

R-75-1661

RESOLUTION NO. 212366
Planned Residential Development Permit No. 92 JAN 2 1975

WHEREAS, MENLO INVESTORS, LTD., by JOHN N. KIRCHNER, a limited partnership, Owner, hereafter referred to as "Permittee," filed an application for a Planned Residential Development Permit, No. 92, to construct and operate a planned residential development located east of Menlo Avenue between Quince Street and Maple Street, more particularly described as Lots 2-47, Block 6, Lots 2-14, and portions of Lots 9-15 and 41-48, Block 9, Swan's Addition, and portions of streets and alleys closed therein, in the R-2 Zone; and

WHEREAS, on October 23, 1974, the Planning Commission of The City of San Diego made its findings of fact, granted said Planned Residential Development Permit No. 92, and filed said decision in the office of the City Clerk on November 7, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, VIVIAN E. WALGREN, under date of November 15, 1974, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 2, 1975, 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:

That all of the following facts exist with respect to Planned Residential Development Permit No. 92 on the property described in the preamble of this resolution.

1. The proposed use at the particular location is necessary or desirable to provide a service or 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. All design criteria and minimum standards for a planned residential development will be met.

4. The granting of this permit will not adversely affect the Mid-City Development Plan, the General Plan of the City or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that by a vote of 7 to 1 the appeal of VIVIAN E. WALGREN is hereby denied and the City Council does hereby grant to MENLO INVESTORS, LTD. and JOHN N. KIRCHNER Planned Residential Development Permit No. 92 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
Chief Deputy City Attorney

FCC:cav
1/28/75

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 92
CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to MENLO INVESTORS, LTD., by JOHN N. KIRCHNER, a limited partnership, 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 east of Menlo Avenue, between Quince Street and Maple Street, more particularly described as Lots 2-47, Block 6, Lots 2-14, and portions of Lots 9-15 and 41-48, Block 9, Swan's Addition, and portions of streets and alleys closed therein, in the R-2 Zone.

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

- a. 79 dwelling units and recreational facilities.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

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

4. Not less than 239 parking spaces (or at a ratio of 3.02 to 1) shall be provided. Each parking space shall be a

minimum of 8-1/2 feet by 20 feet in dimension and shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. & R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated October 23, 1974. 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.

5. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for the Project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the Project shall require either a license or franchise with the City prior to such installation.

6. Prior to the issuance of any building permits, a final subdivision map shall be recorded in the Office of the County Recorder, except that permits may be issued for five model units prior to the final map recordation subject to the requirements of the City Attorney, the Engineering and Development Director and the Planning Director.

7. Improvements within Menlo Avenue at Home Avenue shall be aligned as required by the Engineering and Development Department to maximize the preservation of the existing trees.

8. The grade of Quince Street between 46th Street and Menlo Avenue shall be altered as required by the Engineering and Development Department to accommodate the future improvement of this portion of Quince Street.

9. Delete Condition No. 2 of the General Conditions and in its stead substitute the following: "Prior to the issuance of any building permits, a landscaping plan which includes supplemental landscaping and a permanent watering system for the natural open space area as shown on Exhibit "A" dated October 23, 1974, shall be approved by the Planning Commission.

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

11. Public refuse collection shall not be permitted unless approved by the Director of Public Works.

12. All private streets shall be improved to the requirements set forth by the Engineering and Development Director.

13. No parking shall be permitted on any private streets except in approved locations.

14. No building additions shall be permitted unless approved by the Planning Commission. Patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Home Owners Association.

15. All manufactured slopes shall have a ratio of 2 to 1 or greater.

16. The applicant shall post a copy of the approved resolution on exhibit in the sales office for consideration by each prospective buyer.

17. PCC sidewalk shall be provided from each unit to a walkway within the dedicated right-of-way, and if the walkway is contiguous to the curb, a five-foot general utility easement must be provided behind this walk.

18. Adequate street lighting, acceptable to the Public Works Director and the City Engineer shall be provided, which will illuminate the private street in accordance with minimum City standards for public streets. This lighting system shall be privately owned and maintained by a property owners' association.

19. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R-2 Zone.

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

Passed and adopted by the City Council of The City of San Diego on January 2, 1975.

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 _____, 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 _____, 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 PETE WILSON, 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.

MENLO INVESTORS, LTD, a limited partnership

By _____
John N. Kirchner, Partner

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 _____ and _____ known to me to be the _____ of _____

the corporation that executed the within instrument and known to me to be the persons 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

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(s) whose name(s) is/are 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

JAN 2 1975

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 *Patricia Polan*, Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **212366** Adopted **JAN 2 1975**