

RESOLUTION NO. 198834

WHEREAS, SOUTHERN CALIFORNIA TERRACES, INC., a California corporation, Owner, "Permittee," filed an application for a conditional use permit to construct and operate a 502 residential unit planned unit development located north of proposed South Bay Freeway on the extensions of Parkside Avenue, Landscape Drive, Tonawanda Drive and Manos Drive, being portions of Quarter Sections 74, 75, 82 and 83, more particularly described in Appendix "A," attached hereto and made a part hereof, in the R-1-5 Zone; and

WHEREAS, on September 3, 1969, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 224-PC, and granted a conditional use permit to Permittee to construct and operate a 489 residential unit planned unit development; and

WHEREAS, Mrs. Harlan J. Dwiere, pursuant to the provisions of Section 101.0508 of the San Diego Municipal Code, under date of September 10, 1969, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 6, 1970, 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, as follows:

That this Council finds and hereby declares that the findings of the Planning Commission set forth in Resolution No. 224-PC are supported in all particulars by the testimony, minutes, tape of the proceedings, maps and exhibits, all of

which are herein incorporated by reference, and said findings are hereby adopted as the findings of this Council.

BE IT FURTHER RESOLVED, that by a vote of 9 to 0, the appeal of Mrs. Harlan J. Dwiere be, and it is hereby denied and the City Council does hereby grant to SOUTHERN CALIFORNIA TERRACES, INC., a conditional use permit, to operate and construct a 489 residential unit planned unit development, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad, Deputy

CONDITIONAL USE PERMIT - CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to SOUTHERN CALIFORNIA TERRACES, INC., a California corporation, Owner, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0505 et sequitur and Section 101.0900 et sequitur of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 489 residential unit planned unit development, located north of proposed South Bay Freeway on the extensions of Parkside Avenue, Landscape Drive, Tonawanda Drive and Manos Drive, being portions of Quarter Sections 74, 75, 82 and 83, more particularly described in Appendix "A," attached hereto and made a part hereof, in the R-1-5 Zone.

2. In conformance with the adoption of the South Bay Terraces Development Plan by the City Council on January 23, 1969, the developer shall insure as far as possible that a balanced community will result and that racial, ethnic and economic imbalance will be avoided.

3. The planned unit development shall include, and the term "Project" as used in this conditional use permit shall mean and include the total of the following facilities:

- a. 489 single-family units.
- b. Open Space.
- c. Incidental accessory uses as determined and approved by the Planning Director.

4. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.

5. The open space as designated on the tentative subdivision map shall be shown on the final subdivision map as an open space easement.

6. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated September 3, 1969), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

7. Prior to the issuance of building permits, a complete landscaping plan for each lot, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated September 3, 1969), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

8. Not less than one permanently covered off-street parking space for each lot shall be provided and maintained on the subject property as shown on Exhibit "A" (dated September 3, 1969), on file in the office of the Planning Department. Driveways shall be covered with not less than 2" A.C. or its equivalent.

9. All electrical and utility lines shall be placed underground.

10. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

11. Substantial construction of the project shall have commenced and shall be proceeding within one year from the effective date of this conditional use permit or any extension of time as may be granted here by The City of San Diego pursuant to the terms set forth in Section 101.0506 and Section 101.0509 of the San Diego Municipal Code.

12. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

13. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 11 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

14. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

15. The project included within this conditional use permit shall be used only for the purposes and under the terms and

conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

16. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0505.2. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0505.2.

17. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Passed and adopted by the Council of The City of San Diego
January 6, 1970.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 1970, before me the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared FRANK CURRAN, known to me to be the Mayor, and JOHN LOCKWOOD, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

SOUTHERN CALIFORNIA TERRACES, INC.,
a California corporation

By _____

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____ and _____ known to me to be the _____ of _____

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

APPENDIX A

THAT PORTION OF QUARTER SECTIONS 74 AND 75 OF RANCHO DE LA NACION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 166, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 184 OF NORTH BONITA HILLS UNIT NO. 4, ACCORDING TO MAP THEREOF NO. 4257, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE BOUNDARY OF SAID UNIT NO. 4, SOUTH $18^{\circ}33'18''$ EAST 169.86 FEET (SOUTH $19^{\circ}45'36''$ EAST, 170.00 FEET PER MAP NO. 4257) TO THE MOST EASTERLY CORNER OF PARKSIDE AVENUE, ACCORDING TO SAID MAP NO. 4257; THENCE NORTH $61^{\circ}21'50''$ EAST 651.95 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH $43^{\circ}56'54''$ WEST 60.00 FEET TO A POINT ON AN 1120.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 440.06 FEET THROUGH AN ANGLE OF $22^{\circ}30'43''$ TO THE BEGINNING OF A COMPOUND 81.86 FOOT RADIUS CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE 12.42 FEET THROUGH AN ANGLE OF $8^{\circ}43'08''$; THENCE TANGENT TO SAID CURVE NORTH $14^{\circ}49'15''$ EAST 157.41 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE 27.05 FEET THROUGH AN ANGLE OF $77^{\circ}29'16''$; THENCE NORTH $2^{\circ}54'28''$ EAST 65.90 FEET; THENCE NORTH $62^{\circ}40'01''$ WEST 128.51 FEET TO THE BEGINNING OF A TANGENT 270.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE 64.58 FEET THROUGH AN ANGLE OF $13^{\circ}42'14''$; THENCE TANGENT TO SAID CURVE NORTH $48^{\circ}57'47''$ WEST 633.91 FEET; THENCE SOUTH $74^{\circ}00'$ WEST 100.00 FEET; THENCE SOUTH $48^{\circ}30'$ WEST 195.00 FEET; THENCE SOUTH $23^{\circ}30'$ WEST 105.00 FEET; THENCE SOUTH $7^{\circ}00'$ EAST 80.00 FEET; THENCE SOUTH $52^{\circ}00'$ EAST 65 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LOT 154 OF SAID NORTH BONITA HILLS UNIT NO. 4, BEING A POINT ON THE WEST LINE OF THE 100.00 FOOT RIGHT OF WAY OF THE OTAY PIPELINE AS DESCRIBED IN DEED RECORDED IN BOOK 570, PAGE 113 OF DEEDS; THENCE ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY BEING ALONG THE EASTERLY LINE OF NORTH BONITA HILLS UNIT NO. 4, SOUTH $5^{\circ}07'44''$ EAST 921.86 FEET (RECORD SOUTH $6^{\circ}20'03''$ EAST 921.76 FEET) TO THE MOST SOUTHERLY CORNER OF LOT 171; THENCE ALONG THE BOUNDARY OF SAID UNIT NO. 4, SOUTH $71^{\circ}26'39''$ WEST 84.12 FEET (RECORD SOUTH $70^{\circ}14'24''$ WEST 83.76 FEET) AND SOUTH $18^{\circ}33'18''$ EAST 109.86 FEET (RECORD SOUTH $19^{\circ}45'36''$ EAST 110.00 FEET) TO THE MOST EASTERLY CORNER OF SAID LOT 184; THENCE ALONG THE PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LOT 184 NORTH $71^{\circ}26'39''$ EAST (RECORD NORTH $70^{\circ}14'24''$ EAST) 185.00 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 31.42 FEET THROUGH AN ANGLE OF $90^{\circ}00'$; THENCE NORTH $71^{\circ}26'39''$ EAST 50.00 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, THE RADIUS OF WHICH BEARS SOUTH $71^{\circ}26'39''$ WEST TO SAID POINT; THENCE SOUTHEASTERLY ALONG SAID CURVE 31.42 FEET THROUGH AN ANGLE

OF 90°00'; THENCE SOUTH 18°33'21" EAST 60.00 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, THE RADIUS OF SAID CURVE BEARING NORTH 18°33'21" WEST TO SAID POINT; THENCE SOUTHWESTERLY ALONG SAID CURVE 31.42 FEET THROUGH AN ANGLE OF 90°00' TO THE BEGINNING OF A REVERSED 280.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG SAID CURVE TO A POINT ON THE EAST LINE OF SAID 100.00 FOOT RIGHT OF WAY OF THE OTAY PIPELINE; THENCE ALONG SAID EAST LINE SOUTH 5°07'44" EAST TO THE NORTHWEST LINE OF SOUTH BAY FREEWAY BEING ALSO THE BOUNDARY OF THE CITY OF SAN DIEGO, AS SHOWN ON RECORD OF SURVEY MAP NO. 7103, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTERLY ALONG SAID BOUNDARY (NORTH 56°40'36" EAST, ACCORDING TO SAID RECORD OF SURVEY MAP NO. 7103) 149.43 FEET TO AN ANGLE POINT; THENCE CONTINUING EASTERLY ALONG SAID BOUNDARY (NORTH 59°08'10" EAST, ACCORDING TO SAID RECORD OF SURVEY MAP NO. 7103) TO A LINE WHICH BEARS SOUTH 31°29'53" EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 31°29'53" WEST TO THE TRUE POINT OF BEGINNING.

OFFICE OF CITY CLERK
SAN DIEGO, CALIFORNIA

2-10-1971 ch

Certification of Copy of Document


WE HEREBY CERTIFY that the above and foregoing copy of a
portion of Resolution No. 198834, adopted 1-6-1970,
being Appendix A,

has been compared with the original thereof, and we know, of our own
knowledge, that the foregoing copy is a full, true and correct copy of
said document.

DATED at San Diego, California, 5-10-1971.

JOHN LOCKWOOD,
City Clerk of The City of San Diego, California.

By ,
Deputy City Clerk.

By ,
Deputy City Clerk.

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CITY CLERK'S OFFICE

1970 JAN 16 AM 11:44

SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on JAN 6 1970,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

(Seal)

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

By *Elfa D. Hamel*, Deputy.
EH

Office of the City Clerk, San Diego, California	
Resolution Number	<u>198834</u> Adopted <u>JAN 6 1970</u>