

RESOLUTION NO. 223290 (R.80-1529)

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 142

APR 17 1979

WHEREAS, SECURITY TITLE INSURANCE CO. (TRUST P. T. 1180), a California corporation, Owner, and HARRISON WAITE, an individual, hereafter referred to as "Permittee", filed an application to construct 30 dwelling units on 7 acres (4.29 per acre) with parking and landscaping in the R-2 (portion HR) Zone. The property is located on the east side of Fay Avenue right-of-way between Via Del Norte and Palomar Avenue and is more particularly described as a portion of Pueblo Lot 1258 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36; and

WHEREAS, on February 8, 1979, the Planning Commission of The City of San Diego made its findings of facts, approved said Planned Residential Development Permit No. 142, and filed said decision in the office of the City Clerk on February 27, 1979; and

WHEREAS, on February 16, 1979, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, JOHN A. BRUNHART appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 20, 1979, continued to April 17, 1979; 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, as follows:

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All of the following facts exist with respect to Planned Residential Development Permit No. 142:

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 inasmuch as it provides housing in an area where there are adequate facilities, including schools. The provision of 15 housing units which, by reason of their size, location and construction, will be moderate income housing, will be provided in an area which presently offers insufficient and diminishing moderate income housing opportunities. The residential development will provide housing in an area where a substantial social need for additional housing exists. Such need is evidenced by housing prices which have increased an average of 139% in the past six years in the area. The overall project design, including but not limited to, the landscape and structural architecture, and the retention and preservation of substantial areas in natural and landscaped open space (approximately 70% of the property) will enhance the area.

2. The development would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, nor will it be injurious to property and improvements existing now or in the future in the vicinity because of the project's overall design, including the layout of streets, structures and landscaping.

3. All design criteria and minimum standards for planned residential developments would be met with the exception of

usable open space. This exception is warranted by virtue of the unique topography and shape of the subject property.

Further justification includes:

a. The provision of usable open space on the property (which has unique and unusual topography) would detract from the natural character of the parcel by necessitating increased grading on the property. Alternatively, strict application of the usable open space requirements would deprive the property of privileges enjoyed by other similar properties in the vicinity.

b. The residential development, including the amount of usable open space, does not constitute a special privilege to the property and is consistent with all applicable plans, by reason of the following:

1. Community recreational facilities are available in the immediate vicinity of the proposed planned residential development. These include Windansea Park, La Jolla Hermosa Park, La Jolla Strand Park and La Jolla Recreation Center.

2. The residential development does contain open space which is usable by the residents including garden terraces and balconies, and a landscaped picnic area of approximately 20,000 square feet near the northern boundary of the development which affords a beautiful ocean view.

3. The residential development, as proposed, is in character with the surrounding area.

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4. The granting of this permit would not adversely affect the Progress Guide and General Plan for The City of San Diego. The decrease from height limitations imposed by the R-2 zone in this residential development is justified by the promotion of an aesthetically pleasing hillside design consideration. The proposed project emphasizes vertical development patterns which conform to the hillside character. This design eliminates a horizontal band effect which would contradict the natural hillside slope. The proposed design is consistent with the "Design and Development Guidelines" of the San Diego Planning Department, August, 1977. The development is consistent with and carries out the Open Space, Park and Recreation Element and the Residential Element of the La Jolla Community Plan by reason of the following:

- a. The retention of approximately 70% of the property in natural and landscaped open space.
- b. Project density conforms with the very low density designation of zero to five dwelling units per acre. The proposed project is 4.29 dwelling units per acre.
- c. The development specifically carries out Recommendation 11 of the Residential Element of the La Jolla Community Plan.

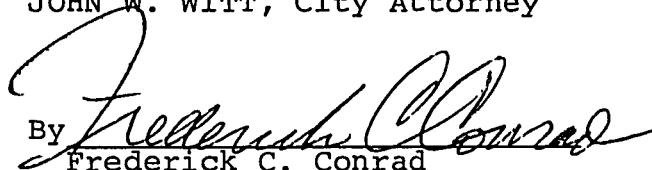
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of JOHN A. BRUNHART is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to SECURITY TITLE INSURANCE CO.

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(TRUST P. T. 1180) and HARRISON WAITE, Planned Residential Development Permit No. 142, 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:ps
2/21/80
Or.Dept. Clerk

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 142
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to SECURITY TITLE INSURANCE CO. (TRUST P. T. 1180), a California corporation, Owner, and HARRISON WAITE, an individual, 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 east of Fay Avenue Extension between Palomar Avenue and Via Del Norte, more particularly described as a portion of Pueblo Lot 1258 of the Pueblo Lands of San Diego, MM No. 36 in the 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. 30 units
- b. Off-street 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. 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.

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5. Not less than 98 parking spaces (or at a ratio of 3.27:1) 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 30, 1978. Areas and drive-ways 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 2:1.

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

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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-2 Zone.

11. The Permittee shall provide a soils report as provided in Section 102.0411, San Diego Municipal Code, and by Chapter 4, Article 7, California Subdivision Act, and a geological report on the subject property to determine the stability of the soil. Said soils and geological reports shall be reviewed and approved as follows:

- a. All reports provided by the Permittee shall be reviewed and approved by a consultant retained by the City of San Diego. Said consultant shall make independent on-site tests and investigations, if deemed necessary to his or her review and approval of said reports. The Permittee shall pay all costs incurred by the City in connection with said consultant.
- b. All reports provided by the Permittee which have been reviewed and approved by the consultant referred to in subparagraph a. above shall be submitted to the City Engineer for his review and approval. The City Engineer shall have thirty (30) days from submittal in which to act upon the reports. The failure to act upon the reports within said thirty-day period shall be deemed approval.
- c. That the condition of the soil of the property above the planned residential development be included in the report of the independent expert retained by the City.

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12. The applicant shall provide a soils report as provided in Section 102.0411, San Diego Municipal Code, and by Chapter 4, Article 7, California Subdivision Act, and a geological report on the subject property to determine the stability of the soil. Said soils and geological reports shall be reviewed and approved as follows:

a. All reports provided by the applicant shall be reviewed and approved by a consultant retained by the City of San Diego. Said consultant shall make independent on-site tests and investigations, if deemed necessary to his or her review and approval of said reports. The applicant shall pay all costs incurred by the City in connection with said consultant.

b. All reports provided by the applicant which have been reviewed and approved by the consultant referred to in Sub-paragraph (a) above shall be submitted to the City Engineer for his review and approval. The City Engineer shall have thirty (30) days from submittal in which to act upon the reports. The failure to act upon the reports within said thirty-day period shall be deemed approval.

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

Passed and adopted by the Council of The City of San Diego on April 17, 1979.

FCC:ps
2/21/80
Or.Dept. Clerk

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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 February 8, 1979, 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 February 8, 1979, 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.

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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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.

SECURITY TITLE INSURANCE CO. (Trust P.T.118
a California corporation

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED - PER
CIVIL CODE, SEC. 1180 et seq.

By _____

HARRISON WAITE, an individual

By _____

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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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Bovard*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **223290** Adopted **APR 17 1979**

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