

(R-92-243)

RESOLUTION NUMBER R-278517

ADOPTED ON AUGUST 6, 1991

WHEREAS, on June 27, 1991, the Planning Commission recommended approval of Planned Commercial Development Permit No. 90-1123 submitted by Scripps Wateridge Associates, a limited partnership, Owner/Permittee, to construct a 344-unit apartment complex with a 5,000-square-foot athletic center; the site is located south of Lusk Boulevard, east of Wateridge Vista Drive and Wateridge Circle, between Wateridge Circle and Mira Mesa Boulevard, described as Lots 8 through 17 and a portion of Lot 18 of Wateridge I, Final Map No. 10602, in the Mira Mesa Community Plan area, in the M-IP zone (proposed CA zone); and

WHEREAS, the matter was set for public hearing on August 6, 1991, 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 Commercial Development Permit No. 90-1123:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Pan. The proposed apartments will

RECEIVED  
CITY CLERK'S OFFICE

91 AUG 16 PM 3:08

SAN DIEGO, CALIF.

[Faint, illegible text, likely a document or letter body]

provide housing opportunities in a convenient location for employees of the Sorrento Mesa area. There is currently no housing in the immediate vicinity. The proposed athletic center will provide residents and area employees with a recreational facility that is likely to attract users at early morning, noon and early evening hours, thus reducing peak hour automobile trips.

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 project would allow for apartments and an athletic center to be integrated into an established employment center. The integration of housing and jobs is consistent with the transportation demand management goal of reducing automobile dependence.


3. The proposed use will comply with the relevant regulations in the Municipal Code. The project complies with the regulations for the planned commercial development ordinance, coastal development permit ordinance, the land use designation of the proposed Mira Mesa Community Plan Amendment and Local Coastal Program.

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 recommendation of the Planning Commission is sustained, and Planned Commercial Development Permit No. 90-1123 is hereby granted to Scripps

Wateridge Associates, a limited partnership, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
08/13/91  
Or.Dept:Clerk  
R-92-243  
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 90-1123  
COASTAL DEVELOPMENT PERMIT NO. 90-1123  
VILLAS AT WATERIDGE

CITY COUNCIL

This planned commercial development/coastal development permit is granted by the Council of The City of San Diego to Scripps Wateridge Associates, a limited partnership, Owner/Permittee, pursuant to in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a planned commercial development located south of Lusk Boulevard, east of Wateridge Vista Drive and Wateridge Circle, between Wateridge Circle and Mira Mesa Boulevard, described as Lots 8 through 17 and a portion of Lot 18 of Wateridge I, Final Map No. 10602, in the CA zone.
2. The facility shall consist of the following:
  - a. A residential component consisting of a total of 344 attached multi-family residential dwelling units incorporating approximately 208 one-bedroom units and 136 two-bedroom units;
  - b. An athletic center component consisting of approximately 5,000-square-foot incorporating aerobic and exercise equipment space, locker rooms, volleyball and basketball courts, lap pool, spa and a tot lot;
  - c. Off-street parking; and
  - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 596 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated August 6, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8, of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.
4. No fewer than 23 motorcycle parking spaces, 2 enclosed bicycle storage spaces for each of the 136 two-bedroom units (272 spaces) and one enclosed bicycle storage space for each of the 208 one-bedroom units (208 spaces), and 139 bicycle rack spaces shall be maintained on the property and shall be conveniently dispersed throughout the project. Motorcycle

spaces shall have minimum dimensions of three-feet-wide by eight-feet deep.

5. Approval of this project is subject to City Council approval of the associated rezone to the CA zone; community plan amendment to residential, specialized commercial and open space; and amendment to Planned Industrial Development Permit No. 40-021 and approval of Planned Industrial Development Permit No. 90-1123.
6. No permit for occupancy of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the permit to the Planning Department;
  - b. The planned commercial development/coastal development permit is recorded in the office of the County Recorder.
  - c. Planned Industrial Development (PID) Permit No. 90-1123 is concurrently signed, returned and recorded.
7. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 6, 1991, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
8. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated August 6, 1991, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
9. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
10. The effective date of this permit shall be the date of final action of approval by the California Coastal Commission for Local Coastal Program Amendment No. 90-1123. 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 101.0910 M. 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.

11. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
12. After establishment of the project, the property shall not be used for any other purposes unless:
  - a. Authorized by the City Council; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The permit has been revoked by the City.
13. This planned commercial development/coastal 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 of San Diego or Permittee.
14. This planned commercial development/coastal development permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.
15. Permanent and temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated August 6, 1991, on file in the office of the Planning Director. 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.
16. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by The City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

17. This planned commercial development/coastal development permit may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
18. 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.
19. 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.
20. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated August 6, 1991, on file in the office of the Planning Director, shall be permitted by an encroachment permit obtained from the City Engineer.
21. The Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
22. The Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
23. The Permittee shall provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The developer shall provide private easements for the private mains or show easement locations in the CC&R's.
24. Prior to the issuance of any building permits, the applicant shall provide a system of walkways from each unit to the public sidewalk on Wateridge Circle, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the applicant shall dedicate right-of-way and provide slope easements for Mira Sorrento Parkway in conformance with the existing grade and alignment study, satisfactory to the City Engineer.
26. The project shall be served by a system of non-dedicated, unnamed, private driveways a minimum of 26-feet-wide, satisfactory to the City Engineer.



27. The driveways on Wateridge Circle and Lusk Boulevard shall be standard City driveways a maximum of 30-feet-wide, satisfactory to the City Engineer.
28. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
29. This development is in a community plan area designated in the General Plan as Planned Urbanizing or Future Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in connection with approval of the building permits, the Permittee shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a facilities benefit assessment (FBA) or such other means as may have been established by the City Council.

30. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
31. Pedestrian Path Environment - The Permittee shall provide an amended site plan indicating revised building locations, in conformance with the Exhibit "B," dated August 6, 1991, on file in the office of the Planning Director.
32. Carport Building Materials - The Permittee shall provide a color and material board to be approved prior to the Planning Department's final approval of the construction drawings. Corrugated metal roofing materials shall not be permitted.
33. The Permittee shall be required to obtain appropriate clearances from all the concerned public utilities and franchised facilities companies prior to issuance of any building permit(s).
34. Refuse collection areas shall not be located in any front, side or street yard, and shall be screened from public view by a solid masonry wall with a minimum height of six feet. Storage containers for recyclable items shall be provided in the refuse collection areas.
35. The Permittee shall provide the service for the collection of refuse and recyclable items.

36. The Permittee shall obtain all appropriate clearances from all public utilities and franchised facilities companies prior to the issuance of any building permit(s).
37. Monitoring Program: The Permittee shall provide a monitoring report to the Planning Director, satisfactory to the City Engineer, which includes information on the following issues:
  - a. The Permittee shall provide the Planning Director with information demonstrating the linkage between the residents of the project and the employee base for the Sorrento Mesa area.
  - b. The Permittee shall provide the Planning Director with membership information for the athletic center. This information shall include the number of non-resident members and the linkage with employee base for the Sorrento Mesa area.
  - c. The Permittee shall provide a traffic study, satisfactory to the City Engineer, including the average daily trips (ADT) generated by the athletic center and the residential units. A parking analysis indicating the adequacy or inadequacy of the number of parking spaces provided for the athletic center shall be included in the traffic study.

The monitoring report shall be submitted to the Planning Director for the first 5 years following occupancy. The report shall be submitted on a biannual basis for the first 2 years and on an annual basis for the remaining 3-year period. The Permittee shall address and correct any problems which may be identified during the review of the monitoring report.

38. The developer shall implement an affirmative marketing program, including but not limited to: (1) direct marketing to employers in the Sorrento Mesa area for the dissemination of information regarding the project; (2) to maintain a priority list for employees of the Sorrento Mesa area; and (3) rental payment for the project to include use of the athletic center without additional membership fees. The target goal is to draw approximately 70 percent of the project's residents from the Sorrento Mesa area. If this goal is not met the developer shall strengthen its marketing program.
39. The property included within this planned commercial development/coastal development permit 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.

40. The subdivider shall contribute funds on a pro rata basis, as determined by the City Manager, to fund the full cost of construction of certain community and regional transportation improvements shown as projects 15-43, 15-44, 15-45 and the ninth lane portion of project 15-46 as contained in the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment. The subdivider's pro rata share is calculated at 0.5 percent or \$40,000. This share is based on increased traffic generation by the project above the amount currently projected under the existing planned industrial development permit. A finding by City staff that this project will not generate increased traffic flows will result in the deletion of this condition.
41. 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. However, in the event that a challenge pertaining to future growth management requirements is found to be unreasonable, the Planning Director shall have the right, but not the obligation, to review this permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on August 6, 1991.

R-278517  
R-278518

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.

SCRIPPS WATERIDGE ASSOCIATES,  
a limited partnership  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

R-278517

335C

AUG 06 1991

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 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"/>
Tom Behr	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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.

(Seal)

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

By *Blondal R. Purvis*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-278517* Adopted *AUG 06 1991*