

RESOLUTION NUMBER R-296132

ADOPTED ON FEBRUARY 26, 2002

WHEREAS, Carter Reese No. 11, L.P., a California limited partnership, Owner/ Permittee, filed an application with the City of San Diego for a permit to construct thirty, single-family dwelling units with attached garages, including deviations to development regulations, for the Skyline Terrace Estates, Project No. 1272, located at the southwest corner of Skyline Drive and Woodman Street, and legally described as Lots 1 through 6 of Skyline Park, Map No. 11304, in the Southeastern San Diego Community Plan area, in the SF-5000 zone; and

WHEREAS, on December 20, 2001, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 3758/Site Development Permit [SDP] No. 3760 for Project No. 1272, and pursuant to Resolution No. 3213-PC, voted to recommend City Council approval of the project; and

WHEREAS, the matter was set for public hearing on February 26, 2002, 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 it adopts the following findings with respect to Project No. 1272, Skyline Terrace Estates:

Planned Development Permit Findings

1. The proposed development will not adversely affect the applicable land use plan. The 5.1 acre project site is located at the southwest corner of Skyline Drive and Woodman Street in the SF-5000 zone of the Southeastern San Diego Planned District in the South Encanto Neighborhood of the Southeastern San Diego Community Plan area. The proposed project is located in an area designated as low-density residential (5-10 dwelling units per acre) in the

Southeastern San Diego Community Plan. Thirty single dwelling units are proposed for this site for a density of 5.88 dwelling units per gross acre. Adjoining properties to the north, south and west have been developed with residential uses per the City of San Diego Progress Guide and General Plan and the adopted Southeastern San Diego Community Plan. The development of the residential use in this area would therefore be consistent with the Southeastern San Diego Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would develop thirty detached dwelling units ranging in size from 1,837 square feet to 3,023 square feet. The project site is located in the SF-5000 zone where single family residential units are permitted uses. Residential units are desired improvements in this area where housing is a desired asset. The thirty residences proposed will have a density of 5.88 units per acre and will include up to five affordable housing units for low and moderate income people. The project will also involve the moving and upsizing of the Otay 2nd pipeline for water needs of the area. Conditions of the accompanying permit and tentative map resolution require adequate pedestrian and vehicular access, parking, and design criteria for the architecture of the residences. Therefore, the proposed residential units will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The proposed thirty new single-family dwelling unit development will comply with most of the applicable regulations of the SF-5000 zone, including height, side and rear yard setbacks, floor area ratio for the entire premises, and onsite parking spaces. A deviation for the required garage setback would be permitted for eleven of the residences that would allow from 15 to 20 feet where 25 feet is required by the Southeastern San Diego Planned District. A deviation to the front yard setback would be permitted on sixteen of the lots for porches to encroach from 2 to 9 feet into the required 15 feet. Additionally, deviations for diagonal plan dimension has been allowed for seventeen of the residences from 103 to 181 percent of frontage where the maximum permitted by the Southeastern San Diego Planned District is 100 percent. These deviations have been allowed based upon the quality of the project design in providing quality affordable and new housing along with public improvements of the upsizing of the Otay 2nd pipeline and the improvement to Leghorn Avenue. The proposed project complies with the Southeastern San Diego Community Plan.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed thirty new dwelling unit development will provide needed housing in an urban community. A Disposition and Development Agreement [DDA] has been executed between the developer and the San Diego Housing Commission regarding the development of the site which contains a contingency to improve Leghorn Avenue. A second agreement will be executed between the developer and the Southeastern San Diego Economic Development Corporation which will provide funding for the Leghorn Avenue improvements in exchange for up to five of the thirty dwelling units being restricted to low-moderate income people. Additionally, the developer will be relocating and upsizing the Otay 2nd pipeline to provide adequate water service to the community as a result of this project. When considered as a

whole, the added housing units with opportunities for home ownership to low-moderate income people in quality housing, adequate water service and improved streets, this project is beneficial to the community of South Encanto and the Southeastern San Diego Community Planning area.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed new thirty dwelling unit project deviates from the garage setback and diagonal plan dimension requirements of the Southeastern San Diego Planned District of the Land Development Code. The Planned District specifies a garage setback in the SF zones of 25 feet, however the project will provide eleven units at 15 to 20 feet. The garage setbacks have been reduced to provide increased rear yards for the future homeowners. The encroachment in the required front yard setbacks on sixteen of the lots from 2 to 9 feet is for the purpose of providing front porches to enhance the neighborhood scale. Additionally, the diagonal plan dimension requirement allows a diagonal plan dimension of a maximum of 100 percent of the lot frontage. Seventeen of the lots have proposed diagonal plan dimensions of 103 to 181 percent of the lot frontage. This deviation is greatest on the lots fronting the cul-de-sac which allows for less frontage. The deviations are supported based upon the quality of the project design in providing increased private open space to be enjoyed by each individual unit and the added benefit to the community of new housing. The proposed project complies with the Southeastern San Diego Community Plan.

Site Development Permit Findings and Southeastern San Diego Planned District Findings

1. The proposed development will not adversely affect the applicable land use plan. The 5.1 acre project site is located at the southwest corner of Skyline Drive and Woodman Street in the SF-5000 zone of the Southeastern San Diego Planned District in the South Encanto Neighborhood of the Southeastern San Diego Community Plan area. The proposed project is located in an area designated as low-density residential (5-10 dwelling units per acre) in the Southeastern San Diego Community Plan. Thirty single dwelling units are proposed for this site for a density of 5.88 dwelling units per gross acre. Adjoining properties to the north, south and west have been developed with residential uses per the City of San Diego's Progress Guide and General Plan and the adopted Southeastern San Diego Community Plan. The development of this use in this area would therefore be consistent with the Southeastern San Diego Community Plan.

2. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego San Diego Community Plan, and will not adversely affect the General Plan, or other applicable plans adopted by the City Council. The proposed thirty new single-family dwelling units have been designed to provide quality residential development in the Southeastern San Diego community. In addition the design standards of the Southeastern San Diego Planned District have been followed except where deviations are requested for front yard setbacks, garage setbacks and diagonal plan dimension, in order to provide larger rear yards for the private enjoyment of the individual owners and front porches. The proposed development complies with the

recommendation of the Southeastern San Diego Community Plan to provide low density single family development at this site, and the project will not adversely affect adopted plans and policies, nor the City of San Diego's General Plan and Progress Guide.

3. The proposed development shall be compatible with existing land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable. The proposed thirty single dwelling unit development is at the southwest corner of Skyline Drive and Woodman Street and has single-family development to the west, north and south. To the east of the project site, across Woodman Street is a vacant lot that is designated for low-density residential use (0-10 dwelling units/acre) by the Skyline-Paradise Hills Community Plan. Therefore the proposed project is consistent with the adjoining land uses and will not be disruptive to the neighborhood and community. The closest development, at Carefree Drive, south of the proposed project, was built in the 1980s and has typical single dwelling unit architecture for that time with stucco siding and wood shingle roofing materials. The adjoining development to the west and north of the project is much older development interspersed with newer additions that does not contain a common theme. The architecture proposed for this project is typical for single dwelling unit subdivisions with stucco siding and concrete tile roofing material. Therefore the architecture is in harmony with the varied themes of architecture in the neighborhood and community.

4. The proposed use and development, because of conditions that have been applied to it, will not be detrimental to the public health, safety, and welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The proposed project would develop thirty detached dwelling units ranging in size from 1,837 square feet to 3,023 square feet. The project site is located in the SF-5000 zone where single family residential units are permitted uses. Residential units are desired improvements in this area where housing is an asset. The thirty proposed residences will have a density of 5.88 units per acre and will include up to five affordable housing units for low and moderate income people. The project will also involve the moving and upsizing of the Otay 2nd pipeline for the water needs of the area. Conditions of the accompanying permit and tentative map resolution, require adequate pedestrian and vehicular access, parking and design criteria for the architecture of the residences. Therefore, the proposed residential units will not be detrimental to the public health, safety, and welfare.

5. The proposed development will comply with the applicable and relevant regulations of the Land Development Code. The proposed thirty new single-family dwelling unit development will comply with most of the applicable regulations of the SF-5000 zone, including height, yard setbacks, floor area ratio for the entire premises, and onsite parking spaces. A deviation for the required garage setback would be permitted for eleven of the residences that allows from 15 to 20 feet where 25 feet is required by the Southeastern San Diego Planned District. A deviation for the front yard setback would be permitted on sixteen of the lots for porches to encroach between 2 to 9 feet into the 15 foot required setback. Additionally, deviations for diagonal plan dimension has been allowed for seventeen of the residences from

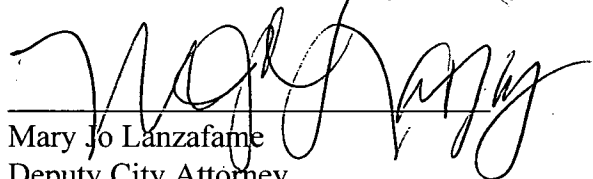
103 to 181 percent of frontage where the maximum permitted by the Southeastern San Diego Planned District is 100 percent. These deviations have been allowed based upon the quality of the project design in providing superior affordable and new housing along with public improvements including the upsizing of the Otay 2nd pipeline and the improvement to Leghorn Avenue. In addition the deviations allow for front porches where neighborhood interaction would be encouraged. The proposed project complies with the Southeastern San Diego 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 recommendation of the Planning Commission is sustained, and Planned Development Permit No. 3758/Site Development Permit No. 3760 for Project No. 1272, Skyline Terrace Estates, is granted to Carter Reese No. 11, L.P., a California limited 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


Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
04/08/02
Or.Dept:Clerk
R-2002-1300
Form=permitr.frm
Reviewed by Jeannette Temple

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK,
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 3758/SITE DEVELOPMENT PERMIT NO. 3760
(FOR THE SOUTHEASTERN SAN DIEGO PLANNED DISTRICT)
PROJECT NO. 1272
FORMER PROJECT NO. 41-0046
SKYLINE TERRACE ESTATES (MMRP)
CITY COUNCIL

This Permit is granted by the City Council of the City of San Diego to Carter Reese No. 11, L.P., a California Limited Partnership, Owner and Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 5.1 acre site is located at the southwest corner of Skyline Drive and Woodman Street in the SF-5000 zone of the Southeastern San Diego Planned District of the Southeastern San Diego Community Planning area. The project site is legally described as Lots 1 through 6 of Skyline Park, Map No. 11304.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee for the subdivision of a 5.1 acre vacant site into thirty parcels, and the construction of thirty, single dwelling units with attached garages, including deviations to development regulations, at the southwest corner of Skyline Drive and Woodman Street, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated February 26, 2002, on file in the Development Services Department. The facility shall include:

- a. Thirty (30) detached single-family dwelling units, one and two-stories in height, with floor area between 1,837 and 3,023 square-feet and attached garages; and
- b. Deviations on sixteen lots for porches to encroach between 2-9 feet into the required fifteen foot front yard setback; and
- c. Deviations on eleven lots for garages to encroach between 7-10 feet into the required twenty-five foot garage setback; and

- d. Deviations on seventeen lots for structures to have a diagonal plan dimension between 103-181 percent, where 100 percent is allowed; and
- e. Landscaping (planting, irrigation and landscape related improvements); and
- f. Off-street parking facilities; and
- g. 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 Land Development 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 Land Development 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 the Development Services Department; 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. Section 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 February 26, 2002, on file in the Development Services Department. 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 new 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. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the

conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated February 26, 2002, on file in the Development Services Department).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 41-0046, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Noise
- Hydrology/Water Quality

13. The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$300.00 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

PLANNING/DESIGN REQUIREMENTS:

14. No fewer than sixty off-street parking spaces in garages (two per lot) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated February 26, 2002, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

15. 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.

16. 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.

17. A topographical survey conforming to the provisions of the Municipal/Land Development 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.

18. 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.

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

20. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

LANDSCAPE REQUIREMENTS:

21. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

22. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated February 26, 2002, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

23. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated February 26, 2002, on file in the Development Services Department.

24. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify the location of each street tree. Each street tree location must take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals.

25. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

26. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

ENGINEERING REQUIREMENTS:

27. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

28. The drainage system proposed with this development is subject to approval by the City Engineer.

29. Prior to building occupancy, the applicant shall conform to 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.

30. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of appropriate public water facilities as identified in the accepted water study, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer.

31. Prior to the issuance of any building permits, the relocated Otay 2nd Pipeline shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

32. The developer shall install all water services behind full height curb and outside of any vehicular travel way including driveways.

33. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

34. Prior to the issuance of any building or engineering permits, the developer shall grant minimum forty-foot-wide water easements over the portions of the Otay 2nd Pipeline not located within fully improved public rights-of-way in a manner satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," dated February 26, 2002, on file in the Development Services Department, will require modification based on final engineering.

35. Prior to the issuance of any building permits, the developer shall process encroachment maintenance and removal agreements for all acceptable encroachments of structures, enhanced paving or landscaping into any easement. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

36. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

37. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

38. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

39. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on February 26, 2002, by Resolution No. R-296132.

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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.

CARTER REESE NO. 11, L.P.
a California Limited Partnership
Owner/Permittee

By _____

By _____

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

4/8/02
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