

(R-96-934)

RESOLUTION NUMBER R-286796

ADOPTED ON JANUARY 9, 1996

WHEREAS, on May 4, 1995, CALIFORNIA PACIFIC HOMES, INC., a California corporation, Owner/Permittee, filed an application for a Planned Residential Development Amendment, Renaissance Lots 17 and 18, described as Lots 17 and 18 Village of Five Creeks, Map No. 12234, located at the northeast corner of Renaissance Avenue and Shoreline Drive within the University Community Planning Area and in the R1-1500 Zone; and

WHEREAS, on January 9, 1996, the City Council of The City of San Diego considered Planned Residential Development Permit Amendment No. 95-0250, pursuant to Section 101.0900 of the Municipal Code of The City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Planned Residential Permit No. 95-0250:

- 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 amendment to add entry gates was found to be consistent with the University Community Plan and with the character of surrounding development. There are no apparent adverse affects to the General Plan nor the University Community Plan.

- 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 proposed PRD amendment to add entry gates was found to maintain the established pedestrian network of pathways within this planned neighborhood and was found consistent with the character of gated access development surrounding this site.


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

The proposed PRD amendment is designed to be of new construction and will comply or exceed all applicable developmental standards. The gated entry will be designed to meet Fire Department Standards for emergencies vehicle access and Engineering requirements for traffic flow.

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. 95-0250, Amendment to PRD Permit No. 94-0199, is hereby granted to CALIFORNIA PACIFIC HOMES, INC., Owner/Permittee, in the form and with the terms and conditions set forth in Planned Residential Development Permit No. 95-0250, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
02/13/96
Or.Dept:Clerk
95-0250
R-96-934
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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. 95-0250
AMENDMENT TO PRD 94-0199
RENAISSANCE LOTS 17 AND 18
CITY COUNCIL

This Planned Residential Development Permit Amendment to PRD 94-0199 is granted by the City Council of the City of San Diego to CALIFORNIA PACIFIC HOMES, INC., a California Corporation, Owner/Permittee, under the 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 described as Lots 17 and 18, Villages of Five Creeks, Map No. 12234, located at the northeast corner of Renaissance Avenue and Shoreline Drive, in the R-1500 Zone.

2. The Planned Residential Development Permit shall include the total of the following facilities:

- a. Sixty-three, two-story detached condominium units (all three bedroom units) ranging in approximate size from 1,456 square feet to 1,977 square feet;
- b. Gated entry;
- c. Off-street parking;
- d. Incidental accessory uses as may be determined and approved by the Development Services Director.
- e. Recreation area with swimming pool, sun deck, spa and restrooms.

3. Prior to the issuance of any grading permits, a landscaping and irrigation plan shall be submitted to the Development Services Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Director for approval. All plans shall be in substantial conformance to Exhibit "A," dated January 9, 1996, on file in the Development Services Department. All off-site landscaping and

project perimeter walls 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.

4. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

5. A minimum of 174 (this figure includes two spaces in the driveway of Unit 59) total parking spaces shall be provided (at a ratio of 2.76 spaces per dwelling unit). Of those spaces, 48 shall be provided for guests (at a ratio of .76 spaces per 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 January 9, 1996. 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.

6. Due to the narrow private drives and the tight garage location, each dwelling unit shall install and maintain an automatic garage door opener to the satisfaction of the Development Services Director.

7. Parking spaces labeled 1 through 476 on the site plan of Exhibit "A," dated January 9, 1996, shall remain unassigned to any one user and marked as guest or visitor parking.

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 right-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 homeowner's association and the Development Services Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit. Any proposed building addition and patio covers must comply with all development standards of the R-1500 Zone, except that patio covers and other similar open (non-livable) structures may encroach into the required 15-foot front yard setback and ten-foot street sideyard setback of the project site (rear yards of the dwelling units). These structures must maintain a minimum of a five-foot setback free and clear from the property line (no overhang into the five-foot setback) and may cover up to a maximum of 250 square feet maximum per unit.

10. No manufactured slope shall be steeper than a ratio of two to one.

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 Director and shall be consistent with the criteria established by the R-1500 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 Development Services Director. 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 Development Services Director, as set forth in Section 101.0900 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 Development Services 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 Development Services Department;
- b. The Planned Residential Development Permit is recorded in the Office of the County Recorder.

16. 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 Director or the permit has been revoked by the City of San Diego.

17. This Planned Residential Development 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.

18. 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.

19. All accessory structures more than 100 square feet require the approval of the Development Services Director and must meet zoning criteria and Planned Residential Development Permit Guidelines and Standards regardless of Development Services Department requirements for building permits.

20. 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.

21. 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.

22. Individual units and/or phases of this Planned Residential Development shall be constructed prior to occupancy by individual owner to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Development Services Director.

23. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated September 28, 1995, shall be permitted by an Encroachment Permit obtained from the City Engineer.

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

26. Prior to building permit issuance, the building plans shall illustrate conformance with the City's Trash and Recycling Standards pursuant to the Municipal Code Section 101.0221 D (Residential Projects).

27. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of curb openings for this project to Renaissance Avenue and Toscana Drive, in a manner satisfactory to the City Engineer. The utilization of enhanced pavement or textured paving shall be permitted only with the approval of the City Engineer and the Development Services Director and shall meet standards of those Departments as to location, noise and friction values, and any other applicable criteria, and shall be subject to obtaining an encroachment removal agreement if the pavement is located within the public right-of-way or a public services easement or any properties owned by the City.

28. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer.

29. A private street easement with a minimum 56-foot-wide right-of-way shall be granted to the City for private Street "A" in a manner satisfactory to the City Engineer. This private street shall be designed in accordance with the **Street Design Manual**. The proposed landscaped median may be allowed provided that the landscaping within it is limited to ground covers and shrubs (no trees) and that an Encroachment Removal Agreement is obtained from the City Engineer.

30. The developer shall install a system of gravity sewer mains of adequate capacity to serve this development.

31. No parking shall be allowed on private driveways 26 feet or less in width. Parking may be allowed on one side only where the private driveways are a minimum of 32 feet in width. Parking of Street "A" shall be prohibited.

32. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance, with said permit, a Storm Water Pollution Prevent Plan (SWWP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

33. The developer shall install an on-site looping system of water mains of adequate capacity to service this development, satisfactory to the Water Utilities Director.

34. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.

35. The developer shall provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and have cleansing velocities.

36. No structure, paving or landscaping shall be installed in or over the existing sewer easement prior to the developer obtaining any necessary encroachment removal agreements, satisfactory to

the Water Utilities Director. No trees or shrubs shall be installed within ten feet of any sewer main.

37. The developer shall provide evidence, satisfactory to the Water Utilities Director, showing that each lot will have its own water service and sewer lateral or 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.

38. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.

39. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The developer shall design and install a reclaimed water distribution system within the subdivision, in accordance with "Rules and Regulations for Reclaimed Water use and Distribution with the City of San Diego." The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.

40. The developer shall grant adequate water and/or sewer easements, with vehicular access, for all public water and sewer facilities located on-site, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easements prior to the developer obtaining an encroachment removal agreement. No trees or shrubs shall be installed within ten feet of any water or sewer main.

41. Water meters shall not be located in vehicular travelways, satisfactory to the Water Utilities Director.

42. Providing water and sewer for this development is dependent upon the prior construction of certain water and sewer mains in previously approved developments in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this development.

43. Providing water and sewer for this development is dependent upon the prior construction of certain water and sewer mains in previously approved developments in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved

water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this development.

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

- a. Ensure that building address numbers are visible and legible from the street (drive upon which they front) (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).

45. This development is in a community plan area designated in the General Plan as Planned 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 this permit, the developer shall comply with provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Director. 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.

46. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

47. This development may be subject to 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 Development Services.

48. This development maybe subject to impact fees, as established by the City Council, at the time of issuance of building permits.

49. This permit shall supersede the previously approved permit PRD AM No. 94-0199.

50. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of one driveway for ingress and one driveway for egress to this site on Renaissance Avenue (curb openings shall not exceed a twenty-foot width) with a minimum four-foot separation with standard three-foot-wide flares per City Standard Drawings G-14 and G-16 satisfactory to the City Engineer.

51. The Stop Bar and Stop Legend at the egress driveway at Renaissance Avenue shall be located behind the path extension of the public sidewalk.

52. A minimum twenty-foot width shall be maintained between the external curbs and median curbs of Private Driveway "A" in a manner satisfactory to the City Engineer and Fire Department. Provided access in conformance with Fire Department Policy A-89-1 (UFC 10.207).

53. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.

54. 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.

55. 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 January 9, 1996, by Resolution No. R-286796.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

CALIFORNIA PACIFIC HOMES, INC.
a California corporation
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack
02/13/96**