

RESOLUTION NO. 222817

R.80-215

FEB 13 1979

Planned Residential Development No. 143

WHEREAS, CEDAR RIDGE, LTD., a limited partnership, Owner, hereafter referred to as "Permittee," filed an application under Planned Residential Permit No. 143, to construct 58 single-family homes with pool, tot lot, open space, parking and landscaping on a 8.8-acre site in the R-1-5 and R-2 (portion H.R.) Zones. The property is located north of Ash Street between Whaley Avenue and 36th Street, in the Park Northeast Community Plan area, and is more particularly described as Lots 16 through 24 and Fraction Lot 15, Block 87; Lots 13 through 19, Block 88; Lots 1 through 9, 16 through 24 and Fraction Lots 10 and 15, Block 110; Lots 6 through 12, Block 116; Block 109, Choates Addition, Map No. 351; Lots 13 through 24, Block 86; Lots E through H, Block 87; Lots A through H, Block 110; and a portion of Block 111, Morse, Whaley and Dalton's Subdivision, Map No. 516; and

WHEREAS, on January 11, 1979, the Planning Commission of The City of San Diego made its findings of fact and approved said Planned Residential Development No. 143; and

WHEREAS, on January 19, 1979, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, JAY M. BRAUN appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 13, 1979, 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. 143:

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 a desirable area where public facilities are available. The San Diego Unified School District indicates that no new additional schools are necessary.

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 within the vicinity. The proposed development provides adequate access from two existing streets. However, the Engineering and Development Department indicates that a partial closing of the street right-of-ways should not occur because of the public need. Consequently, the Planned Residential Development should be redesigned to exclude that development in the street right-of-ways. The Development also provides amenities

such as tot lots to its residents and proposes landscaping which will enhance the surrounding neighborhood as well as the Development. A portion of the property is located in the HR Zone. The majority of the grading and development will not encroach into the HR Zone.

3. All design criteria and minimum standards set forth in the Planned Residential Development Ordinance will be met. Although the usable open space falls short of the 1.5 acres required, there are 9.4 acres in excess of total open space required. In order to provide more usable open space the developer would need to grade more property, therefore, the Council believes that the three findings that must be made to grant deviation in the amount of open space can be met. The topography of the property is such that strict application of the requirements would deprive the owner of privileges enjoyed by other owners in that zone, the deviation would not be a special privilege and would not adversely affect the General Plan.

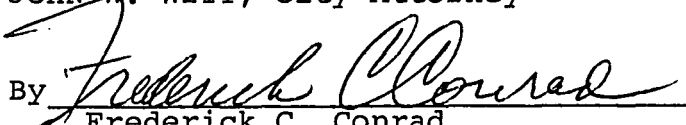
4. The granting of this permit will not adversely affect the progress Guide and General Plan for The City of San Diego or any adopted community plan or the adopted plan of any governmental agency. The density proposed is 6.32 dwelling units per net acre which is within the range of the Park Northeast Community Plan which shows a low residential density of 5 to 9 dwelling units per net acre for the knoll area. The proposed development is shown to be clustered primarily on

the knoll area while leaving the sloping area, which is shown for open space in the community plan, relatively undisturbed.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that this Council does hereby deny the appeal of JAY M. BRAUN, sustains the decision of the Planning Commission, and does hereby grant to CEDAR RIDGE, LTD., a limited partnership, Owner and Permittee, Planned Residential Permit No. 143.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
5/1/79  
PRD NO. 143  
Or.Dept.:Clerk

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 143  
CITY COUNCIL

This Planned Residential Development Permit is granted by the Council of The City of San Diego to CEDAR RIDGE, LTD., a limited partnership, 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 north of Ash Street between Whaley Avenue and 36th Street, in the Park Northeast Community Plan area, and is more particularly described as Lots 16 through 24 and fraction Lot 15, Block 87; Lots 13 through 19, Block 88; Lots 1 through 9, 16 through 24 and Fraction Lots 10 and 15, Block 110; Lots 6 through 12, Block 116; Block 109, Choates Addition, Map No. 351; Lots 13 through 24, Block 86; Lots E through H, Block 87; Lots A through H, Block 110; and a portion of Block 111, Morse, Whaley and Dalton's Subdivision, Map No. 516; and

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. 55 dwelling units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Swimming pool, tot lots and cabana.

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3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

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 168 parking spaces (or at a ratio of 3:1) shall be provided. Parking spaces shall be consistent with Division 8 of the Municipal Code 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 November 16, 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.

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222817

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 1.5:1.

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.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO FEBRUARY 13, 1979.

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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 \_\_\_\_\_, 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 \_\_\_\_\_, 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, 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.

CEDAR RIDGE, LTD. a limited  
partnership

By \_\_\_\_\_

REC'D FILMED

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 \_\_\_\_\_ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

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 FEB 13 1979,  
 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 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.

(Seal)

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

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>222817</u>
Adopted	<u>FEB 13 1979</u>

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