

(R-92-616)

RESOLUTION NUMBER R-278808

ADOPTED ON OCTOBER 8, 1991

WHEREAS, on July 15, 1991, the Subdivision Board recommended approval of Planned Infill Residential Development (PIRD) Permit No. 90-0576 for the West View II project submitted by Globus Development, Inc., Owner/Permittee, for the construction of seven single-family dwellings on property located on Pendleton Street, north of Walmar Lane and west of Soledad Mountain Road, which is described as Lot 1 and Lot 2, Block 100, Map No. 933, Pacific Beach Subdivision, in the Pacific Beach Community Plan area, in the R1-5000 zone; and

WHEREAS, the matter was set for public hearing on October 8, 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 Infill Residential Development Permit No. 90-0576:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Pacific Beach Community Plan. The project is consistent with the recommended land use and residential density of the adopted Pacific Beach Community Plan and the General Plan for the City.

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. A number of conditions (and referenced exhibits) have been incorporated into the PIRD permit relative to project compliance with the Planned Infill Residential Development Ordinance, including requirements for adequate parking, landscaping, open space, density and compatibility.

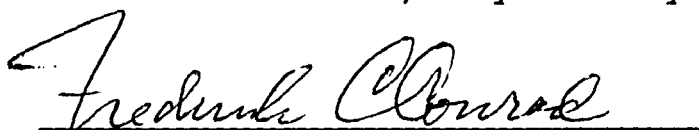
3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills requirements of the Municipal Code relevant to planned infill residential developments and meets design criteria and guidelines of the adopted Pacific Beach Community Plan.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommended approval by the Subdivision Board of Planned Infill Residential Development Permit No. 90-0576 is sustained and is hereby granted to Globus Development, Inc., 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  
12/11/91  
Or.Dept:Clerk  
R-92-616  
Form=r.permit

PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT NO. 90-0576,  
WEST VIEW II

CITY COUNCIL

This planned infill residential development permit is granted by the Council of The City of San Diego to GLOBUS DEVELOPMENT, INC., Owner/Permittee, under the conditions contained in Section 101.0930 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a planned infill residential development described as Lots 1 and 2, Block 100, Pacific Beach, Map 933, located on Pendleton Street north of Walmar Lane and southwest of Soledad Mountain Road in the Pacific Beach Community, in the R1-5000 Zone.
2. The planned infill residential development permit shall include the total of the following facilities:
  - a. Seven, detached, single-family dwellings;
  - b. Off-street parking;
  - c. Incidental accessory uses as may be determined and approved by the Planning Director;
  - d. Designated Open Space.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.
4. A "Nonbuilding Area" designation shall be granted and shown on the 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 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 October 8, 1991, 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. Twenty-one total parking spaces shall be provided (at a ratio of 3.0 spaces per dwelling unit). Of those spaces, seven shall be provided for guests (at a ratio of 1.0 spaces per unit). Four curb spaces may be included in the calculation. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated October 8, 1991. 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. A letter of recommendation from the homeowners association shall accompany requests for Planning Director approval.
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 Zone.
13. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
14. 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 101.0930 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.

15. 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 infill residential development permit is recorded in the Office of the County Recorder.
16. The property included within this planned infill 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.
17. This planned infill 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.
18. This planned infill 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.
19. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and planned infill residential development permit guidelines and standards regardless of Building Inspection Department requirements for building permits.
20. 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.

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. This planned infill 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.
23. 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.
24. 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 ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a homeowners association which will assure responsibility for the landscape maintenance.
25. The slopes designated for timely landscaping as described above include the areas adjacent to Pendleton Street, south of Walmar Lane. All other slopes are to be landscaped as shown.
26. Noise wall, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated October 8, 1991, shall be permitted by an Encroachment Permit obtained from the City Engineer.
27. Water and Sewer Requirements:
  - a. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
  - b. The developer shall install an eight-inch water main in Pendleton Street, connecting to the six-inch main in Chalcedony Street, then continuing across the development through a 15-foot water easement, across Soledad Mountain Road, and east in Beryl Street, connecting to the six-inch main there, satisfactory to the Water Utilities Director.

- c. The developer shall install a system of gravity sewer mains of adequate capacity to serve this development.
  - d. The developer 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.
  - e. The developer shall provide a 20-foot easement for the 30-inch Kearny Mesa pipeline on-site, satisfactory to the Water Utilities Director.
  - f. The developer shall provide for the relocation of the water service and sewer lateral that serves Lot 3 and Lot 4 and goes through this property.
28. Park and Recreation Department Requirements:
- a. Prior to recordation of the final map for West View II, the subdivider shall establish the legal title to Pendleton Street. If title does reside in the City of San Diego, then this project shall be considered null and void.
  - b. Should legal title to Pendleton Street reside with the developer, the following condition will be required:
    - i. The developer shall provide an open space lot on the northern portion of Pendleton Street.
    - ii. The developer shall grant the open space lot to the City for park and recreational purposes at no cost to the City. No park fee or impact fee credit shall be granted for this transfer.
    - iii. The developer may enter into an agreement with the City for the development of Capehart Open Space Park. Development shall be limited to the establishment of a decomposed granite (DG) path, benches, and possible drinking fountain. The exact design and improvements are to be approved by the Pacific Beach Recreation Council, adjacent owners, and the Park and Recreation Board.
29. Fire Departments Requirements:
- a. Access roadway must be a minimum of 28'-0" wide;
  - b. Access roadways greater than 165'-0" long requires a turnaround satisfactory to the Fire Department.

30. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
31. All conditions of approval within the Tentative Map 90-0576, shall be also conditions of this permit.
32. 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 by a court of competent jurisdiction to be invalid, unenforceable or 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 October 8, 1991, by Resolution No. R-278808.

12/11/91  
[Doc. 2874]



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.

GLOBUS DEVELOPMENT, INC.  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

R-278808

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OCT 08 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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.

(Seal)

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

By *Brenda L. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-278808* Adopted *OCT 08 1991*