

(R-99-730)

RESOLUTION NUMBER R-290815

ADOPTED ON OCTOBER 6, 1998

WHEREAS, Adobe Partners, Owner/Permittee, filed an application with The City of San Diego for a permit to subdivide a 0.92-acre site into five lots for the development of single-family residences for the Adobe Bluffs project, located 8750 Adobe Bluffs Drive, and legally described as a Portion of the Southwest Quarter, Northeast Quarter, Section 12, Township 14 South, Range 3 West, San Bernardino Meridian, USGS Del Mar Quadrangle, in the Torrey Highlands Sub Area IV Plan of the North City Future Urbanizing Area, in the A1-10 zone (proposed R1-6000); and

WHEREAS, on September 10, 1998, the Planning Commission of The City of San Diego considered Planned Residential Development [PRD] Permit and Resource Protection Ordinance [RPO] Permit No. 96-7672, and pursuant to Resolution No. 2694-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on October 6, 1998, 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 PRD/RPO Permit No. 96-7672:

PLANNED RESIDENTIAL DEVELOPMENT FINDINGS:

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.

The subject 0.92 acre site is within the Torrey Highlands Subarea IV Plan area for North City Future Urbanizing Area Subarea IV and designated for LD Low Density (2-5 DU/Gross Acre) residential use. Table 4-3 of the Subarea Plan labels the subject site as Parcel J for the development of four (4) residential dwelling units. The Plan allows for the transfer of density between ownership parcels with the transfer documented with amendment to Table 4-3. The owner of Tax Assessor Parcels 306-020-15 and 306-030-03 has agreed to transfer one dwelling unit from Parcel G to the subject Parcel J. The proposed five (5) single-family residential dwelling units are consistent with the City of San Diego General Plan and the adopted Torrey Highlands Subarea IV Plan and will meet the community need for residential housing as designated for the Parcel J.

B. The proposed use 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 properties in the vicinity.

The development of Parcel J as a five-lot, 0.92 acre residential subdivision, subject to a concurrent Planned Residential Development and Resource Protection Ordinance Permit with rezone from A1-10 to R1-6000, is consistent with the adopted Torrey Highlands Subarea IV Plan and existing single-family residential development within the Rancho Peñasquitos Community Plan area adjacent to the east and to other adjacent properties within the Subarea Plan designated for residential use and the existing elementary school located across Adobe Bluffs Drive from the subject site. No deviations from the underlying proposed R1-6000 zone are requested and the development of the five residential dwelling units will not be detrimental to persons or property within the vicinity or area of the subject property.

C. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.

The development of five single-family residential units on a 0.92 acre site being rezoned to the R1-6000 zone from the A1-10 zone is determined to be in compliance with the General Plan and the Torrey Highlands Subarea IV Plan of the City of San Diego, the proposed zoning with no deviations to the regulations thereof, the Planned Residential Development Ordinance Purpose and Intent, and the requirements of the State Subdivision Map Act and local subdivision and rezoning regulations.

RESOURCE PROTECTION ORDINANCE/ALTERNATIVE COMPLIANCE PROVISION FOR SUBSTANTIAL CONFORMANCE DETERMINATION:

The subdivision of this 0.92 acre site into five (5) single-family residential lots with proposed R1-6000 zoning is being designed according to the provisions of the adopted Torrey Highlands Subarea IV Plan. Section 2.2 of the Subarea IV Plan (Resource Protection Ordinance) references City Council Policy 600-40 as to how RPO analysis was formulated for the entire Subarea IV Plan area. The Plan specifies that, "if future project or permit applications within Torrey Highlands are found to be consistent with the Torrey Highlands Subarea Plan, then future RPO permits may be approved using the substantial conformity determination referenced in the

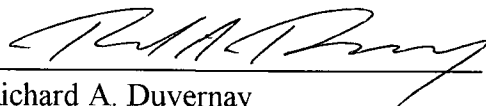
alternative compliance subsection of the RPO." The subject site is shown for total development within the Subarea Plan and it has been determined that the proposed subdivision and development of five residential units is consistent with the RPO, MSCP (Multiple Species Conservation Program) and Open Space provisions of the Plan. The project is therefore sited and designed to minimize adverse impacts to environmentally sensitive areas.

An Urban Amenity Open Space canyon lies further to the northwest. The project would grade 100 percent of the site for the subdivision of 5 lots compatible with existing residential development to the adjacent east and school site to the south.

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 Residential Development Permit and Resource Protection Permit No. 96-7672 is hereby granted to Adobe Bluffs, a General Partnership, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
12/17/98
Or.Dept:Clerk
R-99-730
Form=permitr.frm
Reviewed by Robert Korch

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED RESIDENTIAL DEVELOPMENT [PRD] AND
RESOURCE PROTECTION ORDINANCE [RPO] PERMITS NO. 96-7672
ADOBE BLUFFS
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Adobe Partners, a General Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0901, 101.0462 and 111.0510. The 0.92 acre site is located at 8750 Adobe Bluffs Drive being on the north side of Adobe Bluffs Drive west of La Trucha Street in the A1-10 (proposed R1-6000) zone of the Torrey Highlands Subarea IV Plan adjoining a portion of the westerly boundary of the Rancho Peñasquitos Community Plan area. The project site is legally described as a Portion of the Southwest Quarter, Northeast Quarter, Section 12, Township 14 South, Range 3 West, San Bernardino Meridian, in the Torrey Highlands Sub Area IV Plan area of the North City Future Urbanizing Area.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide the 0.92 acre parcel into five legal lots for the development of five single-family detached residential dwelling units through the PRD Ordinance described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 6, 1998, on file in the Office of Development Services. The facility shall include:

- a. Five (5) detached single-family residential dwelling units on 5-lots zoned and in compliance with the R1-6000 zone. No specific architectural plans were required with this submittal and the units proposed on these lots must comply with all requirements of the R1-6000 zone, including but not limited to height, setbacks and Floor Area Ratio; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities (two off-street garage spaces for each dwelling unit); and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. 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 appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by The City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. 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.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. 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. § 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 6, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for

any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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 such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

11. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

12. All projects submitted for plan check for the purpose of obtaining building permits shall concurrently submit building plans which meet the submittal requirements of the "Applicant's Guide to Project/Permit Applications," items 11 through 29, as applicable; together with appropriate plan check fees.

13. All projects shall be in compliance with Gross Floor Area of the Municipal Code and all appropriate related definitions.

14. All projects shall be in compliance with Maximum Height of a Building or Structure and Procedural Requirements for Determination of Structure Height as specified in the Municipal Code.

15. All projects shall be in compliance with Topographical Survey Requirements of the Municipal Code and all building plans shall be predicated upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in the Municipal Code.

16. This permit shall comply with the conditions of the final map for Tentative Map No. 96-7672

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

17. Prior to the issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review [LDR] stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. ALL PERSONS INVOLVED IN

PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.

18. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.

19. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.

20. The paleontologist shall have the authority to divert, direct or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDINGS AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

21. The qualified paleontologist shall be responsible for preparation of fossils to a point of identification as defined in The City of San Diego Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

22. Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.

PLANNING/DESIGN REQUIREMENTS:

23. No fewer than ten (10) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated October 6, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

24. Prior to the issuance of building permits for dwelling units within Adobe Bluffs, the Owner/Permittee shall provide evidence of the recordation with the County Recorder of the County of San Diego, a Transfer Agreement of one dwelling unit of density from the owner(s) of APN 306-020-15 and 306-030-03 to Adobe Bluff, APN 306-020-29. This transfer of density is permitted within the Torrey Highlands Subarea IV Plan.

25. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

26. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

27. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

28. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

29. No building additions, including patio covers, shall be permitted unless approved by the Development Services Director. Additions, if permitted, must be consistent with the architecture of the dwelling unit.

30. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

31. No merchandise, material or equipment shall be stored on the roof of any building.

32. The Owner/Permittee is required under the North City Future Urbanizing Area Framework Plan and the Torrey Highlands Subarea Plan to provide for the provision of housing for low income households, as certified by the San Diego Housing Commission. For residential developments of ten or fewer housing units, the Owner/Permittee has an option beyond the provision of the affordable units to pay an in-lieu fee to the Housing Commission to meet their affordable housing requirement. This project is eligible under the in-lieu fee option of the Torrey Highlands Subarea Plan to meet the affordable housing requirement in this manner, and the owner has stated his intent to pay the then current in-lieu fee for Torrey Highlands as required, at the time of issuance of building permits.

LANDSCAPE REQUIREMENTS:

33. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 6, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

34. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

35. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

36. If any required landscape (including existing or new plantings; hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the Council of The City of San Diego on October 6, 1998, by Resolution No. R-290815.

12/17/98

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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.

Adobe Partners, a General Partnership
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

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