

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

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CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-1254

PLANNED DEVELOPMENT PERMIT NO. 9812
DEL CERRO HEIGHTS UPPER GATE
AMENDMENT TO PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 15
CITY COUNCIL
DRAFT

This Planned Development Permit (PDP) No. 9812, Amending Planned Residential Development Permit No. 15, dated December 9, 2004, is granted by the City Council of the City of San Diego to THE DEL CERRO HEIGHTS HOMEOWNER'S ASSOCIATION, A CALIFORNIA GENERAL CORPORATION, DON WARFIELD, PRESIDENT, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0601. The 52-acre site is generally located west of Pasatiempo Avenue, between Rockhurst Court and Camino Rico, easterly of College Avenue, in the RS-1-7 (Single-Family Residential) Zone of the Navajo Community Plan Area. The project site is legally described as Del Cerro Heights, Units 1-4, Map Nos. 7586, 7923, 7924 and 7925.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to amend PRD 15 to allow controlled access of the "Upper Gate" to provide ingress and egress to residents of Del Cerro Heights, and emergency services, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated December 9, 2004, on file in the Development Services Department.

The project or facility shall include:

- a. An existing PRD No. 15, as approved by the City Council on October 14, 1971, developed with a total of 179 single-family residential dwelling units;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;

- d. Accessory improvements including fences and recreational facilities; and
- e. 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 SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Implementation of this approved amendment including modifications to the existing upper gate to facilitate controlled access, must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension-of-Time has been granted. Any such Extension-of-Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the modification, 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 agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary permits. The applicant is informed that to secure these permits, substantial modifications to the 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 permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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 proposed 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.

PLANNING/DESIGN REQUIREMENTS:

10. The Upper Gate shall be available to residents of Del Cerro Heights Planned Residential Development No. 15 and emergency services personnel only. Deliveries, guests and all other persons and vehicles shall be required to access PRD 15 from the existing Lower Gate via Camino Rico.

11. All other conditions of Planned Residential Development No. 15, as approved by the City Council on October 14, 1971, are incorporated into this Permit by reference and shall remain in full force and effect.

12. 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.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit 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 May 24, 2005, By a Vote of -----
-----, Resolution No. R-_____.