins, energy dissipating structures, or silt traps.

40. The developer shall be required to suspend all construction activities during periods of inclement weather to minimize erosional and sediment transport impacts.

41. The developer shall establish a program to monitor off-site sediment transport subsequent to the completion of construction activities. If unacceptable sediment loads are observed, interim or permanent catchment structures should be installed to the satisfaction of the Engineering and Development Department.

42. The developer shall regularly inspect and clean all drainage facilities associated with the development of this site and remove fine-grained materials wherever necessary to prevent obstructions.

43. The developer shall design and implement street cleaning procedures on-site to maximize the removal of fine-grained particles which may exist. These procedures should include the prohibition of on street parking during cleaning hours, the use of lower operating speeds (not exceeding 5 mph) where feasible, and the use of two (2) cleaning passes where low operating speeds are unsafe.

44. 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 26, 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.

LAGUNA BERNARDO MANAGEMENT COMPANY  
(Permittee)

By \_\_\_\_\_

By \_\_\_\_\_

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

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APR 26 1988

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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 type="checkbox"/>	<input checked="" 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.

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

By *Tina M. Martin* Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number *270816* Adopted APR 26 1988