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RESOLUTION NO. **200860** SEP 24 1970
Planned Residential Development Permit No. 5

WHEREAS, ROBERT L. HANIMAN, an individual, Owner, and hereafter referred to as "Permittee," filed an application for a permit to construct and operate a planned residential development, located south of Midway Street between Calumet Avenue and Chelsea Avenue, more particularly described as Blocks "C" and "D," Bird Rock Villas, and portions of Chelsea Avenue and Colima Street proposed for closing, in the R-1-5 and RV Zones; and

WHEREAS, on August 5, 1970, the Planning Commission of The City of San Diego made its findings of facts, and granted Planned Residential Development Permit No. 5 to Permittee to construct and operate said planned residential development; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, B. G. HILDYARD under date of August 24, 1970, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 24, 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 Planned Residential Development Permit No. 5 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.

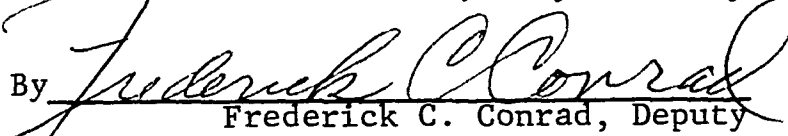
3. The proposed use will comply with the regulations and conditions specified in the Code for such use.

4. The granting of this 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 5 to 2, the appeal of B. G. HILDYARD be, and it is hereby denied and the City Council does hereby grant to ROBERT L. HANIMAN, an individual, Planned Residential Development Permit No. 5 to construct and operate said 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

FCC:cev
10/2/70

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 5
CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to ROBERT L. HANIMAN, an individual, Owner, and hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0900 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a planned residential development, located south of Midway Street between Calumet Avenue and Chelsea Avenue, more particularly described as Blocks "C" and "D," Bird Rock Villas, and portions of Chelsea Avenue and Colima Street proposed for closing, in the R-1-5 and RV Zones.

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

- a. 30 units
- b. 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, Chelsea Street between Colima Street and Midway Street and Colima Street between Calumet Avenue and Chelsea Street shall be closed.

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

5. An open space easement shall be granted and shown on said map on all areas not shown for building sites.

6. Not less than two covered off-street parking spaces shall be provided for each residential unit. Each covered parking space shall be a minimum of 8-1/2 feet by 20 feet and each space shall be permanently maintained for parking purposes. Not less than 32 parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" (dated August 5, 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.

7. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for each recorded lot.

8. The interior private street shall be named and begin with the term "Caminito."

9. Permittee shall comply with the General Conditions for Planned Residential Developments attached hereto and made a part hereof.

Passed and adopted by The City of San Diego on
September 24, 1970 .

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT 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 August 5, 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 August 5, 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. This planned residential development permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been

granted by The City of San Diego as set forth in Section 101.0900 of the 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 planned residential development 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 planned residential development 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 planned residential development permit.

b. This planned residential development 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 the zone existing for the subject property at the time of conversion.

8. The property included within this planned residential development 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 planned residential development permit may be cancelled or revoked. Cancellation or revocation of this planned residential development 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 101.0900. 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 101.0900.

10. This planned residential development 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) ss
COUNTY OF SAN DIEGO)

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 planned residential development permit and promises to perform each and every obligation of Permittee hereunder.

Robert L. Haniman

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

WITNESS my hand and official seal.
(Notary Stamp)

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

RECEIVED
CITY CLERK'S OFFICE
1970 OCT -5 PM 2:41
SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on SEP 24 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 200860 Adopted SEP 24 1970