

RESOLUTION NO. 222190

R.79-1407
NOV 7 1978

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 129

WHEREAS, P. H. DEVELOPMENT COMPANY, Owner, hereafter referred to as "Permittee," filed an application to construct 40 townhouse condominium units with parking and landscaping on a 5.35 acre site (8.15 per acre) in the R-1-5 (portion H.R.) Zone. The property is located on the west side of Reo Drive between Valley Road and Banbury Street and is more particularly described as Parcel 4, Parcel Map No. 5521 and Lots 183 through 191, Block 52, Paradise Hills Unit No. 3, Map No. 2101; and

WHEREAS, on September 7, 1978, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 129, and filed said decision in the office of the City Clerk on September 21, 1978; and

WHEREAS, on September 15, 1978, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, BILL PONTSLER, et al, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 24, 1978, continued to November 7, 1978; 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 hearings; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the following findings exist with respect to Planned Residential Development Permit No. 129:

MICROFILMED

01242

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 neighborhood or community. Additional housing is being provided in an area of the City where public facilities are available. The San Diego Unified School District indicates that school facilities are available to accommodate students generated by this project.

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. The property has good access to Reo Drive and with the provision for adequate parking and landscaping there should be no detrimental affect on the community.

3. All design criteria and minimum standards set forth in the Planned Residential Development ordinance will be met. All these criteria are being met with the exception of usable open space. There is no object to this reduction as additional usable open space would require more grading and steeper slopes. The developer is providing several types of recreational uses for the proposed inhabitants of this project.

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. While the General Plan indicates very low density for a small area on the west side of Reo Drive, the area is zoned R-1-5 and R-1-5 (HR) and the proposed density is appropriate under a planned residential development approach.


MICROFILMED

222190

01243

BE IT FURTHER RESOLVED, that the appeal of BILL PONTSLER, et al, is denied, the decision of the Planning Commission is sustained, and this Council does hereby grant to P. H. DEVELOPMENT COMPANY, Planned Residential Development Permit No. 129, 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
1/25/79
Or.Dept.:Clerk

MICROFILMED

222190 01244

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 129
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to P. H. DEVELOPMENT COMPANY, a California corporation, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and 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 west side of Reo Drive between Valley Road and Banbury Drive, more particularly described as Parcel 4, Parcel Map No. 5521, and Lots 183-191, Paradise Hills Unit No. 3, Map No. 2101 in the R-1-5 and R-1-5 (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. 40 units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Recreational facilities to include pool, spa, multi-use court and playground.

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.

MICROFILMED
222190 01245

5. Not less than 120 parking spaces (or at a ratio of 3:1) 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.&Rs. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated August 10, 1978. 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 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. 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.

8. No manufactured slope shall be steeper than a ratio of 2 to 1.

9. The applicant shall post a copy of the approved Permit in the sales office for consideration by each prospective buyer.

10. 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.

MICROFILMED

11. This Planned Residential Development Permit must be utilized within 18 months. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in the Municipal Code.

12. CDBG funds shall be used to build a pedestrian walkway if the project is eligible; if not, the developer shall pay for the walkway.

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

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO NOVEMBER 7, 1978.

MICROFILMED

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 August 10, 1978, 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 August 10, 1978, 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.

MICROFILMED

222190
01248

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.

MICROFILMED

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.

MICROFILMED

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.

MICROFILMED

222190

01251

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 CHARLES G. ABDELNOUR, 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.

MICROFILMED

222190

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

MICROFILMED

222190

01253

NOV 7 1978

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

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|---------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Bill Mitchell | <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"/> |
| Bill Lowery | <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"/> |
| Fred Schnaubelt | <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"/> |
| Larry Stirling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lucy Killea | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 *Betty Gooding*, Deputy.

(Seal)

MICROFILMED

RECEIVED
CITY CLERK'S OFFICE
1979 FEB -8 PM 4: 56
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 222190 Adopted NOV 7 1978