

(R-89-1698 REV. 1)

RESOLUTION NUMBER R-272754

ADOPTED ON JANUARY 24, 1989

WHEREAS, Techbilt Construction Corporation represented by Paul A. Peterson, Esq., appealed the decision of the Planning Commission in approving the conditions for Planned Residential Development Permit No. 87-0226 (Amendment to PRD No. 80), submitted by Techbilt Construction Corporation, Owner, for La Jolla Alta Units 4, 14, and 15, located generally east of Rutgers Drive, south of La Jolla Scenic Drive, west of Soledad Road and north of Turquoise Street, and is further described as a portion of Pueblo Lots 1780 and 1781, and Lots 1-32, Block 1, Sea View Heights, Map No. 1125, and Lot 10 of Map No. 8252, within the boundaries of the La Jolla and Pacific Beach Community Plan areas, in the R1-5000, R1-10000 and Hillside Review Overlay Zones; and

WHEREAS, Save the Canyon Committee by Leysia Wake and Foothills Managed Growth Committee by Marsha Peterson Ingersoll, appealed the decision of the Planning Commission in approving Planned Residential Development Permit No. 87-0226 (Amendment to PRD No. 80), submitted by Techbilt Construction Corporation, Owner, for La Jolla Alta Units 4, 14, and 15, located generally east of Rutgers Drive, south of La Jolla Scenic Drive, west of Soledad Road and north of Turquoise Street, and is further described as a portion of Pueblo Lots 1780 and 1781, and

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Lots 1-32, Block 1, Sea View Heights, Map No. 1125, and Lot 10 of Map No. 8252, within the boundaries of the La Jolla and Pacific Beach Community Plan areas, in the R1-5000, R1-10000 and Hillside Review Overlay zones; and

WHEREAS, the matter was set for public hearing on January 24, 1989, 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. 87-0226 (Amendment to PRD No. 80):

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 project provides 36.8 acres of open space which maintains the unique topographic and vegetational features of the surrounding area. The total 130 dwelling units (3.9 dwelling units per acre) is consistent with the La Jolla and Pacific Beach community plan designations for the site of residential use at 0-5 and 0-9 dwelling units per acre respectively.

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 site design of the development minimizes impacts upon landform and the surrounding properties. The use of zero lot line buildings minimizes the visual affect of the development upon the surrounding properties by reducing the number of buildings. The risk of fire damage has been reduced through the use of front yard setbacks, which locate the buildings further away from the canyon rims.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project meets and exceeds the minimum requirements of the Planned Residential Development Ordinance. Specifically, Unit No. 14 development provides 13.7 acres of open space (45 percent of the site) where 8.9 acres are required (27 percent of the site).

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 appeals of Save the Canyon Committee and Foothills Managed Growth Committee are denied and that the appeal of Techbilt Construction Corporation is granted; the decision of the Planning Commission is overruled, and Planned Residential Permit No. 87-0226 (Amendment to PRD No. 80) is hereby granted to Techbilt Construction Corporation, 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

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05/03/89
06/12/89 REV. 1
Or.Dept:Clerk
PRD-87-0226
R-89-1698
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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 87-0226,
LA JOLLA ALTA UNITS 4, 14, 15
(AMENDMENT TO PRD NO. 80)

CITY COUNCIL

This Planned Residential Development Permit Amendment is granted by the City Council of the City of San Diego to TECHBILT CORP., a California corporation, 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 La Jolla Alta PRD Unit No. 4, Map No. 8252, Portion of Pueblo Lots 1780 and 1781 and Lots 1-32, Block 1, Sea View Heights Map No. 1125, located generally east of Rutgers Drive south of La Jolla Scenic Drive west of Soledad Road, and north of Turquoise Street, in the R1-5000, R1-10,000 and Hillside Review Overlay Zone.
2. The Planned Residential Development Permit shall include the total of the following facilities:
 - a. 130 total dwelling units consisting of:
 - (1) Eight duplex units in Unit No. 4;
 - (2) 122 single-family detached and duplex units in Unit No. 14; and
 - (3) No dwelling units in Unit No. 15, (Unit 15 is required open space as identified and required in PRD Permit No. 80.
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
3. 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.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites in Unit No. 4. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be

maintained as open space. Lot 1 of Unit 15 shall have a negative open space easement over it in a manner satisfactory to the Park and Recreation Department. The easement shall be maintained by the homeowners association. Lots 123 and 124 of Unit 14 shall have a negative open space easement over it in a manner satisfactory to the Park and Recreation Department. All easements shall be maintained by the homeowner's association.

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 January 24, 1989, 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.
6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. Three hundred seventy-one (371) total parking spaces, twenty-six (26) in Unit No. 4 and three hundred forty-five (345) in Unit No. 14, shall be provided (at a ratio of 2.85:1 spaces per dwelling unit. Of those spaces, 111 shall be provided for guests (at a ratio of .85:1 spaces per unit. One hundred eleven (111) curb spaces, ten (10) in Unit No. 4 and one hundred one (101) in Unit No. 14, 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 January 24, 1989. 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. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and 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 R1-5000, and R1-10000 Zones.
13. 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.
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 Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 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 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 Planning Director.
16. 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.

If the signed permit is not received by the Planning Department within 90 days of receipt of the permit, the permit shall be void.

17. 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.
18. 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.
19. 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.
20. All accessory structures less 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.
21. 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.
22. Vehicular access to the dwelling units within the PRD shall be by means of a system of named, non-dedicated, privately maintained private streets constructed in a manner satisfactory to the City Engineer.
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 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.

The slopes designated for timely landscaping as described above include all slopes. All other slopes are to be landscaped as shown.

27. All buildings abutting open space shall observe a minimum setback of no less than five feet and no more than 10 feet from the front property line to ensure a maximum building setback from the rear property line and the canyon, for brush management purposes.
28. No retaining wall may exceed a maximum of height six feet.
29. No crib wall may exceed a maximum height of ten feet and shall have a landscape and irrigation plan satisfactory to the Planning Director prior to approval of said crib wall.
30. All front and street yards shall be landscaped in substantial conformity to Exhibit "A," dated January 24, 1989, prior to issuance of final occupancy permits.
31. The maximum floor area shall not exceed 2,700 square feet plus garage for lots with zero line units and 3,000 square feet plus garage for lots with detached dwelling units.
32. Prior to acceptance of the Negative Open Space easement over Lot 1 of Unit No. 15, the erosion hazard must be corrected in a manner satisfactory to the Park and Recreation Director.
33. No final maps shall be filled for Unit No. 14 until, or concurrently with, a final map has been filled for Unit No. 15.
34. Mitigation measures as required in the EIR (EQD No. 87-0226) shall be implemented as presented in the following Mitigation Monitoring Program:

- a. Landscaping. All manufactured slopes shall be landscaped in accordance with the approved landscaping plan. The manufactured slope in Van Nuys Canyon shall be landscaped with native plant species indicative of surrounding native vegetation. The Environmental Quality Division (EQD) shall review and approved plant species and hydroseed mix prior to installation. EQD shall be notified in writing when landscaping has been installed. EQD staff shall conduct a site inspection one year following installation of landscaping to determine if landscaping is adequately established. If it is determined that landscaping is not adequately established. EQD staff may require additional one year monitoring inspections until establishment occurs.
- b. Geology. The subdivider shall submit a site specific analysis of grading for Units 4 and 14. The site specific geotechnical recommendations shall incorporate the following:
- (1) Areas of loose or compressible surface soils shall be removed down to firm ground.
 - (2) All areas receiving fill or other surface improvements shall be scarified to a minimum depth of six inches brought to slightly above optimum moisture conditions and compacted to at least 90 percent.
 - (3) Fill soils placed within the upper three feet of building pads shall be nonexpansive and contain no cobbles or boulders over six inches in dimension.
 - (4) Structural fill shall have a minimum relative compaction of 90 percent.

Prior to releasing the certificate of occupancy, EQD shall be notified in writing, by a certified geotechnical engineer, that the recommendations have been accomplished.

- c. Paleontology. The applicant has submitted to the City of San Diego a letter of intent to initiate a paleontological survey by a qualified paleontologist of Units 4 and 14. In order to ensure mitigation of potentially significant paleontological resources, the following measures shall be implemented:
- (1) Grading plans and schedule shall be provided to a qualified paleontologist in advance of actual development.

- (2) A qualified paleontologist shall be present at any pre-grading meetings to discuss grading plans with the grading and excavation contractors.
 - (3) During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of the San Diego Formation to inspect cuts for potential fossils. During cutting of the Ardath Shale, the monitoring should initially be half-time, then increased or decreased depending on the results of initial investigation.
 - (4) In the event that well-preserved fossils are discovered, the paleontologist shall be allowed to temporarily direct, divert or halt grading operations to allow recovery of fossil remains in a timely manner. It may be necessary to set up a screen-washing operation on the site.
 - (5) Fossil remains collected during this salvage program shall be cleaned, sorted and cataloged and then, with the owner's permission, deposited in a scientific institution with paleontological collections.
 - (6) A letter shall be prepared by the developer and submitted to the City of San Diego to confirm that a paleontological study has been conducted of Units 4 and 14. The letter will include the results of the paleontological survey.
35. A brush management program shall be implemented which provides the following definitions of three zones of defense for fire safety:
- Zone 1. Consists of plantings adjacent to structures. While these plantings typically consist of irrigated, ornamental non-native species, native plants may also be used. When used, native plants should be able to survive with summer water. Generally, irrigation of this zone is required. All plantings, native or non-native, if not maintained in a succulent (moisture-filled) condition will increase the chance of fire spreading from the landscape to structures.
 - Zone 2. Can be implemented in a variety of ways, the simplest being the selective thinning and pruning of the native plants. Long-term ongoing thinning cost may be reduced by the introduction of low growing fire retardant shrubs and groundcovers that are visually and culturally compatible with the native vegetation. Zone 2 plantings can also be established in disturbed areas that have been cleared of native vegetation by

replanting appropriate native plant species in combination with appropriate introduced plant materials. The maximum native plant coverage in this zone is 20 percent and 40 percent.

Zone 3. The first line of defense for fire safety and involves only the selective thinning and pruning of native vegetation to reduce the fuel load. Planting of non-natives is not recommended and pruning and thinning should be done in a way that preserves the natural appearance of the area. The maximum native plant coverage in this zone is 40 percent to 60 percent.

Together these zones provide for a transitional buffer of 50 to 150 feet between structures and undisturbed native vegetation. The exact width of each of these zones would depend on the Fire Department's Fire Hazard Severity Classification for the western canyon.

36. 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 La Jolla and Pacific Beach Community Plans, 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.
37. 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.
38. Prior to the issuance of any building permits, the applicant must submit to the Planning Department a site plan which identifies all resident parking spaces (delineating assigned and unassigned) and all guest parking spaces. All curb parking shall be located on this exhibit.
39. Grading and lot design in and around the Van Nuys Canyon shall comply with Alternative 5.2 of Environmental Impact

Report No. 87-0226 as certified by the City Council on January 24, 1989, and shall be approved by the Planning Director.

40. The subdivider shall install landscaping in Cardeno Drive and the Decatur School area to the satisfaction of the Planning Director prior to the issuance of the first building permit for Unit 14.
41. The subdivider shall provide a traffic signal at the intersection of La Jolla Scenic South and Soledad Mountain Road to the satisfaction of Deputy Director of Engineering and Development.
42. 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 January 24, 1989.

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JAN 24 1989

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<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.

(Seal)

By *Shonda R. Baccus*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-272754 Adopted JAN 24 1989

