

RESOLUTION NO. 210514

MAY 2 1974

FLOOR AREA RATIO EXCEPTION PERMIT NO. 11

WHEREAS, PANORAMA PROPERTIES COMPANY, a partnership, and LOMA GRANDE COMPANY, a partnership, Owner, both hereafter referred to as "Permittee," filed an application for a floor area ratio exception permit to develop the property located on the northeast corner of Fourth and Walnut Avenues, more particularly described as Lots 6 through 10, Block 3, Loma Grande, Map No. 692, on file in the office of the County Recorder, in the R-4 and CO (proposed R-4) Zones.

WHEREAS, on January 30, 1974, the Planning Commission of The City of San Diego made its finding of facts, and granted Floor Area Ratio Exception Permit No. 11 and filed the decision in the office of the City Clerk on February 21, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0413 of the San Diego Municipal Code, MELVIN SHAPIRO, under date of February 21, 1974, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 28, 1974, continued to May 2, 1974, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal, is empowered by the provisions of Municipal Code Section 101.0413

to affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; 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 Floor Area Ratio Exception Permit No. 11:

1. The proposed structure at the particular location and under the proposed conditions of development with regard to good planning practice, including provisions for height, building bulk, yards, open spaces, lot ~~coverage~~, grading and related matters, will provide equally as well for light and air, for the public health, safety and convenience, and the preservation of the general welfare of the community as if developed to the limits imposed by the R-4 Zone and the other zoning regulations applicable to the property in question.

2. The proposed structure will comply with the regulations and conditions specified in the Code for such structures, with the exception that a rear yard and interior side yard variance has been approved.

3. The granting of this exception will not adversely affect any adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that by a vote of 8 to 0, the appeal of MELVIN SHAPIRO is hereby denied and this Council does hereby grant to PANORAMA PROPERTIES COMPANY, a partnership, and LOMA GRANDE COMPANY, a partnership, Floor Area Ratio Exception Permit No. 11 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
Frederick C. Conrad, Chief Deputy

FCC:mmb
5-23-74

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By Frederick C. Conrad
Frederick C. Conrad, Chief Deputy

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FLOOR AREA RATIO EXCEPTION PERMIT NO. 11

CITY COUNCIL

This floor area ratio exception permit is granted by the Council of The City of San Diego to PANORAMA PROPERTIES COMPANY, a partnership, and LOMA GRANDE COMPANY, a partnership, Owner, both 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 101.0413 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 40-unit, 16-story residential project as shown on Exhibit A, dated May 2, 1974, located on the northeast corner of Fourth and Walnut Avenues, more particularly described as Lots 6 through 10, Block 3, Loma Grande, Map No. 692, on file in the office of the County Recorder, in the R-4 and CO (proposed R-4) Zones.

2. The project shall not exceed a floor area ratio of 3.00 or 94.938 square feet and 24.5 percent lot coverage.

3. Not less than 69 underground off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit A, dated May 2, 1974, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. 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.

4. The landscaping plan shall provide plant materials within the 4-foot side yard adjacent to the parking structure. Landscaping materials shall also be provided in planters, tubs or appropriate containers on the roof of the parking structure.

5. The following building setbacks shall be permitted as shown on Exhibit A: (1) a 15-foot setback for the residential tower along the easterly lot line, and (2) a 2-foot setback for the recreation room along the northerly lot line.

6. Permittee shall comply with the General Conditions for Floor Area Ratio Exception Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on May 2, 1974.

GENERAL CONDITIONS FOR FLOOR AREA RATIO EXCEPTION PERMITS

1. Prior to the issuance of any building permits, building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated May 2, 1974, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and 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 May 2, 1974, on file in the office of the Planning Department and shall be in accordance with the Land Development Ordinance No. 10660 (New Series). 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. Construction and operation of the approved permit shall comply at all times with the regulations of this or other governmental agencies.

4. This floor area ratio exception permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506, paragraph E, of the Municipal Code of The City of San Diego.

5. The effectiveness of this floor area ratio exception 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 permit signed within 90 days of the Council's decision.

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

6. 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 the Permittee or its successors in interest, shall be deemed a material breach hereof and this floor area ratio exception permit may be cancelled or revoked. Cancellation or revocation of this floor area ratio exception permit may be instituted by the 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 101.0506. 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 this matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

7. This floor area ratio exception 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 _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be _____ of the partners of the partnership that executed the within instrument, and acknowledged to me 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

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

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

MAY 2 1974

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

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By LaVerne E. Miller, Deputy.

RECEIVED

1974 MAY 30 AM 11:41

SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **210514** Adopted **MAY 2 1974**