

RESOLUTION NO. **216795**

R.77-546

Planned Residential Development Permit No. 101

SEP 14 1976

WHEREAS, GRAHAM M. KELLY, Owner, hereafter referred to as "Permittee," filed an application to construct and operate a planned residential development of 26 dwelling units on 4.9 acres in the R-1-5 (portion in HILLSIDE OVERLAY) Zone, located northwest of Home Avenue and I-805, more particularly described as a portion of Lot 5, Horton's Purchase, Ex-Mission Lands of San Diego; and

WHEREAS, on April 8, 1976, the Planning Commission of The City of San Diego made its findings of facts, approved said Planned Residential Development Permit No. 101, and filed said decision in the office of the City Clerk on April 16, 1976; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, CAROL E. TOMPKINS, Coordinator for East San Diego Concerned Citizens, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 21, 1976 and continued to September 14, 1976; and

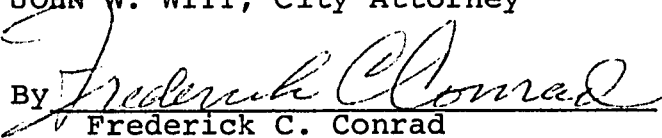
WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; NOW, THEREFORE,

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 April 1, 1976, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the appeal of Carol E. Tompkins, Coordinator for East San Diego Concerned Citizens is denied, and this Council does hereby grant to GRAHAM M. KELLY, Planned Residential Development Permit No. 101, 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
Rev. 10/6/76

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April 1, 1976

FINDINGS OF FACTS

The Planning Department believes that the first finding which requires that the proposed use be necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community can be met. The Department believes that the subject project is necessary to assist in satisfying the demand for housing facilities within the community. Further, it is believed that housing within the proposed price range of this development is needed. Finally, the Department believes that this proposed project is desirable because it represents an improvement of vacant property within a developed portion of the community where public facilities are available.

The Department believes that the second finding can be met, that is that such use will not under the circumstances of the particularly case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements. The City Fire and City Transportation Departments have indicated that there is no inadequacy in the design of the proposed roadways.

The Department believes that the third finding of fact which requires conformance to all design criteria set forth in the PRD regulations will be met. The Department believes that the proposed plan would provide adequate open space, vehicular circulation and off-street parking. The proposed split-level duplexes would insure that the building are well intergrated to the topographic conditions of the site. It is also believed that the proposed hydroseeding of the slopes which includes native materials would insure a blending of the natural and manufactured slopes.

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 agencies can be met. The Department believes the subject project is consistent with the low-medium density residential designation of the Mid-City Plan.

The San Diego City Schools have indicated that schools are considered to be available to serve this project. Students from this development would attend Rowan Elementary School, Wilson Junior High School and Hoover High School.

A condition of approval of the Tentative Map would be that prior to approval of a final map an affirmative marketing plan shall be approved by the City Manager.

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The Environmental Impact Report has been completed and is on file in the office of the City Clerk and is available for public review.

The recommendations of the Engineering and Development Department are attached to this report.

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 101
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to GRAHAM M. KELLY, 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 of 26 dwelling units on 4.9 acres in the R-1-5 (portion in HILLSIDE OVERLAY) Zone, located northwest of Home Avenue and I-805, more particularly described as a portion of Lot 5, Horton's Purchase, Ex-Mission Lands of San Diego.

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. Twenty-six dwelling units.
- b. Recreational facilities.
- c. Offstreet 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. An open space easement shall be granted and shown on said map on all areas not shown for building sites.

5. Not less than 83 parking spaces (or at a ratio of 3.2 to 1) shall be provided, and at least one space per unit shall be enclosed. 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 April 8, 1976. 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 use of these offstreet parking spaces. All tandem parking stalls shall have a minimum depth of 20 feet beyond the sidewalk or beyond curb if no sidewalk is proposed.

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,"

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 City Engineer.

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. No manufactured slopes shall exceed a ratio of 2 to 1, except as shown on Exhibit "A" dated April 8, 1976.

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.

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. Prior to the issuance of building permits, the Planning Commission shall approve final landscaping and irrigation plans.

18. Prior to the filing of a final map an archeologist, who has been approved by the Planning Director, shall collect all significant artifacts on the subject property.

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

Passed and adopted by the Planning Commission of The City of San Diego on April 8, 1976.

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 April 8, 1976, 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 April 8, 1976, 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.

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 _____, 19____, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person whose name is 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

Passed and adopted by the Council of The City of San Diego on SEP 14 1976
 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<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 Martinez, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Resolution Number **216795** Adopted SEP 14 1976