

RESOLUTION NO. 213858

JUL 24 1975

Planned Residential Development Permit No. 75

WHEREAS, HOME BUSINESS DEVELOPMENT CORPORATION, a California corporation, Owner, and SHAPELL INDUSTRIES OF SAN DIEGO, INC., a California corporation, both hereafter referred to as "Permittee," filed an application to construct a planned residential development located on the north side of Tierrasanta Boulevard between Tambor Road and Mission Gorge Road, more particularly described as Lots 58, 59, 60 and 70, Rancho Mission of San Diego, portions of Lots C, D, and E, Referee's Partition Map of a partition of portion of Lot 70, Rancho Mission of San Diego, SCC No. 15191, and portions of Lots 27 and 38, Rosedale Tract in the R-1-Zone; and

WHEREAS, on December 18, 1974, the Planning Commission of The City of San Diego made its findings of facts, denied said Planned Residential Development Permit No. 75 to Permittee, and filed said decision in the office of the City Clerk on February 7, 1975; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, O'BRIEN DEVELOPMENT COMPANY, by Harold J. O'Brien, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 20, 1975, continued to March 20, 1975, May 1 and July 10, 1975; and

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WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; NOW, THEREFORE,

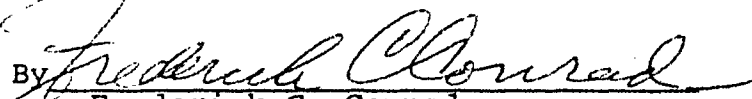
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the Council of The City of San Diego adopts as its findings of fact, required by Municipal Code, Section 101.0900 F. 1, those findings contained in the Report of the Planning Department to the City Council, dated July 24, 1975, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Permittee under Planned Residential Development Permit No. 75, shall not be required to provide for the location of a community park on a site of approximately sixteen acres in the northwest portion of said planned residential development.

BE IT FURTHER RESOLVED, that by a vote of 8 to 0, the appeal of O'Brien Development Company is granted and this Council does hereby grant to HOME BUSINESS DEVELOPMENT CORPORATION and SHAPELL INDUSTRIES OF SAN DIEGO, INC., Planned Residential Development Permit No. 75, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
9/11/75
Rev. 10/10/75

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July 24, 1975

SUBJECT: REPORT TO CITY COUNCIL - PLANNED RESIDENTIAL
DEVELOPMENT FOR 1,051 DWELLING UNITS. Portions of
Lots 58, 59, 60 and 70, Rancho Mission. PRD #75.
Applicant: H.J. O'Brien Land Development Incorporated.

FINDINGS OF FACT

The Planning Department believes that the First Finding can be met, that is that 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 neighborhood or community. The Department believes that this project which proposes a combination of single-family dwelling units, duplexes, four-plexes, cluster units, and condominium apartments will provide a desirable mix and variety of housing types for the Elliot Community. It is believed that the various recreational facilities dispersed throughout the project including a major green belt, swimming pools and tennis courts will serve to supplement the proposed public recreational facilities in the Elliot Community thus contributing to general well-being of the surrounding area.

The Department believes that the Second Finding can be met, that is, that such use will not under the circumstances of the particular case be detrimental to health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The Third Finding of fact is that all design criteria and minimum standards set forth in the PRD ordinance will be met. Approximately 137 more acres of total open space are being proposed than required by the PRD ordinance, thus ensuring that adequate open space is being provided. Also 10 acres more of usable open space are being provided than required.

A secondary vehicular access is being provided from the northern portion of the project to connect to the adjacent subdivision to the west to ensure adequate circulation. In addition, several emergency accesses are provided to ensure adequate fire protection.

Several of the units are proposed to be split-level to ensure a better relationship with the natural landscape. It is believed that the proposed development will be architecturally compatible with the surrounding community and with the

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circulation patterns of the existing area. The street system, to consist of cul-de-sacs, clusters, and loop systems are designed to provide adequate circulation without disrupting the activities and function of any common areas and facilities. A major recreational facility including a club house, swimming pool and 5 tennis courts are proposed to be located central to the project. Several green belts will provide pedestrian access to this facility.

The Planning Department believes that the Fourth Finding which stipulates that the granting of this permit will not adversely affect the progress guide and general plan for the City of San Diego or any adopted community plan or the adopted plan of any governmental agency can be met. The Department believes that the proposed density and open space are generally consistent with the adopted Elliot Community Plan.

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 75
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to HOME BUSINESS DEVELOPMENT CORPORATION, a California corporation, Owner, and SHAPELL INDUSTRIES OF SAN DIEGO, INC., a California corporation, 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 101.0900 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a planned residential development located on the northeast side of Tierrasanta Boulevard, east of La Cuenta, more particularly described as portions of Lots 58, 59, 60 and 70, Rancho Mission of San Diego, Map No. 330; portions of Lots C, D, and E, Referee's Part. Map of a portion of Lot 70, Rancho Mission of San Diego; and portions of Lots 27 and 38, Rosedale Tract, Map No. 825, in the R-1-40 (Proposed R-1-5) 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. 1,051 dwelling units.
- b. Recreational facilities.
- c. Off-street parking.
- d. Incidental accessory uses as may be determined

and approved by the Planning Director.

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

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

5. Not less than 3,606 off-street parking spaces (or at a ratio of 3.4:1) shall be provided. Each of the parking spaces 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 December 18, 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.

6. 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.

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

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

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

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

11. 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.

12. All manufactured slopes shall have a ratio of 2 to 1 or greater, or as shown on Exhibit "A" dated December 18, 1974.

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

14. 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.

15. 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.

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16. 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-1-5 Zone.

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

Passed and adopted by the Council of The City of San Diego on July 24, 1975.

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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 December 18, 1974, 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 December 18, 1974, 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.

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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.

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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 Commercial Development Permit and promises to perform each and every obligation of Permittee hereunder.

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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 _____ 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

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Passed and adopted by the Council of The City of San Diego on JUL 24 1975,
 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 checked="" 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 type="checkbox"/>	<input checked="" 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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Masterson, Deputy.

(Seal)

RECEIVED
 JUL 24 1975
 SAN DIEGO

Office of the City Clerk, San Diego, California

Resolution Number 213858 Adopted JUL 24 1975

E.S.

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