

RESOLUTION NUMBER R- 254803

Adopted on AUG 11 1981

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-218-0

WHEREAS, STEVEN E. MCGILL, owner, hereafter referred to as "Permittee", filed an application to construct two single-family dwelling units on 16,230 square feet in the R-1-5 (HR) Zone. The subject property is located north of Brant Street at Olive Street, within the boundaries of the Uptown Community Plan and is more particularly described as Lot 2 of Parcel Map PM-7006; and

WHEREAS, on June 25, 1981, the Planning Commission of The City of San Diego considered the appeal of the Planning Director's decision to approve PRD-20-218-0, made its findings of facts, and voted 3-2 to approve the permit; due to a lack of 4 affirmative votes, the Planning Director's decision to approve the permit stands; and

WHEREAS, on July 7, 1981, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, CRESCENT KNOLL HOMEOWNERS ASSOCIATION, J. ANTHONY MORAN, EVA LAW and CHARLES JARVIE, by McDonald, Hecht, Worley & Solberg, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 11, 1981; 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:

The following findings of fact exist with respect to Planned Residential Development Permit 20-218-0:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed

planned residential development is located in the Uptown Community Planning Area and is shown for development of 5-9 dwelling units per acre. The proposed planned residential development results in a density of 5.3 dwelling units per acre or two dwelling units on 16,230 square feet of property.

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

The Engineering and Development Department has indicated that there is adequate off-street parking and although the property lacks sufficient frontage to provide additional curb side visitors parking, there is adequate frontage on the adjoining two parcels to provide such curb parking. Therefore, it would appear that this would not create or cause a hardship to the neighborhood. In addition, the Engineering and Development Department has indicated there is adequate access for emergency vehicles for vehicular traffic.

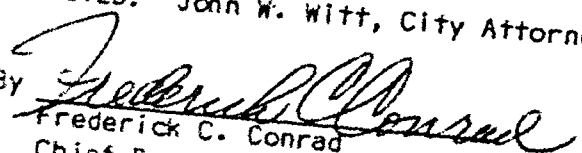
3. The proposed use will comply with the relevant regulations in the Municipal Code. The PRD Ordinance requires 3,000 square feet of total open space per unit in the R-1-5 Zone. The applicant is proposing 13,992 square feet which exceeds the minimum requirement by 7,922 square feet. The applicant has indicated there will be 5,000 square feet of usable open space where 3,000 is required.

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 CRESCENT KNOLL HOMEOWNERS ASSOCIATION, J. ANTHONY MORAN, EVA LAW and CHARLES JARVIE, by McDonald, Hecht, Worley & Solberg, is denied, the decision of the Planning Commission to uphold the decision of the Planning Director is sustained, and this Council does hereby grant to STEVEN E. MCGILL, Planned Residential Development Permit No.

20-218-0, 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
11/3/81
Or.Dept: Clerk
PRD-20-218-0
R-82-726
Form=r.appeal

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-218-0
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to STEVEN E. MCGILL, 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 Brant Street at Olive Street, more particularly described as Lot 2, Parcel Map 7006, in the R-1-5 (HR) 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. Two dwelling units
- b. Off-street parking
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. An open-space easement shall be granted and shown on said map on all areas not shown for building sites.

4. Not less than four parking spaces (or at a ratio of 2:1) 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's. Each space shall be maintained on the subject property in the approximate location as

shown on Exhibit "A" dated March 23, 1981. 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.

5. 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.

6. 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 homeowners' association.

7. No manufactured slope shall be steeper than a ratio of 2:1.

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

9. 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.

10. Construction of dwelling units shall include measures to attenuate noise levels in the interior of the new units to a maximum of 45 decibels CNEL.

11. Geological report shall be submitted to and accepted by the City Engineer prior to issuance of any building permits.

12. Permittee shall comply with the General Conditions for Planned Residential Development attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on August 11, 1981.

PRD-20-218-0

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 March 23, 1981, 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 March 23, 1981, 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 24 months after the effective date thereof. Failure to utilize subject permit within 24 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.

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.

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.

STEVEN E. MCGILL, an individual

By _____

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

Passed and adopted by the Council of The City of San Diego on AUG 11 1981,
 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"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-254803</u>	Adopted <u>AUG 11 1981</u>