

RESOLUTION NO. 219271

R.78-625
SEP 7 1977

Planned Residential Development Permit No. 103

WHEREAS, LOTTIE MATSELBOBA, Owner, and LAWLOR ENTERPRISES, both hereafter referred to as "Permittee," filed an application to construct and operate 15 dwelling units and recreation facilities on 17.4 acres in the R-1-10 (Hillside Review Overlay) Zone, located northerly of Avenida Chamnez and La Jolla Corona Drive between Folsom Drive and La Jolla Mesa Drive (at the east terminus of La Canada), more particularly described as a portion of Pueblo Lot 1773; and

WHEREAS, on February 24, 1977, the Planning Commission of The City of San Diego voted 5 to 1 to approve the Permit.

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, GARY J. AGUIRRE and J. H. PETERSON, JR., appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 26, 1977, continued to May 18 and September 7, 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

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,

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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. 103:

1. The proposed use at this 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 Council believes that the proposed development of the subject canyon by clustering dwelling units at each end and leaving 80 percent of the canyon in open space represents an environmentally sensitive approach which would be an asset to the surrounding 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. Development of this property with low density with no through traffic would not cause any detrimental effect on the surrounding residents.

3. The project will conform to all design criteria set forth in the PRD ordinance. The split-level structures will be well integrated, oriented and related to the topographic and natural landscape features of the site, and the use of native materials will insure a blending of the proposed landscaping with the natural vegetation. The lined ditch and holding pond are proposed to appear as naturalistic as possible by use of boulders, river rocks and colored concrete. The swimming pools, tennis courts and nature trails are deleted in the interest of preserving the undisturbed natural condition of the central portion of the canyon.

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It is the Council's belief that the proposed single-family, detached dwelling units will be architecturally compatible with the surrounding neighborhood.

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 can be met. This belief is based on the fact that 80 percent of the property is proposed to be retained in open space, and only seven percent of the slopes of 35 percent or greater would be developed.

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

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 GARY J. AGUIRRE and J. H. PETERSON, JR., is hereby denied, and this Council does hereby granted to LOTTIE MATSELBOBA and LAWLOR ENTERPRISES, Planned Residential Development Permit No. 103, 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

FCC:clh
9/29/77
Or.Dept.:Clerk

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 103

CITY COUNCIL

This Planned Residential Development Permit is granted by the Council of The City of San Diego to LOTTIE MATSELBOBA, Owner, and LAWLOR ENTERPRISES, 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 at the easterly terminus of La Canada Boulevard, more particularly described as a portion of Lot 1773 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36, in the R-1-10 and R-1-10 (HR) zones.

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. Fifteen dwelling units.
- b. Offstreet parking.
- c. 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.

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5. Not less than 15 parking spaces (or at a ratio of 3:1) shall be provided, and at least two spaces 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 January 27, 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. 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 Engineering and Development Director.

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

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11. Building additions and patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Homeowners' Association.

12. All manufactured slopes shall have a ratio of 2:1.

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 rights-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-1-10 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 City Council on September 7, 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 January 27, 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 January 27, 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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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

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

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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 F. 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 Gude	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By

Kathleen Marting Deputy.

XB

1977 OCT 13 10:51 AM

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Office of the City Clerk, San Diego, California	
Resolution Number	219271
Adopted	SEP 7 1977

CC-1276 (REV. 6-77)

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