

RESOLUTION NO. 222352

R.79-1970

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 132

DEC 5 1978

WHEREAS, LA JOLLA CORONA VENTURE, a general partnership, Owner, hereafter referred to as "Permittee," filed a modification of an application under Planned Residential Development Permit No. 132 to construct 46 dwelling units on 16.11 acres (2.86 per acre) with parking, landscaping and open space in the R-1-5, R-1-10 and R-1-40 (portion HR) Zones. The property is located east of Bellevue Drive between Forward Street and the easterly extension of La Costa, and is more particularly described as Lots 11-26, Block 391, Lots 1-30, Block 392, Lots 1-30, Block 393, Lot 1, Block 394, Lots 27-28, Block 453, Map No. 975; Lot 9, La Jolla Butterfield Estate, Map No. 3782; and a portion of Lot 5, Pueblo Lot 1782 of The Pueblo Lands of San Diego; and

WHEREAS, on September 14, 1978, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 132, and filed said decision in the office of the City Clerk on September 26, 1978; and

WHEREAS, on September 21 and September 25, 1978, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, JENNIFER M. WELLBORN, ET AL and T. H. NIELSEN CORPORATION, respectively, appealed the decision of the Planning Commission; and

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WHEREAS, said appeals were set for public hearing on October 17 and 31, November 14, and December 5, 1978; and

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WHEREAS, 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 appeals 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. 132:

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 a neighborhood or community. The Council believes that the first finding can be met as additional housing is being proposed in an area of the City where public facilities are available. Also, even though this is in an area that does not require a school availability letter, the San Diego Unified School District states that school facilities are available to serve 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 working or residing in the vicinity or injurious to property or improvements in the vicinity.

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This project will provide pedestrian but not vehicular access from La Jolla Corona Drive to the area below. It will allow vehicular access for emergency vehicles, such as fire equipment, to proceed through the development in either direction.

3. All design criteria and minimum standards set forth in the Planned Residential Development Ordinance will be met. The Council believes that all standards are being met with the exception of useable open space. The Council offers no objection to the reduction and useable open space due to the rough nature of the terrain and the fact that a small recreation area is being provided for the residents of this development.

4. The granting of this permit will not adversely affect the Progress Guide and General Plan of The City of San or any adopted community plan, or the adopted plan of any governmental agency. The adopted community plan shows part of the development for very low density (0 to 5 units per acre) with the remaining portion to be open space. However, with no plans for acquisition of the open space, it could also be developed at very low density. The project proposes a density of 2.86 units per acres, which is within the range established by the community plan.

This project proposes 43 living units to be constructed by the developer with three lots at the southwest corner of the development to remain vacant. These would be improved

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at a later date with individual customized homes. The project also contains an unlighted tennis court located in the southeasterly portion of the Planned Residential Development.

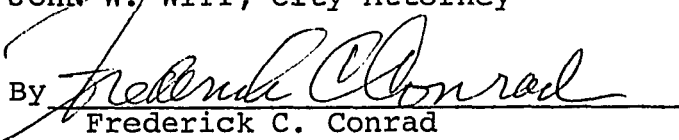
Prior to approval of a final map an affirmative marketing plan shall be approved by the City Manager.

There are a number of dedicated and unimproved rights-of-way running throughout the proposed Planned Residential Development. These rights-of-way were dedicated on the original maps, have never been used, and will be supplemented by the proposed new street being provided by the developer. The vacation of these streets and alleys will be coordinated with the filing of the final map for the subdivision.

5. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of JENNIFER M. WELLBORN, ET AL is denied, the appeal of T. N. NIELSEN CORPORATION is granted, and Planned Residential Development Permit No. 132 is hereby granted.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
4/4/79
Or.Dept.:Clerk

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 132

CITY COUNCIL

This Planned Residential Development Permit is granted by the Council of The City of San Diego to LA JOLLA CORONA VENTURE, a general partnership, comprised of THE MALONE COMPANY and T. H. NIELSEN 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 between La Jolla Corona Drive and Linda Rosa Avenue, more particularly described as portion of Map 975, Lot 9, La Jolla Butterfield Estates, Map No. 3782, a portion of Lot 5, P.L. 1782, and portions of various streets to be closed in the R-1-5, R-1-5 (HR), R-1-10 (HR), R-1-40 and R-1-40 (HR) Zones.

2. The Planned Residential Development shall include and the term "Project" as used in this Planned Residential Development shall mean the total of the following facilities:

- a. 46 units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Unlighted tennis court.

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

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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 318 parking spaces (or at a ratio of 6.9:1) 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 September 14, 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 regulations. 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 right-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 2:1.

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9. New landscape plans which shall include the entire property shall be approved by the Planning Commission prior to the issuance of any building permits; said landscape plans shall be limited to such trees and shrubs which should grow no higher than 30 feet on maturity.

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

11. 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.

12. 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 ON DECEMBER 5, 1978.

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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 September 14, 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 september 14, 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.

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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) 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)

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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 DEC 5 1978,
 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Ellen Bovard, Deputy.

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Office of the City Clerk, San Diego, California	
Resolution Number	222352
Adopted	DEC 5 1978