

RESOLUTION NO. R- 250598 (R.80-1506)

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 156 NOV 6 1979

WHEREAS, D.A. GAQUETTE, an individual, Owner, hereafter referred to as "Permittee", filed an application to construct 55 multi-family dwelling units with swimming pool, jacuzzi, parking and landscaping on a 2.28 acres site in the C (proposed R-2A) Zone. The subject property is located on the northwest side of Pringle Street between Kettner Boulevard and California Street and is more particularly described as Lots 1 through 12, Block 191 and Lots 8 and 9, Block 192, Middletown; and

WHEREAS, on July 26, 1979, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 156, and filed said decision in the office of the City Clerk on August 7, 1979; and

WHEREAS, on August 2, 1979, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, JOSEPH and RACHEL CZARZASTY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 6, 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:

All of the following facts exist with respect to
Planned Residential Development Permit No. 156:

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 this finding can be met, inasmuch as it provides housing in an area which has adequate public facilities. The San Diego Unified School District has indicated that this area does not require a letter of school availability.

2. The development would not be detrimental to the health or general welfare of persons residing or working in the vicinity or injurious to properties or improvements in the vicinity. The applicant has received no objections from Engineering and Development, Fire or Police Departments.

3. All design criteria and minimum standards for planned residential developments would be met. The applicant has sited the proposed structures in order to minimize the visual impact on the adjacent neighbors. The recreational facilities have been centrally located so as to be accessible to the occupants but not impact the adjacent residences. Landscaping is shown to border all adjacent property boundaries.


4. The granting of this permit would not adversely affect the Progress Guide and General Plan for The City of San Diego or any adopted community plan or any adopted plan of any governmental agency. The adopted Uptown Community Plan shows

this area for specialized commercial, medium density (15-44 dwelling units per net acre) and the northerly portion for residential (5-9 dwelling units per net acre). The proposed development shows an overall density of 24 dwelling units per net acre and would not exceed the density proposed in the adopted Community Plan. In addition, the Community Plan refers to this area specifically saying the scale of the existing developments along the western slopes of Uptown should be preserved. The Council believes that the revised plan observes the objectives of the Uptown Plan. Traffic generated for this development would be separated from the adjacent single-family areas.

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 JOSEPH and RACHEL CZARZASTY is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to D.A. GAQUETTE Planned Residential Development Permit No. 156, 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
2/13/80
Or.Dept. Clerk

NOV 6 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 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 *Barbara Berridge*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-250598** Adopted **NOV 6 1979**

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 156
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to D.A. GAOUETTE, an individual, 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 Pringle Street between Kettner Boulevard and California Street, more particularly described as Lots 8 and 9, Block 192, Portion of Stone Street and Kettner Boulevard, and Lots 1-12, Block 191, Middletown, in the R-1-5 and C Zones (proposed R-2A 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. 55 living units
- b. Off-street parking
- c. Incidental accessory uses as may be determined and approved by the Planning Director
- d. Swimming pool and jacuzzi.

3. Prior to the issuance of any building permits a final subdivision map or maps shall be recorded on the subject property. Building permits may be issued for three 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 135 spaces (or at a ratio of 2.5 to 1) shall be provided. Each of the parking spaces 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'. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated July 26, 1979. 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 1-1/2:1.

9. Under no circumstance may any of the building pad elevations exceed 100 feet above sea level.

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-2A Zone.

12. Delete Condition No. 4 of the General Conditions for Planned Residential Development Permits, and in its stead substitute the follow:

This Planned Residential Development Permit must be utilized within 18 months after the effective date of the concurrent R-2A rezoning Case No. 14-79-1). 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.

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 November 6, 1979.

FCC:ps
2/15/80
Or.Dept. Clerk

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 July 26, 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 July 26, 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 of the concurrent R-2A rezoning (Case No. 14-79-1). 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.

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.

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.

