

(R-89-353)

RESOLUTION NUMBER R-271422

ADOPTED ON JULY 12, 1988

WHEREAS, on April 21, 1988, the Planning Commission of The City of San Diego considered the request for Planned Residential Development Permit No. 87-0991 amendment to Planned Residential Development Permit No. 85-0783, submitted by Guaranty Service Corporation, Owner/Permittee, described as portions of Pueblo Lots 1301, 1302 and 1308, located on the south side of La Jolla Village Drive, north of Nobel Drive, east of Regents Road, and west of Genesee Avenue, in the Costa Verde Specific Plan area; and

WHEREAS, the matter was set for public hearing on July 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 Planned Residential Development Permit No. 87-0991:

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 amendment to Planned Residential Development Permit No. 85-0783 proposes only to modify planned residential development building height restrictions and interior site curb cuts as identified in the

adopted Costa Verde Specific Plan. No change in the number of dwelling units would occur as a result of this amendment. Accompanying project site modifications relative to building coverage, open space, pedestrian circulation, surface parking and other revisions are a result of the requested change in building height and interior street curb cut limits. Proposed Planned Residential Development No. 87-0991 is being processed concurrently with proposed amendments to the adopted Costa Verde Specific Plan which are anticipated to be acted on by City Council sometime before 1989. As part of these proposed amendments, additional language shall be substituted into the Specific Plan document to reflect modifications of planned residential development height restrictions and curb cuts along Costa Verde Boulevard for this development.

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. The total number of units proposed (2,600) by this planned residential development amendment is consistent with recommended densities of the adopted Costa Verde Specific Plan. As a result, no significant impact to traffic and pedestrian circulation, recreational facilities, and/or environmental resources is anticipated by this proposed amendment to Planned Residential Development Permit No. 85-0783. A number of mitigating conditions have been incorporated into this permit amendment relative to potential noise impacts of the proposed development

which would require the construction of noise attenuation walls and/or earthen berms in those areas of the planned residential development project site most vulnerable to excessive noise levels. These added conditions will further ensure the health, safety, and general welfare of persons residing within the Costa Verde Specific Plan area.

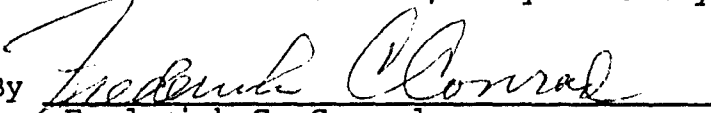
3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The project fulfills all requirements of the San Diego Municipal Code relevant to planned residential developments and meets design criteria and guidelines as recommended by proposed amendments to the adopted Costa Verde Specific 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 decision of the Planning Commission is sustained and Planned Residential Development Permit No. 87-0991 is hereby granted to Guaranty Service Corporation, 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  
Chief Deputy City Attorney

FCC:ta  
08/17/88  
Or.Dept:Clerk  
R-89-353  
Form=r.permit

PLANNED RESIDENTIAL PERMIT NO. 87-0991  
COSTA VERDE

CITY COUNCIL

This Planned Residential Development Permit Amendment ("Permit") is granted by the Council of The City of San Diego to GUARANTY SERVICE CORPORATION ("Owner/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 portions of Pueblo Lots 1301, 1302 and 1308, located on the south side of La Jolla Village Drive, north of Nobel Drive, west of Genesee Avenue, and east of Regents Road in the Costa Verde Specific Plan area.

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

a. Two thousand six hundred (2,600) attached multi-family dwelling units;

b. Off-street parking; and

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

3. Recreational facilities and services identified in the previously approved Permit for this site (PRD No. 85-0783) shall be maintained in accordance with the Costa Verde Specific Plan and as approved by the Planning Commission for Planned Residential Development Permit No. 87-0991.

4. Prior to the issuance of any building permits, 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 any building permits, a final subdivision map 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. Approval of the final map will assure the construction of all the required public improvements necessary for the development of the property. The payment of park fees is also a requirement of the map.

6. 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.

7. 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 July 12, 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.

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

9. Five thousand three hundred thirty (5,330) total parking spaces shall be provided (at a ratio of 2.05 spaces per dwelling unit). Of those spaces, one thousand five hundred sixty (1,560) shall be provided for guests (at a ratio of .6 spaces per unit). Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated July 12, 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.

10. 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.

11. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Director. New structures and additions, other than incidental uses (Permit Condition No. 2C) shall require a Planned Residential Permit Amendment.

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

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

14. 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 Costa Verde Specific Plan. Any requested sign permits shall be reviewed and permitted by the Sign Code Administrator.

15. 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.

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

17. The effective date of this Permit shall be the date of final action by the Planning Commission. If an appeal is filed, the effective date shall be the date of final action by the City Council. 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. Regardless of these limits, the life of this Permit shall not exceed the life of Tentative Subdivision Map No. 85-0783.

18. 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; and

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 Planning Commission or City Council, the Permit shall be void.

19. 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.

20. 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.

21. 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.

22. 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 irregardless of Building Inspection Department requirements for building permits.

23. 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.

24. 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.

25. This Planned Residential Development may be constructed in phases. Prior to the sale or rental of individual units within each phase, construction shall be completed consistent with conditions and exhibits submitted to and approved by the Planning Director.

26. 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 (see Permit Condition No. 35).

27. 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 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. 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.

28. Pursuant to review and analysis by the City's Environmental Quality Division, the following specific provisions have been incorporated into this Permit to mitigate potential impacts associated with noise:

a. Noise walls or earthen berms shall be constructed adjacent to residential areas along Nobel Drive, Regents Road, and La Jolla Village Drive as specified in the Permit. If noise walls are required, they shall not exceed six feet in height and shall consist of block wall construction and an architectural style that is compatible with building design and meet the requirements of Permit Condition No. 40; and

b. specific interior noise attenuating structural techniques shall be incorporated into residential structures located along Nobel Drive, Regents Road, and La Jolla Village Drive. The City's Noise Abatement Office shall review the building plans to ensure that interior noise levels for these structures would not exceed 45 dB(A) CNEL (based on future traffic projections). Building permits for the Planned Residential Development shall be reviewed and approved by the City's Noise Abatement Office prior to final approval by the Planning Department.

29. Project building materials and architectural designs for proposed residential structures shall be submitted for review and approval of the Planning Director prior to the issuance of building permits.

30. Final approval of this Permit is subject to City Council approval of proposed amendments to the Costa Verde Specific Plan being processed concurrently with Planned Residential Development Permit Amendment No. 87-0991.

31. Building setbacks shall be in accordance with those identified on Exhibit "A," dated July 12, 1988, on file in the Planning Department.

32. A fire access plan, indicating all major Fire Department access drives and fire lanes, satisfactory to the City Fire Department, shall be submitted for review and approval of the Planning Director.

33. Pavement enhancing features proposed for pedestrian crosswalk intersections on Costa Verde Boulevard, satisfactory to the City Engineer, shall be in accordance with those previously approved for Planned Residential Development Permit No. 85-0783 and as identified on Exhibit "A," dated July 12, 1986, on file in the Planning Department (see Permit Condition No. 26).

34. Interior site curb cuts proposed for Costa Verde Boulevard, as modified by this amendment to Planned Residential Development Permit No. 85-0783, shall be in conformance with Exhibit "A," dated July 12, 1988, on file in the Planning Department.

35. The following requirements shall be adhered to as specified by the City Engineer:

a. 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 Fire Department;



b. Only one driveway will be allowed onto Genesee Avenue between Nobel Drive and Esplande Court;

c. The applicant shall provide emergency vehicular access in a manner satisfactory to the Fire Department;

d. There shall be no restrictions in the access to the guest parking spaces located in the subterranean parking structure; and

e. No access control gates are to be constructed within this Planned Residential Development.

36. Future amendments to this Permit shall be subject to the development criteria of the associated Costa Verde Specific Plan.

37. A minimum of seventy-five (75) feet shall be maintained between the residential units on Lots 7, 8 and 10 and the commercial component located immediately to the east.

38. All vision, security and sound attenuation screen walls shall be constructed of a material and architectural style which is compatible with the nearest building. The maximum uninterrupted length of a screen wall shall be twenty-four (24) feet. The required interruption in the surface plane shall take the form of a two-foot minimum offset or other means approved by the Planning Director. The interruption and offset must be shown in both the vertical and horizontal dimension.

39. Earth berms, as proposed in the landscape plan for Planned Residential Development Permit No. 85-0783, shown as Exhibit "A," dated June 10, 1986, on file in the Planning Department, shall be rounded and natural in character and shall be designed to obscure undesirable views.

40. Residential units located on Lots 7, 8 and 10 which are sited such that commercial parking, loading and service areas are visible from the interior of the units shall be screened from those views in a manner satisfactory to the Planning Director and in substantial conformance with similar conditions of the Planned Commercial Development Permit No. 85-0783 associated with this site.

41. Planter areas situated atop parking structures shall have an average depth of four (4) feet.

42. The developer(s) shall not oppose and shall participate in the establishment of an assessment district to finance the implementation and operation of a transit loop shuttle service in University City.

43. To minimize noise, visual and traffic impacts between the residential units located on Lots 7, 8 and 10 and commercial components located immediately east of this project, through

traffic between these components shall be limited to emergency and pedestrian access only through the installation of landscaping and vehicular barriers. These barriers, whose location and design shall be subject to the approval of the Fire, Engineering and Development Departments, shall also be approved by the Planning Director prior to installation.

44. The number, location, design and construction of future bus stops and bus shelters to be built in conjunction with this Planned Residential Development shall be subject to the review and approval of the Metropolitan Transit Development Board ("MTDB") and the Planning Director. Any future bus stops or bus shelters required to be constructed to serve this project shall be designed and constructed by the applicant at the request of MTDB and to provide handicapped accessibility. An encroachment permit and an encroachment removal agreement shall be obtained from the City Engineer for any bus shelters or bus stops located within the right-of-way.

45. This Planned Residential Development, and the associated Planned Commercial Development, shall provide pedestrian bridges traversing La Jolla Village Drive and Genesee Avenue. The financing, phasing and construction of said pedestrian bridges shall be provided as indicated in the Costa Verde Development Agreement.

46. Prior to the issuance of building permits for structures in this project, a development agreement between the developer, or successors, and The City of San Diego shall be executed.

47. The applicant shall contribute to the North University Loop Shuttle Engineering Design Study to assess the feasibility of the proposed transit loop. The amount of this contribution shall be determined prior to and incorporated into the development agreement required as a condition of approval of the tentative map (T.M. No. 85-0783). In addition, the applicant shall demonstrate how the transit loop would be incorporated into the project. The results of the transit loop study may indicate that in order to accommodate required transit right-of-way, the project site design, required parking, landscaping, and/or setbacks may require modification.

48. This Permit shall remain in substantial conformity with Tentative Map (T.M. No. 85-0783) conditions as outlined by Subdivision Board Resolution No. 5123, dated September 29, 1986, on file in the Planning Department.

49. A preliminary sewer plan approved by the Water Utilities Department shall be required prior to issuance of building permits.

50. The applicant has agreed to the routing of the shuttle loop through the Costa Verde project and will provide at the request of MTDB and The City of San Diego up to a maximum of

three passenger waiting areas for each direction of the loop (a total of six). Said facilities shall be reviewed and approved by MTDB, The City of San Diego and resident representatives of Costa Verde.

51. Landscaping or other methods to screen the above ground levels of the parking garages shall be provided to the satisfaction of the Planning Director.

52. The driveway area between the commercial center and the Planned Residential Development residential uses shall include an area with landscaping (including trees) and/or sidewalks and shall be designed in a manner which is attractive, complementary to the adjacent commercial center and residential uses and which will not create an attractive nuisance. This area must be a minimum ten feet wide and shall be reviewed and approved by the Planning Director prior to the issuance of building permits. If a sidewalk is required by the Planning Director, it shall connect to the pedestrian circulation network providing access to the commercial center.

53. 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.

APPROVED by the Council of The City of San Diego on July 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.

GUARANTY SERVICE CORPORATION  
(Owner/Permittee)

By \_\_\_\_\_

By \_\_\_\_\_

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

RECEIVED *pc*  
CITY CLERK'S OFFICE  
1988 AUG 25 AM 9:57  
SAN DIEGO, CALIF.

*Abbe*

JUL 12 1988

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

Council Members	Yeas	Nays	Not Present	Present Did Not Vote
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-271422* Adopted *JUL 12 1988*