

Passed and adopted by the Council of The City of San Diego on MAR 2 1977,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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.

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

By Elizabeth Deeg, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 217837 Adopted MAR 2 1977

CC-1276 (REV. 12-74)

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MAY 31 1978 02034

RESOLUTION NO. 217838

R.77-1750

Planned Residential Development Permit No. 105

**MAR 2 1977**

WHEREAS, UNITED STATES CAPITAL CORPORATION, Owner, hereafter referred to as "Permittee," by Dr. Leonard A. Bloom, president, filed an application under Planned Residential Permit No. 105, to construct and operate 188 single-family units and 168 apartment units in 21 two-story clusters of 8 units, a total of 356 living units on 72.34 acres in the A-1-10 (proposed R-1-5 and R-2) Zone, more particularly described as a portion of the Southeast 1/4, Section 30, Township 14 South, Range 2 West, S.B.B.M., and a portion of Lot 1, Ice Skating Arena, located on the east and west sides of Black Mountain Road and north of Galvin Avenue; and

WHEREAS, on January 27, 1977, the Planning Commission of The City of San Diego voted 2 to 3 on a motion to deny the Permit; due to the lack of four votes this is deemed a denial; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, UNITED STATES CAPITAL CORPORATION, by Dr. Leonard A. Bloom, president, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 2, 1977, 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; and

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WHEREAS, the City Council, in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0900, 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 Planned Residential Development Permit No. 105:

1. The proposed use at this particular location is necessary and desirable to provide needed housing facilities in conjunction with recreational facilities which are being provided with this development under Conditional Use Permit No. 286. The type of housing to be provided will be primarily oriented to the needs of couples without children and singles. The providing for such facilities will contribute to the general well being of the neighborhood and the community as has been provided in the past by the existing Mira Mesa House of Ice under the above-mentioned Conditional Use Permit.

2. The use under the circumstances of this particular case would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to the property or improvements in the area. School facilities, along with other public improvements, are available because two portable classrooms have been offered by the developer to the affected school district. Specifically,

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the number of students that could be generated by this project (as calculated by the Planning and Research Department, which is part of the staff of the San Diego Unified School District), would be 24 secondary students for which school facilities would be available. The staff has projected 47 elementary students from the project, and according to staff reports there would also be school facilities available at Breen Elementary School for 24 of these students. The remaining 23 students could be housed in one portable facility at Walker Elementary School where previously 12 portable facilities were removed.

3. All design criteria set forth in the PRD regulations would be met. The first six criteria require that the project conform in all respects to all adopted plans of all government agencies. Specifically, the proposed project is consistent with the objective of the Housing Elements of the General Plan in that it provides that adequate housing and adequate school facilities are available as discussed in Finding 2. The proposed development does conform with the remaining five design criteria of the PRD regulations. The subject project proposes adequate open space, vehicle circulation, and offstreet parking facilities, along with recreational amenities. Although 1.4 acres less of usable open space is being proposed and required by the regulations, the Department believes that a deviation is warranted to preclude additional grading of the site.

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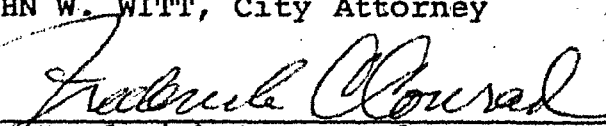
**MAY 31 1978**

4. 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. The proposed project is in conformance with the adopted or revised Mira Mesa Community Plan and has all necessary public facilities including schools, as was discussed in Finding 2 above.

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 the appeal of UNITED STATES CAPITAL CORPORATION, by Dr. Leonard A. Bloom, president, is hereby granted, and this Council does hereby grant to UNITED STATES CAPITAL CORPORATION, owner and permittee, Planned Residential Development Permit No. 105, 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:clh  
3/23/77  
Or.Dept.:Clerk

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 105

CITY COUNCIL

This Planned Residential Development Permit is granted by the Council of The City of San Diego to UNITED STATES CAPITAL 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 northerly of Galvin Avenue, more particularly described as a portion of the Southeast 1/4, Section 30, Township 14 South, Range 2 West, S.B.B.M., and a portion of Lot 1, Ice Skating Arena, in the A-1-10 (proposed R-1-5 and 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. 356 dwelling units.
- b. Recreational facilities.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined

be 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.

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5. Not less than 976 parking spaces (or at a ratio of 2.74:1) 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 November 4, 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.

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. 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, Engineering and Development Director and Planning Director.

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

9. 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.

10. All manufactured slopes shall have a ration of 2:1.

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

12. 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.

13. 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 or R-2 Zones.

Passed and adopted by the City Council on March 2, 1977.

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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 November 4, 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 November 4, 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.

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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.

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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, person-  
ally 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.

UNITED STATES CAPITAL CORPORATION

By \_\_\_\_\_

**MICROFILMED**

By \_\_\_\_\_ **MAY 31 1978**

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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**MAY 31 1978**

Passed and adopted by the Council of The City of San Diego on MAR 2 1977,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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.

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

By Kathleen Martinez, Deputy.

(Seal)

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 1977 MAY -9 AM 9:03  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

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Resolution Number ..... Adopted **MAR 2 1977**

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