

(R-91-772)

RESOLUTION NUMBER R-276496

ADOPTED ON SEPTEMBER 10, 1990

WHEREAS, Joseph N. Beecroft, by Robert Beecroft, and Howard, Bill and Cecilia Fisher, by D. Dwight Worden, Esq., appealed the decision of the Planning Commission in denying Resource Protection Ordinance Permit and North City West Planned District Development Plan Permit No. 89-1255 (amending North City West Planned District Development Plan Permit No. 86-0903), the Beecroft/Fisher Del Map Project, submitted by Joseph N. and Lois M. Beecroft and Howard Fisher, "Owners/Permittees/Individuals," for the development of 453 attached multi-family dwelling units contained within 43 two and three story structures (including site landscaping, brush management, recreational facilities and covered parking), located on the east side of El Camino Real, between High Bluff Drive and Del Mar Heights Road, and is more particularly described as Parcel 1 of Parcel Map No. 15120 and a portion of Section 19, Township 14 South, Range 3 West, SBBM, in the North City West Community Plan, in the MF-3 zone; and

WHEREAS, the matter was set for public hearing on September 10, 1990, 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

Resource Protection Ordinance Permit and North City West Planned District Development Plan Permit No. 89-1255:

1. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

2. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

3. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

4. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

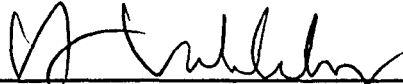
5. The proposed development will conform with The City of San Diego's Progress Guide and General Plan, the community plan, the Local Coastal Program, or any other applicable adopted plans and programs.

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 the Joseph N. Beecroft, by Robert Beecroft, and Howard, Bill and Cecilia Fisher, by D. Dwight Worden, Esq., is granted; the decision of the Planning Commission is overruled; and Resource Protection Ordinance Permit and North City West Planned District Development Plan Permit No. 89-1255 is hereby granted Joseph N. and Lois M.

Beecroft and Howard Fisher, "Owners/Permittees/Individuals,"  
subject to the terms and conditions set forth in the permit  
attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
for Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
02/20/91  
Or.Dept:Clerk  
R-91-772  
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NORTH CITY WEST PLANNED DISTRICT  
 DEVELOPMENT PLAN PERMIT AND RESOURCE PROTECTION  
 ORDINANCE PERMIT NO. 89-1255  
 (AMENDMENT TO NORTH CITY WEST PLANNED DISTRICT  
 DEVELOPMENT PLAN PERMIT NO. 86-0903)  
BEECROFT/FISHER DEL MAR

City Council

This North City West Planned District Development Plan Permit (Amendment) and Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to HOWARD FISHER and JOSEPH N. AND LOIS M. BEECROFT, "Owners/Permittees/Individuals," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 103.0601 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owners/Permittees/Individuals" to develop subject property located on the east side of El Camino Real, between High Bluff Drive and Del Mar Heights Road in the MF-3 Zone of the Neighborhood 9 Precise Plan area of North City West. The project site is legally described as Parcel 1 of Parcel Map No. 15120 and a portion of Section 19, Township 14 South, Range 3 West, SBBM.
2. The project shall include the total of the following facilities:
  - a. A total of 453 attached multi-family dwelling units consisting of the following breakdown as identified by size, location and dimension on the approved Exhibit "A," dated September 10, 1990, on file in the Planning Department:

Unit Type	No. One Bedroom	No. Two Bedroom	No. Three Bedroom
Condominium	120	112	21
Townhouse	-	75	125
Total	120	187	146

- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. A 5,672-square-foot recreation building, two swimming pools, a tot-lot and related recreational facilities shall be provided for residents of the project in

accordance with the approved Exhibit "A," dated September 10, 1990, on file in the Planning Department.

3. Prior to the issuance of any building permits a final subdivision map (TM 89-1255) shall be recorded on the subject property.
4. A "Non-Building Area" designation shall be shown on said Exhibits "A" for 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 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 September 10, 1990, 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.
6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. A minimum total of 1,021 parking spaces shall be provided (at a ratio of 2.3 spaces per dwelling unit). Of those spaces, a minimum of 206 shall be provided for guests (at a ratio of 0.5 spaces per unit). No curb spaces on El Camino Real may be used in the calculation for required parking. 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 September 10, 1990. 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. Building additions shall conform to the underlying MF-3 zone. No building additions, including patio covers, shall be permitted unless approved by the homeowners association, if an association exists, and by 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 existing MF-3 Zone or with an applicable design element.
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 City Council.
16. No development shall commence, nor shall any permit for construction be issued, until the Permittee signs and returns the permit to the Planning Department.
17. The property included within this permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless specifically authorized by the Planning Director or the permit has been revoked by The City of San Diego.
18. 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, Planning Commission or Permittee.
19. This permit 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. Public refuse collection shall not be permitted unless approved by the Director of General Services. No parking shall be permitted on any streets except in approved locations.

21. 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.
22. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
23. 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.
24. Capacity charge for water is \$1,651 (plus interest) per new equivalent dwelling unit.
25. Capacity charge for sewer is \$3,235 (plus interest) per new equivalent dwelling unit.
26. Individual lot pressure regulators will be required where the lowest fixtures are subject to pressures exceeding 80 p.s.i. in accordance with Uniform Plumbing Code Section 1007B.

NOTE: The charges in conditions 24 and 25 are subject to change from time to time by the City Council.

27. WATER REQUIREMENTS:

- a. Install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
- b. Install, on-site, a 12" looping water main connecting to the 16" water main in El Camino Real. Extend 12" mains from the looped 12" main to the eastern property line to serve future developments to the east. All satisfactory to the Water Utilities Director. Install additional 8" water mains as needed to serve this project. Any dead-end main shall serve less than 30 units.

28. SEWER REQUIREMENTS:

- a. Install a system of gravity sewer mains of adequate capacity to serve this development.
- b. Provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and cleansing velocities.

29. WATER AND SEWER REQUIREMENTS:

- a. Install, on-site, reclaimed water distribution system for landscape irrigation, satisfactory to the Water Utilities Director.
  - b. Provide evidence, satisfactory to the Water Utilities Director, indicating that each parcel will have its own water service and sewer lateral.
  - c. Provide CC&R for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. Provide private easements for the private mains or show easement locations in the CC&R.
  - d. If mains are to be public then grant adequate easements, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over easements without first obtaining an encroachment removal agreement.
  - e. Prior to the issuance of building permits, the number of EDUs in this development must be added to the total for North City West. If the total number of EDUs in North City West exceeds 9,000, then this development is subject to the construction and operational acceptance of the 30" water line from the Del Mar Heights Pipeline to the Miramar Pipeline.
30. Prior to the issuance of occupancy permits, the applicant shall provide a disabled accessible bus stop along El Camino Real, including 80 feet of red curb and a hard, level surface pad (eight-feet-deep by four-feet in width) to accommodate a wheelchair lift. Design and placement of the bus stop shall be approved by the Metropolitan Transit Development Board (MTDB) prior to construction.
31. This project shall comply with the phasing and financing standards, policies and requirements relating to growth management in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by The City of San Diego after January 11, 1990.
32. This development plan shall be constructed in accordance with all relevant conditions, restrictions and requirements of the proposed tentative map for this site (TM 89-1255).



33. Future development of Lot 8 of the tentative map for this site will require an amendment(s) of this development plan permit and approval of specific building and site plans consistent with development criteria of the adopted Precise Plan. A maximum of 124 multi-family units may be achieved on this remainder parcel per density requirements of the Precise Plan for this site.
34. Street cleaning procedures shall be designed to maximize the removal of fine-grained particles, to include the prohibition of on-street parking during cleaning, the use of lower operating speeds, and the use of two cleaning passes where low operating speeds are unsafe.
35. The following ENVIRONMENTAL MITIGATION REQUIREMENTS shall be implemented in accordance with the Environmental Mitigated Negative Declaration (MND 89-1255) completed for this project:
  - a. A solid five-foot high noise attenuation wall shall be constructed along El Camino Real. A separate building permit for this wall shall be required. The Certificate of Occupancy for units adjacent to El Camino Real will not be issued until the noise wall has been constructed and approved by the City.
  - b. Prior to issuance of building permits for units adjacent to El Camino Real, an acoustical study shall be prepared to demonstrate that the interior noise levels in these units will not exceed 45 dB(A) CNEL in the year 2010. The study will be submitted to the Planning Department and reviewed by the City's Noise Abatement Officer. All recommendations of the study shall be incorporated into the building plans. The Certificates of Occupancy for these units shall not be granted unless recommended design features have been incorporated into the structures.
  - c. Grease interceptor(s) shall be installed on the drainage inlet(s) on site. The grease interceptors shall be designed to remove oils and other pollutants from the drainage leaving the project site. Designs for the grease interceptors shall be submitted to the City for review by the Planning Director and City Engineer prior to approval of the final map. The approved designs shall be incorporated into the final map. The devices shall be cleaned by the permittee a minimum of twice per year (September and December). The permittee or homeowners association shall submit receipts to the Planning Director verifying that the devices have been cleaned.

- d. The 6.0 acre parcel of the tentative map (Lot 8) shall not be disturbed by grading. This area shall be staked in the field by a civil engineer prior to commencement of any grading on the project site.
- e. Future development of any portion of Parcel 8 shall require new, or amendments to this tentative map, RPO permit, and Development Plan Permit. Additional environmental review shall also be required. A maximum of 124 units may be developed on this parcel subject to compliance with all other ordinances relevant to development of this parcel.
- f. Future disturbance of Parcel 8 shall be limited to 0.5 acres to insure compliance with the Resource Protection Ordinance. Any disturbance beyond this amount would require an environmental review plus full mitigation for the losses of coastal mixed chaparral, Del Mar sand aster, and Del Mar manzanita.

APPROVED by the Council of The City of San Diego on September 10, 1990.

FCC:lc  
r-91-772

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 \_\_\_\_\_, 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.

\_\_\_\_\_  
HOWARD FISHER

\_\_\_\_\_  
JOSEPH N. BEECROFT

\_\_\_\_\_  
LOIS M. BEECROFT

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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R- 276496

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SEP 1 0 1990

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"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<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 checked="" 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.

(Seal)

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

*Charles G. Abdelnour*  
Deputy

Office of the City Clerk, San Diego, California	
Resolution Number <b>R-276436</b>	SEP 1 0 1990
Number .....	Adopted .....