

(R-82-1220)

RESOLUTION NUMBER R- 255657

Adopted on JAN 12 1982

PLANNED RESIDENTIAL DEVELOPMENT PERMIT
NO. 20-143-1

WHEREAS, CEDAR RIDGE LIMITED, a general partnership, Owner, hereafter referred to as "Permittee," filed an application for an amendment to Planned Residential Development PRD-20-143-0 to add six dwelling units and construct a combination of single-family attached and detached units, for an increase to 61 units, located north of Ash Street between Whaley and Pennell Avenues in the R-1-5 and R-2 (portion HR) Zones, within the boundaries of the Greater Golden Hill Precise Plan and Park Northeast Community Plan. The subject property is more particularly described as a portion of Choates Addition, Map-351 and portions of Morse, Whaley and Dalton's Subdivision, Map-516; and

WHEREAS, on October 15, 1981, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit Amendment 1, and filed said decision in the office of the City Clerk on November 9, 1981; and

WHEREAS, on October 22, 1981, 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 January 12, 1982; 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 hearing; 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 20-143-1:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. This PRD is located in both the Greater Golden Hill Community Planning Area and the Park Northeast Community Planning Area. The property is designated for a combination of open space and industrial use in the Greater Golden Hill Community Planning Area. The Park Northeast Community Planning Area indicates residential development with a density of 5 to 9 dwelling units per acre. The Greater Golden Hill 1978 Precise Plan indicates that in the event the area indicated for open space cannot be purchased, then limited development should be permitted only under a Planned Residential Development process where the design incorporates cluster development and minimum disturbance of the canyon. Because the property is clustered at the top of the canyon leaving the sloping areas without development, the Council believes that this finding can be met.

2. The proposed use, because of 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 Council believes that this finding can be met. The Engineering and Development and Fire Departments have indicated that there is adequate access for emergency vehicles and for vehicular traffic. The proposed project will take access from Ash Street with only emergency access from Pentucket to the north.

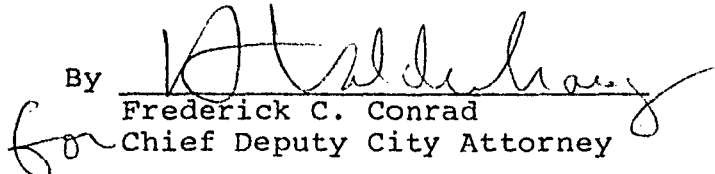
3. The proposed use will comply with the relevant regulations in the Municipal Code. The Council believes that this finding can be met. The applicant is proposing a total of 6.3 acres of total open space where 3 acres is the minimum required. In addition the applicant is providing the required amount of usable open space.

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 JAY M. BRAUN is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to CEDAR RIDGE LIMITED, a general partnership, Planned Residential Development Permit 20-143-1, 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
for Chief Deputy City Attorney

FCC:ps
3/15/82
Or.Dept:Clerk
PRD-20-143-1
R-82-1220
Form=r.none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-143-1
CITY COUNCIL

This Planned Residential Development Permit Amendment 1 is granted by the City Council of The City of San Diego to CEDAR RIDGE LIMITED, a general 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 Pennell Avenue, more particularly described as portions of Choates Addition Map 351, and portions of Morse, Whaley and Dalton Subdivision Map 516 in the R-1-5 and R-2 Zones, portion 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. Sixty-one living units.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Swimming pool, cabana and tot-lots.

3. Prior to the issuance of any building permits a final subdivision map or maps shall be recorded on the subject property.

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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 183 parking spaces or at a ratio of 3:1 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 October 15, 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.

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 manufactured slope shall be steeper than a ratio of 1-1/2:1.

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.

11. Sidewalks shall be provided from each unit to a sidewalk within the dedicated right-of-way and, if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk.

12. All of the private streets shall be named and begin with the term "Caminito."

13. Public refuse collection shall not be permitted unless approved by the Director of General Services.

14. All private streets shall be improved to the requirements set forth by the Engineering and Development Director.

15. No parking shall be permitted on any private streets except in approved locations.

Passed and adopted by the Council of The City of San Diego on January 12, 1982.

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 October 15, 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 October 15, 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 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.

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.

CEDAR RIDGE, LTD., a general partnership

By _____

By _____

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

00305

JAN 12 1982

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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255657 Adopted JAN 12 1982