

RESOLUTION NUMBER R-286613

ADOPTED ON NOVEMBER 21, 1995

WHEREAS, PARDEE CONSTRUCTION COMPANY, filed an application to develop a Planned Residential Development consisting of 110 multi-family dwelling units and open space area, legally described as Lot 1677, Mira Mesa Verde Unit No. 13-a, according to Map No. 6820, located on the southeast corner of Gold Coast Way and Camino Ruiz in the Mira Mesa Community Plan area in the CA (a portion proposed for R-1500) Zone; and

WHEREAS, on November 21, 1995, the City Council of The City of San Diego considered Planned Residential Development Permit No. 95-0373 pursuant to Section 101.0900 of the Municipal Code of The City of San Diego; and

WHEREAS, the City Council of The City of San Diego considered the recommendation of the Planning Commission, public testimony, written reports, exhibits and Negative Declaration No. 95-0373; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council hereby adopts the following findings with respect to Planned Residential Permit No. 95-0373:

**PLANNED RESIDENTIAL DEVELOPMENT FINDINGS:**

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The proposed project requires the approval of a community plan amendment to redesignate the site from Neighborhood Commercial to Medium Density Residential

use. The residential use is consistent with surrounding development. Approval of the community plan amendment would not affect provision of commercial services for the adjacent neighborhood because of the existing convenience store is proposed to be relocated to another portion of the site (processed under separate permit), and the community shopping center located two blocks to the north provides additional commercial services sufficient for the surrounding neighborhood.

The development would include 110-detached condominium units, private driveways, common open space areas, and associated infrastructure improvements including roadways, water and sewer connections. The development would also provide approximately 6.4 acres of open space area which exceeds the R-1500 requirements.

In addition, the residential density of the proposed project would be in conformance with the proposed low-medium density residential development (15-30 dwelling units per net acre). The project proposes a density of 12 dwellings per net acre.

As proposed, the project would comply with land use, density, and public improvements requirements for this site per the Mira Mesa Community Plan and Progress Guide and General Plan Amendment, the proposed R-1500 zone as allowed under a Planned Residential Development Permit.

- B. 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 proposal for 110-multi-family residential units would be compatible with the land uses and densities within the surrounding single- and multi-family residential neighborhood. The project would be improved with landscaping to enhance the development as well as the neighborhood. Perimeter landscaping has also been provided to provide an adequate buffer between busy public roadways and the commercial and residential land uses.

In addition, the Engineering and Fire Departments have indicated that there would be proper access for traffic and fire protection. Also, conditions of the Vesting Tentative Map would require the proper installation of infrastructure improvements including drainage, water, and sewer conditions.

The Negative Declaration (EAS No. 95-0373) prepared for the project also identifies no impacts to the community. Therefore, the project would not be detrimental to the health, safety and general welfare because of permit and map conditions.

**C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**


The proposed residential development will comply with all of the applicable development regulations including the Planned Residential Development regulations.

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

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the City Council, Planned Residential Development Permit No. 95-0373 is hereby granted to PARDEE CONSTRUCTION COMPANY, Owner/Permittee, in the form and with the terms and conditions set forth in Planned Residential Development Permit No. 95-0373, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
12/07/95  
Or.Dept:Clerk  
95-0373  
R-96-705  
Form=r-t

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 95-0373  
GOLD COAST MULTI-FAMILY DEVELOPMENT  
CITY COUNCIL

This Planned Residential Development Permit is granted by the City Council of the City of San Diego to PARDEE CONSTRUCTION CO., Owner/Permittee, under the terms and 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 for a multi-family development and related improvements on a 9.1-acre site, legally described as Lot 1677, Mira Mesa Verde Unit No. 13-a, Map No. 6820, located on the southeast corner of Gold Coast Way and Camino Ruiz in the Mira Mesa Community Plan Area, in the CA (proposed R-1500) Zone.

2. The Planned Residential Development Permit shall include the total of the following facilities and site improvements as identified by quantity, size, location, and design on the approved Exhibits "A," dated November 21, 1995, on file in the office of the Development Services Department:

- a. One-hundred and ten (110) condominium units; and
- b. Off-street parking; and
- c. Associated public and private improvements to accommodate the corresponding residential development including the improvement of the streets, public sewer, storm drain and water facilities; and
- d. Site landscaping; and
- e. Open Space to be maintained on Lot 11 and within all common other common areas for a total open space area of 6.4 acres shown on Exhibit "A" dated November 21, 1995; and

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- f. Accessory uses and improvements as may be determined by the Development Services Department to be consistent with the underlying zone and permit conditions; and
  - g. All walls and fences shall conform to Chapter X, Division 6 of the San Diego Municipal Code. The six-foot concrete perimeter wall shall not be removed or modified without obtaining approval of the Development Services Department.
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 be approved by the City Council and 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 Department Director and Development Services Department Director.
4. The subdivider shall grant to the City a building restricted easement for all areas not shown as building sites or private driveways on the Tentative Map, satisfactory to the Development Services Department Director and the City Engineer. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained for open space.
5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Department Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Department Director for approval. All plans shall be in substantial conformance to Exhibit "A," dated November 21, 1995, on file in the Development Services 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. The following tree(s) are not approved for use within the PRD although indicated on the Landscape Concept Plan; Podocarpus gracilior. At the time plans are submitted for building permits, a substitute specie shall be indicated in the legend and shown on the planting plans. The substitute specie shall be a vertically oriented accent which is characterized by an upward sweeping branching pattern, possess a form which is narrow and is significantly taller than it is wide.
6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

7. Two hundred twenty (220) total parking spaces shall be provided (at a ratio of two spaces per dwelling unit). In addition, 70 curb spaces shall be provided for guests (at a ratio of 0.636 parking 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 CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated November 21, 1995. Parking spaces and aisles shall conform to Development Services 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 Development Services Department 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 Development Services Department Director and shall be consistent with the criteria established by the R-1500 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 effective date of the concurrent rezoning case. 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 City of San Diego, as set forth in Section 111.1122 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.

16. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to the Development Services Department;
- b. The Planned Residential Development Permit is recorded in the Office of the County Recorder.

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 Development Services Department Director or the permit has been revoked by the City of San Diego.

18. This Planned Residential Development 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 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 Development Services Department Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Development Services Department requirements for building permits. Open space shall not be eliminated unless an amendment to this permit is obtained.

21. 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 Development Services Department.

22. 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 Director. No parking shall be permitted on any private streets except in approved locations.

23. 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 Development Services Department Director.

24. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Department Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

25. 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 Development Services Department 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. 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.

26. 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.

27. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated November 21, 1995, shall be permitted by an Encroachment Permit obtained from the City Engineer.

28. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

29. Compliance with all of the following conditions Nos. 30 through 37, shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the first final map unless otherwise noted.

30. The final map shall conform to the provisions of Planned Residential Development Permit No. 95-0373.

31. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.



32. The subdivision shall be served by a system of non-dedicated unnamed privately maintained private driveways constructed satisfactory to the City Engineer.

33. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
- c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
- d. Provide temporary street signs.

34. This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 96.0401 et seq.

35. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of the Development Services Department.

36. This development may be subject to impact fees, as established by the City Council.

37. This Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

38. 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 Development Services Department 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.

39. 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 Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on November 21, 1995, by Resolution No. R-286613.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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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.

PARDEE CONSTRUCTION COMPANY  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
12/07/95