

RESOLUTION NO. 201477
Planned Residential Development Permit No. 11

WHEREAS, SWAN CONSTRUCTORS, INC., a California corporation, Owner, hereafter referred to as "Permittee," filed an application for a permit to construct and operate a planned residential development, located on the north side of Via Don Benito, between Hillside Drive and Encelia Drive, being portions of Pueblo Lots 1263 and 1264, of the Pueblo Lands of San Diego, Map No. 36, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-20 Zone; and

WHEREAS, on November 9, 1970, the Planning Commission of The City of San Diego made its findings of facts, and granted Planned Residential Development Permit No. 11 to Permittee to construct and operate said planned residential development and filed the same in the office of the City Clerk on November 16, 1970; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, Karl Zobell, Attorney, representing several adjacent property owners, under date of November 12, 1970, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 17, 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. 11
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 7 to 0, the appeal of KARL ZOBELL be, and it is hereby denied and the City Council does hereby grant to SWAN CONSTRUCTORS, INC., a California corporation, Planned Residential Development Permit No. 11 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:pn
1-5-71

201477

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 11
CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to SWAN CONSTRUCTORS, INC., a California corporation, Owner, 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 on the north side of Via Don Benito between Hillside Drive and Encelia Drive being portions of Pueblo Lots 1263 and 1264, of the Pueblo Lands of San Diego, Map No. 36, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-20 Zone.

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. 142 residential units
- b. Recreation facilities for the residents of the Project only
- 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 or maps shall be recorded on the subject property.

4. Open space easements shall be granted as shown on the approved tentative subdivision map.

5. Not less than 560 off-street parking spaces, or at a ratio of 4 parking spaces for each residential unit, and 10 off-street parking spaces for the recreation facility shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" (dated November 9, 1970). Two of the required parking spaces for each residential unit shall be covered in an enclosed garage and not converted or used for any other purpose at any time. Each individual shall be informed through the C.C. & R's of these restrictions. Each of these spaces shall be a minimum of 8 1/2 feet by 20 feet. 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. Each of the private streets within the Project shall be improved to City standards as required by the City Engineer.

7. Each of the private streets shall be named beginning with the term "Caminito."

8. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for the Project. Each individual owner shall be informed through the C.C. & R's of this restriction.

9. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Commission for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated November 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.

10. To delete Item 2 of General Conditions.

11. The Permittee shall comply with the General Conditions for Planned Residential Development Permits attached hereto and made a part hereof.

Passed and adopted by the City Council of The City of San Diego on December 17, 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 November 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 November 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. 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.

201477

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.

Acknowledgment

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, personally appeared _____, known to me to be the _____ of

SWAN CONSTRUCTORS, INC.
the corporation that executed the within instrument and known to me to be the person 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"

Those portions of Pueblo Lots 1263 and 1264 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of said Map being filed in the office of the County Recorder of said County as Miscellaneous Map No. 36, described as follows:

Beginning at a point in the Westerly line of said Pueblo Lot 1264, distant thereon North $16^{\circ}37'00''$ West 3034.87 feet from the Southwesterly corner of said Pueblo Lot 1264, said point being the beginning of a 151.49 foot radius curve concave Northerly, a radial line of said curve bearing South $3^{\circ}07'00''$ East to said point; thence Easterly along said curve through an angle of $30^{\circ}23'10''$ a distance of 80.34 feet; thence tangent to said curve North $56^{\circ}29'50''$ East 85.89 feet to the beginning of a tangent 160 foot radius curve concave Southerly; thence Easterly along said curve through an angle of $68^{\circ}57'30''$ a distance of 192.57 feet; thence tangent to said curve South $54^{\circ}32'40''$ East 64.94 feet to the beginning of a tangent 205 foot radius curve concave Northerly; thence Easterly along said curve through an angle of $75^{\circ}58'10''$ a distance of 271.81 feet; thence tangent to said curve North $49^{\circ}29'10''$ East 10.94 feet to the Southwesterly corner of Parcel 1 described in Quitclaim Deed to Richard Cavanaugh recorded August 6, 1969 at File/page 142790, Series 10, Book 1969; thence along the boundary of said Parcel 1 as follows: North $40^{\circ}30'50''$ West 25.00 feet; thence North $16^{\circ}37'00''$ West 747.34 feet (deed record 747.30 feet) to a point in the Northerly line of said Pueblo Lot 1264; thence along said Northerly line North $74^{\circ}39'00''$ East (deed record North $74^{\circ}34'$ East) 636.48 feet to the Northwesterly corner of Chateau Ville according to Map thereof No. 3926 filed in the office of said County Recorder; thence continuing along said boundary of Parcel 1, and along the Westerly and Southwesterly boundary of said Chateau Ville, as follows: Southwesterly along an 85.77 foot radius curve concave Northwesterly, a radial line of said curve bearing South $83^{\circ}05'10''$ East to said Northwesterly corner of Chateau Ville, through an angle of $41^{\circ}59'40''$, a distance of 62.86 feet; thence tangent to said curve South $48^{\circ}54'30''$ West 56.51 feet to the beginning of a tangent 20 foot radius curve concave Easterly; thence Southerly along said curve through an angle of $94^{\circ}41'40''$ a distance of 33.05 feet; thence tangent to said curve South $45^{\circ}47'10''$ East 31.12 feet to the beginning of a tangent 19.5 foot radius curve concave Southwesterly; thence Southeasterly along said curve through an angle of $12^{\circ}28'40''$ a distance of 42.47 feet; thence tangent to said curve South $33^{\circ}18'30''$ East 41.74 feet to the beginning of a tangent 125 foot radius curve concave Southwesterly; thence Southeasterly along said curve through an angle of $28^{\circ}23'20''$ a distance of 61.93 feet; thence tangent to said curve South $4^{\circ}55'10''$ East 108.63 feet to the beginning of a tangent 85 foot radius curve concave Northeasterly; thence Southeasterly along said curve through an angle of $32^{\circ}15'40''$ a distance of 47.86 feet; thence tangent to said curve South $37^{\circ}10'50''$ East 55.53 feet to the beginning of a tangent 225 foot radius curve concave Southwesterly; thence Southeasterly along said curve through an angle of $16^{\circ}15'50''$ a distance of 63.87 feet; thence tangent to said curve South $20^{\circ}55'00''$ East 75.36 feet to the beginning of a tangent 75 foot radius curve concave Northeasterly; thence Southeasterly along said curve through an angle of $47^{\circ}07'00''$ a distance of 61.67 feet; thence tangent to said curve South $68^{\circ}02'00''$ East 63.19 feet to the beginning of a tangent 125 foot radius curve concave Northerly; thence Easterly along said curve through an angle of $24^{\circ}11'50''$ a distance of 52.79 feet; thence tangent to said curve North $87^{\circ}46'10''$ East 30.73 feet to the beginning of a tangent 125 foot radius curve concave Southerly; thence Easterly along said curve through an angle of $62^{\circ}01'20''$ a distance of 135.31 feet; thence tangent to said

201477

curve South $30^{\circ}12'30''$ East 32.19 feet to the beginning of a tangent 45 foot radius curve concave Northeasterly; thence Southeasterly along said curve through an angle of $31^{\circ}11'30''$ a distance of 24.50 feet; thence leaving said boundary of Chateau Ville, continuing along said boundary of Parcel 1, as follows: radial to said 45 foot radius curve, South $28^{\circ}36'00''$ West (deed record South $28^{\circ}29'50''$ West) 25.00 feet; thence North $61^{\circ}24'00''$ West (deed record North $61^{\circ}30'10''$ West) 31.25 feet to the beginning of a tangent 292.72 foot radius curve concave Southerly; thence Westerly along said curve, through an angle of $24^{\circ}30'40''$ (deed record $24^{\circ}24'30''$) a distance of 125.23 feet (deed record 124.70 feet); thence tangent to said curve North $85^{\circ}54'40''$ West 123.64 feet to the beginning of a tangent 300 foot radius curve concave Southerly; thence Westerly along said curve through an angle of $10^{\circ}26'30''$ a distance of 54.67 feet; thence tangent to said curve South $83^{\circ}38'50''$ West 35.14 feet to the beginning of a tangent 110 foot radius curve concave Northeasterly; thence Northwesterly along said curve through an angle of $33^{\circ}44'40''$ a distance of 64.78 feet; thence tangent to said curve North $62^{\circ}36'30''$ West 47.10 feet to the beginning of a tangent 150 foot radius curve concave Southerly; thence Westerly along said curve through an angle of $67^{\circ}54'20''$ a distance of 177.78 feet; thence tangent to said curve South $49^{\circ}29'10''$ West 151.56 feet to the Northeasterly corner of Parcel 2 described in said Quitclaim Deed to Richard Cavanaugh; thence leaving said boundary of Parcel 1, along the Northeasterly boundary of said Parcel 2, as follows: South $59^{\circ}52'10''$ East 186.61 feet to the beginning of a tangent 150 foot radius curve concave Southwesterly; thence Southeasterly along said curve through an angle of $49^{\circ}39'00''$ a distance of 129.98 feet; thence tangent to said curve South $10^{\circ}13'10''$ East 105.05 feet to the beginning of a tangent 200 foot radius curve concave Northeasterly; thence Southeasterly along said curve through an angle of $44^{\circ}44'20''$ a distance of 156.17 feet; thence tangent to said curve South $54^{\circ}57'30''$ East 141.19 feet to a point on the Southwesterly prolongation of the Northwesterly line of Tract No. 1, as described in that certain Decree in Condemnation in favor of the United States of America, recorded June 1, 1944 in Book 1679, page 457 of Official Records, in the office of the County Recorder of said San Diego County, that is distant along said Northwesterly line and said Southwesterly prolongation, South $35^{\circ}02'30''$ West (record South $35^{\circ}40'41''$ West) 275 feet from the most Northerly corner of said Tract No. 1; thence North $35^{\circ}02'30''$ East 25.00 feet to the most Westerly corner of said Tract No. 1; thence along the Southwesterly line of said Tract No. 1, being also along said Northeasterly boundary of Parcel 2, South $54^{\circ}57'30''$ East (record South $54^{\circ}19'19''$ East) 908.58 feet to the Southeasterly corner of said Parcel 2, being also the Northeasterly corner of Parcel 4 described in said Quitclaim Deed to Richard Cavanaugh; thence continuing along said Southwesterly line of Tract No. 1, and along the Northeasterly line of said Parcel 4, South $54^{\circ}57'30''$ East (record South $54^{\circ}19'19''$ East) 31.42 feet to the most Southerly corner of said Tract 1; thence along the Easterly line of said Parcel 4, being also the Westerly line of land described in deed to Balboa Radio Corporation, recorded June 3, 1948 as Document No. 55076 in Book 2821, page 253, Official records, South $17^{\circ}55'10''$ East 627.17 feet (record 627.93 feet) to the Southerly line of said Pueblo Lot 1264; thence along said Southerly line South $75^{\circ}33'35''$ West 1022.96 feet to a point in the Northeasterly boundary of Muirlands West Unit No. 5, according to Map thereof No. 6300 filed in the office of said County Recorder; thence along the boundary of said Muirlands West Unit No. 5, North $79^{\circ}57'37''$ West (record North $79^{\circ}21'49''$ West) 180.07 feet, North $72^{\circ}57'37''$ West (record North $72^{\circ}21'49''$ West) 310.00 feet, and South $17^{\circ}02'23''$ West (record South $17^{\circ}38'11''$ West) 30.00 feet to the most Easterly corner of Lot 96, Muirlands West Unit No. 3 according to Map thereof No. 5618 filed in the office of said County Recorder; thence along the Northeasterly boundary of said Muirlands West Unit No. 3, North $72^{\circ}57'37''$ West (record North $72^{\circ}21'49''$ West) 267.70 feet to a point in said Westerly line of Pueblo Lot 1264, being also the most Southerly corner of Parcel 5 described in said Quitclaim Deed to Richard Cavanaugh; thence continuing along said Northeasterly boundary

201477

of Muirlands West Unit No. 3, being also along the Southwesterly line of said Parcel 5, North $72^{\circ}57'37''$ West (record North $72^{\circ}21'49''$ West) 174.21 feet to the most Northerly corner of said Muirlands West Unit No. 3; thence along the Northwesterly line of said Parcel 5, North $17^{\circ}41'38''$ East 257.25 feet (record North $18^{\circ}17'27''$ East 257.28 feet) to a point in said Westerly line of Pueblo Lot 1264, distant thereon North $16^{\circ}37'00''$ West 309.04 feet from its intersection with said Northeasterly boundary of Muirlands West Unit No. 3; thence along said Westerly line North $16^{\circ}37'00''$ West 1374.87 feet to the point of beginning;

Containing an area of 67.8 acres more or less.

201477

DEC 17 1970

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

RECEIVED
CITY CLERK'S OFFICE

1971 JAN -7 AM 10: 23

SAN DIEGO, CALIF.

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 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.

(Seal)

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

By Edna P. Hamel, Deputy. *KE*

Office of the City Clerk, San Diego, California

Resolution Number 201477 Adopted DEC 17 1970