

RESOLUTION NO. R-224195 (R.80-1657)

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 115

AUG 7 1979

WHEREAS, MARBURN CORPORATION, a California corporation, Owner, hereafter referred to as "Permittee", filed an application to construct 52 attached residential units with a tennis court, parking and landscaping on 6.30 acres in the R-1-5 Zone. The property is located on the east side of College Avenue between I-8 and Del Cerro Boulevard and is more particularly described as a portion of Lot 67, Rancho Mission of San Diego; and

WHEREAS, on February 23, 1978, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 115, and filed said decision in the office of the City Clerk on March 16, 1978; and

WHEREAS, on March 3, 1978, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, ROSS R. TRUESDALE, RONALD J. and CHERYL D. WAGAR, BEN B. and SARALOU G. DAMERON, JERRY and ANNETTE GARNER, JACK A. and CLARA GRAHAM, ROY E. MANN, ANN T. MEADE, RICHARD J. and MARGARET A. ROSSETTER, MARTHA A. SMITH and ROBERT E. TUGEND appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 18, 1978, continued to May 16, 1978, August 15, 1978, August 21, 1978, August 29, 1978, October 31, 1978, December 5, 1978, January 9, 1979, January 16, 1979, July 31, 1979, and August 7, 1979; and

WHEREAS, the Council of The City of San Diego received for

00068

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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:

All of the following facts exist with respect to Planned Residential Development Permit No. 115:

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 subject project is necessary to assist in satisfying the demand for housing facilities in an area of the community where shopping, park facilities and schools exist.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. The City Transportation Department has reported that no substantially adverse traffic effects would result from the subject project.

3. All design criteria set forth in the planned residential development regulations will be met. The proposed Plan provides for more open space than required by the regulations. Parking is being provided consistent with Council Policy 600-4. The proposed split level units will ensure a better relationship of the buildings with the natural topography. The Transportation

00069

MICROFILMED 224195

Department has indicated that the development will be compatible with the circulation patterns on adjoining properties. The recreational building and tennis court is situated to be convenient to the residents of the project. Finally, it is believed that the project will be architecturally harmonious with the surrounding community in terms of design and scale.

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 Council believes the subject project is consistent with the single-family designation of the community plan which categorizes low density development as 3 to 8 units per acre. The Council believes the subject project is also consistent with the Community Plan objective which stipulates that "where it will provide for more effective land utilization and high quality living environments, residential development proposals within the community should be carried out under the Planned Residential Development concept."

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

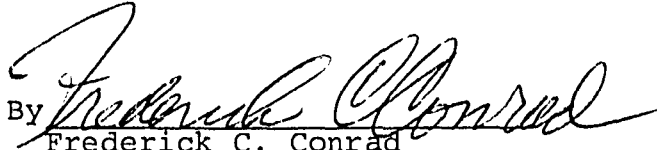
BE IT FURTHER RESOLVED, that the appeals of ROSS R. TRUESDALE, RONALD J. and CHERYL D. WAGAR, BEN B. and SARALOU G. DAMERON, JERRY and ANNETTE GARNER, JACK A. and CLARA GRAHAM, ROY E. MANN, ANN T. MEADE, RICHARD J. and MARGARET A. ROSSETTER, MARTHA A. SMITH and ROBERT E. TUGEND are denied, the decision of the

00070

MICROFILMED
7C- 224195

Planning Commission is upheld, and this Council does hereby grant to MARBURN CORPORATION Planned Residential Development Permit No. 115, on condition that each of the commitments have been made by the developer, that a pro-rata share of a traffic signal at the intersection of Del Cerro Boulevard and Marne Avenue will be provided by the developer, that the question of access as recommended by the Planning Department, plus an additional light on College Avenue, if staff finds that it warrants installation of such light, are met, 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
3/12/80
Or.Dept. Clerk

00071

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7C-224195

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 115
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to MARBURN CORPORATION, a California corporation, 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 east side of College Avenue between Interstate 8 and Del Cerro Boulevard, more particularly described as portion of Lot 67, Rancho Mission of San Diego, in the R-1-5 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. 52 dwelling units
- b. Off-street parking
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Recreation building and one lighted tennis court.

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.

5. Not less than 148 parking spaces (or a ratio of 2.85) shall be provided. Each of the parking spaces shall

MICROFILMED

R- 224195

00072

minimum of 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 December 15, 1977. 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 Director. 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 proposed 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.

MICROFILMED
R- 224195

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 in the R-1-5 Zone.

11. Tennis courts shall not be lighted after 10:00 p.m.

12. Within one year of 50 percent of occupancy of the project, the Planning Commission shall review before a public hearing, the traffic circulation from Marne Street.

13. Permittee shall contribute a pro-rata share of the cost of installation of a traffic signal at the intersection of Del Cerro Boulevard and Marne Avenue.

14. Permittee shall comply with the recommendations of the Planning Department concerning access to the project and shall install a traffic light on College Avenue if deemed necessary by the City of San Diego.

15. 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 August 7, 1979.

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Or.Dept. Clerk

00074

MICROFILMED
R- 224195

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 23, 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 February 23, 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 premises where such light sources are located.

MICROFILMED
A-224195

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.

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

R-224195

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.

AUG 7 1979

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maurcen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 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 *Peta Andrews*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-224195* Adopted *AUG 7 1979*