

RESOLUTION NO. 203490
Planned Residential Development Permit
No. 4 Amendment

AUG 19 1971

WHEREAS, CHRISTIANA OIL CORPORATION, a California corporation, Owner, hereafter referred to as "Permittee," filed an application for an amendment to Planned Residential Permit No. 4 requesting the deletion of Item 10, which permit allowed for the construction and operation of a planned residential development, located on the south side of Clairemont Mesa Boulevard (extended), approximately 1/2 mile east of Interstate Highway 15 (Murphy Canyon Road), more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-40 Interim and R-2 Zones; and

WHEREAS, on August 4, 1971, the Planning Commission of The City of San Diego made its finding of facts and filed the same in the office of the City Clerk on August 11, 1971; and

WHEREAS, the motion by the Planning Commission to approve said amendment failed to receive four affirmative votes and was deemed denied; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, Permittee under date of August 6, 1971, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 19, 1971, and 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. 4 Amendment 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 amendment to Planned Residential Permit No. 4 will not adversely affect the General Plan of the City of San Diego.

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 0, the appeal of Permittee is hereby granted and the City Council does hereby grant to Christiana Oil Corporation the amendment to Planned Residential Permit No. 4 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

PLANNED RESIDENTIAL DEVELOPMENT PERMIT
NO. 4 AMENDMENT
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to CHRISTIANA OIL CORPORATION, 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 south side of Clairemont Mesa Boulevard (extended), approximately 1/2 mile east of Interstate Highway 15 (Murphy Canyon Road), more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-40 Interim and R-2 Zones.

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

- a. 722 residential units to be constructed in two phases.
- b. Recreation areas.
- c. Model Home Complex.
- d. Off-Street parking.
- e. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, the subject property shall be rezoned R-2.

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

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5. An open space easement shall be granted to The City of San Diego as shown on Exhibit "A" (dated August 19, 1971).

6. Not less than 3 off-street parking spaces shall be supplied for each residential unit. One of the required parking spaces shall be enclosed as shown on Exhibit "A" (dated August 19, 1971). Each space shall be a minimum of 8-1/2 feet by 20 feet in dimension. Parking spaces shall be maintained for parking at all times with no other use or conversion to be made. Each owner shall be informed of these conditions through the covenants, conditions and restrictions.

7. Exterior radio and television antennas shall be prohibited; however, one master antenna may be permitted for the project.

8. Public refuse pickup may be permitted only by the approval of the Public Works Director. No refuse pickup shall be made in any of the alleys. The location and type of trash collection unit shall be approved by the Planning Director and Public Works Director.

9. Open space easements and general utility easements shall be granted as shown on Exhibit "A" (dated August 19, 1971).

10. Prior to the issuance of any building permits, the following conditions must be met:

- a. The hammerhead turnaround shall be a minimum of 74' by 20'.
- b. No curbs shall be installed adjacent to the hammerhead.
- c. A third parking stall shall be provided on the end lot.
- d. Parking shall be prohibited in the turn area.

11. 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 August 19, 1971.

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 19, 1971, 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 19, 1971, 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 EDWARD NIELSEN, 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.

CHRISTIANA OIL CORPORATION,
a California corporation

By _____

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 197 , before
me, the undersigned, a Notary Public in and for said County
and State, personally appeared _____,
known to me to be the _____ of

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"

All that portion of Lots 23, 24 and 25 and roads thereon of Rosedale Tract according to Map No. 825 and all that portion of Lots 1, 2, 15, 16 and 17 of Block 16; Lots 1, 3, 4, 5, 6 and 7 of Block 18; and Lots 5, 6, 7 and 8 of Block 19; and roads thereon of the Resubdivision of Lots 14, 16, 18, 19 and 20 of Rosedale Tract according to the Map thereof No. 825 filed in the Office of the Recorder of San Diego County, California, more particularly described as follows:

Beginning at the northeasterly corner of Lot 1, said Rosedale Tract; thence South $89^{\circ}00'33''$ East 1,964.08 feet; thence North $00^{\circ}51'18''$ East 1,172.05 feet; thence South $89^{\circ}08'42''$ East 544.85 feet; thence South $14^{\circ}30'12''$ West 4,962.23 feet to a point that is the centerline intersection of Mound Avenue and Elliott Blvd., as shown on the City of San Diego Engineer's Drawing No. 10600-3-D, said point now being the centerline intersection of Clairemont Mesa Blvd. and Santo Road and the TRUE POINT OF BEGINNING of the Tract hereby described; thence South $66^{\circ}09'41''$ East 1701.29 feet to a tangent 2000.00 foot radius curve; said curve being concave northeasterly; thence along said curve through a central angle of $22^{\circ}08'21''$ an arc distance of 772.80 feet; thence at right angles to said curve South $01^{\circ}41'58''$ West 810.18 feet to a tangent 1500 foot radius curve concave northwesterly; thence along said curve through a central angle of $20^{\circ}03'36''$ an arc distance of 525.17 feet; thence South $21^{\circ}45'34''$ West 227.37 feet to a tangent 1000 foot radius curve concave northwesterly; thence along said curve through a central angle of $28^{\circ}51'43''$ an arc distance of 503.74 feet; thence South $50^{\circ}37'17''$ West 160.67 feet to a point on the arc of a 2000 foot radius curve concave southwesterly whose center bears South $50^{\circ}37'17''$ West; thence westerly along said curve through a central angle of $50^{\circ}37'05''$ an arc distance of 1766.90 feet; thence North $89^{\circ}59'48''$ West 363.41 feet to the centerline intersection of Tierrasanta Blvd. and Santo Road; thence North $03^{\circ}15'12''$ East along the centerline of said Santo Road 1403.02 feet to a tangent 2000 foot radius curve concave easterly; thence along said curve through a central angle of $11^{\circ}15'00''$ an arc distance of 392.69 feet; thence North $14^{\circ}30'12''$ East along said centerline 387.18 feet more or less to the TRUE POINT OF BEGINNING.

Passed and adopted by the Council of The City of San Diego on AUG 19 1971,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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,
 EDWARD NIELSEN
~~JOHN LOCKWOOD~~
 City Clerk of The City of San Diego, California.

By Elfa J. Hamell, Deputy.

(Seal)

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Resolution Number 203490 Adopted AUG 19 1971