

(R-94-267)

RESOLUTION NUMBER R-282518

ADOPTED ON AUGUST 10, 1993

WHEREAS, on June 3, 1993, the Planning Commission recommended approval of Resource Protection Ordinance Permit No. 92-0468 submitted by Philip Chodur, Owner/Permittee, for the construction of 46 duplex dwelling units for senior citizens, located 1355 27th Street and described as a portion of the northern half of the northwest quarter of the southwest quarter of the southeast quarter of Section 27, Township 18 South, Range 2 West, SBBM, in the Otay Mesa-Nestor Community Plan area, in the R1-10,000 (proposed R-3000) zone; and

WHEREAS, the matter was set for public hearing on August 10, 1993, 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 No. 92-0468:

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. The project design precludes any adverse impacts upon 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. The project design includes an adequate buffer for Nestor Creek.

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. The project design keeps grading to a minimum, thus eliminating any undue risks.

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. The proposed project will visually restore and enhance the existing site, and will retain the same character as surrounding areas.

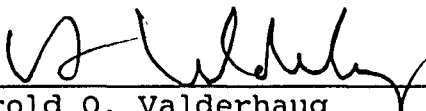
5. The proposed development will conform with the City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The proposed project complies with all applicable codes, plans and programs.

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 recommendation of the Planning Commission is sustained, and Resource Protection Ordinance Permit No. 92-0468 is hereby granted to Philip Chodur,

under the terms and conditions set forth in the permit attached
hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
10/20/93
Or.Dept:Clerk
R-94-267
Form=r.permit

PLANNED RESIDENTIAL DEVELOPMENT PERMIT/CONDITIONAL USE
PERMIT/RESOURCE PROTECTION ORDINANCE PERMIT 92-0468
CREEKSIDE VILLAGE

CITY COUNCIL

This Planned Residential Development Permit, Conditional Use Permit, Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to PHILIP CHODUR, Owner/Permittee, under the conditions contained in San Diego Municipal Code section 101.0901.

1. Permission is granted to Owner/Permittee to construct a Planned Residential Development/Conditional Use Permit/Resource Protection Ordinance Permit described as a portion of the northern half of the northwest quarter of the southwest quarter of the southeast quarter of Section 27, Township 18 South, Range 2 West, SBBM, located at 1355 27th Street, in the R1-10,000 (proposed R-3000) zone.
2. The Planned Residential Development Permit/Conditional Use Permit/Resource Protection Ordinance Permit shall include the total of the following facilities:
 - a. Forty-six duplex dwelling units on 46 lots, and one common lot for access and recreational facilities;
 - b. Off-street parking;
 - c. Landscaping;
 - d. 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. Rezoning of the subject property shall become effective with the recordation of the subdivision map. 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. 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 August 10, 1993, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. 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. Seventy-five total parking spaces shall be provided (at a ratio of 1.6 spaces per dwelling unit). 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 Conditions, Covenants and Restrictions ("CC&Rs"). Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated August 10, 1993. Parking spaces and aisles shall conform to Planning Department standards. No change 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 R-3000 Zone.
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 101.0901 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.
17. The property included within this 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.
18. This permit may be canceled 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 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. 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 regardless of Building Inspection Department requirements for building permits.
21. The applicant shall inform all responsible construction personnel affiliated with this project of the statutory provisions contained in Public Resource Code section 5097.5 et seq. and Health and Safety Code section 7050 et seq.

22. Implementation of the permit shall include the creation of a homeowner's association adequate to administer maintenance contracts. Maintenance contracts shall be written and implemented to include all areas shown on the approved Exhibit "A," dated August 10, 1993, to be landscaped as detailed on the Landscape Concept Plan. CC&Rs shall be prepared and included in the organization of the homeowner's association which include provisions for periodic maintenance for all landscaped areas. All landscaped areas shall be kept clean, free of weeds, and in a healthy, vigorous condition. Periodic maintenance shall include necessary pruning and trimming of trees. All palm trees shall receive regular, periodic, seasonal maintenance which includes the removal of all flower stalks prior to their blooming and all dead palm fronds.
23. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to Citywide 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 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.
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.
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 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 homeowners' association

that will assure responsibility for the landscape maintenance.

28. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated August 10, 1993, shall be permitted by an Encroachment Permit obtained from the City Engineer.
29. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
30. This permit shall comply with all the provisions, conditions and requirements of Tentative Map No. 92-0468.
31. This permit must be utilized within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in San Diego Municipal Code section 111.1122. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
32. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
33. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Commission; 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.
34. This permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
35. This 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 in this permit and all referenced documents.
36. At least one person residing in each unit shall be at least 62 years of age or physically handicapped.
37. The applicant shall provide a copy of the conditional use permit to all prospective tenants prior to occupancy of the premises.

38. A tenant is not in violation of the age and/or handicapped requirement because of the death or hospitalization of the spouse who met the age and/or handicapped requirement.
39. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible from the street (Uniform Fire Code ("UFC") 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
40. The lots on the south side of the project, Lots 1 through 17, shall have retaining walls encroaching into the slope bank in the rear yards to maximize the useable rear yard area.
41. The applicant shall provide a varied color palette for all roofs and elevations. The varied rooflines, elevations, and color choices must be approved by the Planning Director prior to the issuance of any building permits.
42. If this project is to be built in phases, the recreation building shall be constructed as part of the first phase prior to the issuance of any occupancy permits for any units.
43. 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 court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
44. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).

Passed and adopted by the Council of The City of San Diego on August 10, 1993, by Resolution Nos. R-282516, R-282517 and R-282518.

AUTHENTICATED BY:

SUSAN GOLDING, 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 SUSAN GOLDING 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.

PHILIP CHODUR
Owner/Permittee

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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Passed and adopted by the Council of The City of San Diego on AUG 10 1993,
by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|---------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Abbe Wolfsheimer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ron Roberts | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| John Hartley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| George Stevens | <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"/> |
| Valerie Stallings | <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"/> |
| Juan Vargas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Susan Golding | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By Branda B. Barnes, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-282518 AUG 10 1993
Number Adopted