

RESOLUTION NO. 199985  
Case No. 247-PC

WHEREAS, LA JOLLA SHORES HEIGHTS, INC., a limited partnership, Owner, "Permittee," filed an application for a conditional use permit to construct and operate a 140-unit planned unit development located south of La Jolla Village Drive between Gilman Drive and La Jolla Scenic Drive more particularly described in Appendix A in the R-1-5 Zone and the R-1-40 (proposed R-1-10) Zone; and

WHEREAS, on April 15, 1970, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 247-PC, and granted a conditional use permit to Permittee to construct and operate a 140-unit planned unit development; and

WHEREAS, pursuant to the provisions of Section 101.0508 of the San Diego Municipal Code, William O. Fritz under date of April 22, 1970, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on May 21, 1970, continued to June 2, 1970 and June 9, 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:

All of the following facts exist with respect to the issuance of said conditional use permit on the property described in the preamble of this resolution.

1. The proposed use at the particular location is necessary to provide a facility which will contribute to the general well-being of the community.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. The proposed use will comply with the regulations and conditions specified in the Code for such use.

4. The granting of this conditional use will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 9 to 0, the appeal of William O. Fritz be, and it is hereby denied and the City Council does hereby grant to LA JOLLA SHORES HEIGHTS, INC., a conditional use permit to construct and operate a 128-unit planned unit development, in the form and with the terms and conditions as set forth in the permit attached hereby 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 LA JOLLA SHORES HEIGHTS, INC., a limited partnership, 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 and 101.0900 et sequitur of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 128-unit planned unit development located south of La Jolla Village Drive between Gilman Drive and La Jolla Scenic Drive more particularly described in Appendix A in the R-1-5 Zone and the R-1-40 (proposed R-1-10) Zone.

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

- a. 128 living units.
- b. One recreation area.
- c. Off-street parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property and zoned R-1-10.

4. Vehicular access rights shall be relinquished on Gilman Drive and La Jolla Scenic Drive except at one entrance and exit area on each street as shown on Exhibit A dated June 9, 1970. The relinquishment of access rights shall be designated on the final subdivision map.

5. Not less than four off-street parking spaces for each living unit shall be provided and maintained on the subject property in the approximate location shown on Exhibit A dated June 9, 1970, on file in the office of the Planning Department. Areas and

driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

6. At least two covered and enclosed parking spaces shall be supplied for each living unit.

7. All areas not covered by buildings and structures shall be designated as an open space easement granted to the City of San Diego and shown on the final subdivision map.

8. No external television or radio antennas shall be permitted on any of the living units. A master antenna may be permitted in a location approved by the Planning Director.

9. No parking shall be permitted at any time on the private streets except at the location as shown on Exhibit A.

10. Each of the private streets shall be named and begin with the term "Caminito."

11. Vehicular access, as shown on Exhibit A dated June 9, 1970, between subject property and area to the south is subject to revision or elimination in conjunction with any future rezoning of said southerly property.

12. Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on June 9, 1970.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. 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 June 9, 1970, 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.

2. Prior to the issuance of any building permits, a complete landscaping plan, 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 June 9, 1970, 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.

3. 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.

4. 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 herein 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.

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

6. 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 4 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.

7. 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.

8. 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.

9. 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 ten 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.

10. 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.

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 \_\_\_\_\_, 19\_\_\_\_, 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.

LA JOLLA SHORES HEIGHTS, INC.,  
a limited partnership

By La Jolla Venture, Inc.,  
General Partner

By \_\_\_\_\_  
authorized signator

6-9-1970  
199985



Acknowledgment

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ President, and \_\_\_\_\_, known to me to be the \_\_\_\_\_ Secretary of \_\_\_\_\_, the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of \_\_\_\_\_, the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.  
(Notary Stamp)

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

CONDITIONAL USE PERMIT 247-PC

APPENDIX A

All that portion of Harrington Hollow, Map thereof No. 3683, on file in the Office of the Recorder of San Diego County, California, together with a portion of Pueblo Lot 1299, according to Map of the Pueblo Lands of San Diego, made by James Pascoe and filed in the Office of the Recorder of San Diego County as Miscellaneous Map No. 36, all in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

Beginning at the intersection of the Northerly line of Harrington Hollow, Map No. 3683, with the Westerly line of State Highway 101, as shown on said Map No. 3683; thence Southerly along said Westerly line of State Highway 101 (now commonly known as Gilman Drive) to an intersection with a line that is parallel with, and 100.00 feet Southerly, measured at right angles, from said Northerly line of Map No. 3683, being the TRUE POINT OF BEGINNING; thence Westerly along said parallel line North  $89^{\circ} 03' 49''$  West (Rec N  $89^{\circ} 03' 26''$  W) 864.46 feet to a point in the Easterly line of La Jolla Scenic Drive as shown on La Jolla Highlands Unit No. 5, Map thereof No. 4045 as filed in the office of said County Recorder; thence Northerly along said Easterly line North  $12^{\circ} 14' 31''$  East (Rec N  $12^{\circ} 14' 00''$  E) 303.83 feet to the beginning of a tangent 1051.00 foot radius curve, concave Westerly; thence along said curve through an angle of  $23^{\circ} 32' 57''$  an arc distance of 431.97 feet; thence tangent to said curve North  $11^{\circ} 18' 26''$  West (Rec N  $11^{\circ} 18' 57''$  W) 194.02 feet; thence North  $78^{\circ} 41' 34''$  East 7.00 feet to a point in the Easterly line of La Jolla Scenic Way, being also in a nontangent 658.00 foot radius curve, concave Westerly, a radial line to said point bears North  $78^{\circ} 41' 34''$  East; thence Northerly along said curve and along said Easterly line of La Jolla Scenic Way through an angle of  $10^{\circ} 39' 02''$  an arc distance of 122.31 feet; thence tangent to said curve North  $21^{\circ} 57' 28''$  West 508.56 feet along the last mentioned Easterly line to the beginning of a tangent 20.00 foot radius curve concave Southeasterly; thence along said curve through an angle of  $83^{\circ} 01' 43''$  an arc distance of 28.98 feet to a point in a 622.64 foot radius reverse curve, concave Northerly, a radial line to said point bears South  $28^{\circ} 55' 45''$  East, said point being also in the Southerly line of Miramar Road, also known as La Jolla Village Drive; thence along said Southerly line the following courses:

1. Easterly along said reverse curve through an angle of  $7^{\circ} 51' 27''$  an arc distance of 85.39 feet to a point in a 1000.00 foot radius reverse curve, concave Southerly, a radial line to said point bears North  $36^{\circ} 47' 12''$  West;
2. Along said reverse curve through an angle of  $5^{\circ} 27' 42''$  an arc distance of 95.32 feet;
3. Tangent to said curve North  $58^{\circ} 40' 30''$  East 305.23 feet to the beginning of a tangent 690.00 foot radius curve, concave Southerly;
4. Along said curve through an angle of  $18^{\circ} 16' 13''$  an arc distance of 220.02 feet to a point in a 90.00 foot radius compound curve concave Southwesterly, a radial line to said point bears North  $13^{\circ} 03' 17''$  West;
5. Along said compound curve through an angle of  $107^{\circ} 39' 05''$  an arc distance of 169.10 feet;
6. Tangent to said curve South  $4^{\circ} 35' 48''$  West 294.61 feet to a point in the Westerly line of said State Highway 101 (Gilman Drive), being also a point in a tangent 2050.00 foot radius curve concave Easterly;

thence leaving said Southerly line of Miramar Road, along said 2050.00 foot radius curve, and Southerly along said Westerly line of Gilman Drive through an angle of  $24^{\circ} 16' 42''$  an arc distance of 868.66 feet; thence continuing along said Westerly line, tangent to said curve South  $19^{\circ} 40' 54''$  East 683.00 feet to the POINT OF BEGINNING.

Containing 25.5 acres.

6-9-1970  
199985

JUN 9 1970

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE

1970 JUN 23 AM 11:40

SAN DIEGO, CALIF.

MR

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.

JOHN LOCKWOOD

City Clerk of The City of San Diego, California.

(Seal)

By Elfa P. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 199985 Adopted JUN 9 1970

*Handwritten initials*