

(R-83-371)

257064

RESOLUTION NUMBER R-

Adopted on **AUG 24 1982**

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-185-1

WHEREAS, CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Cecilia Carter-House, appealed the decision of the Planning Commission in approving an amendment to Planned Residential Development PRD-20-185-1 to increase the number of dwelling units to be constructed from 17 to 21, located east of Auburndale Street, between Hilton Place and Salizar Street, described as a portion of Lots 95 and 96, Briarwood Unit No. 5, Map 4846, and Portion of Lot 1, Lorraine Heights Unit No. 1, Map 5088, in the R-1-5 zone; and

WHEREAS, on December 14, 1981, the Planning Department of The City of San Diego approved an amendment to Planned Residential Development Permit No. 20-185-1, which permitted construction of 21 dwelling units where 17 had been approved and provision of a cul-de-sac of Marlesta Drive instead of a through collector street; and

WHEREAS, on June 24, 1982, the Planning Commission of The City of San Diego considered the appeal of the Planning Director's decision approving an amendment to Planned Residential Development Permit No. 20-185-1, pursuant to Section 101.0900 of the Municipal Code of the City of San Diego, and received for consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; and

WHEREAS, on June 24, 1982, the Planning Commission of The City of San Diego made its findings of fact, denied the appeal and granted said amendment to Planned Residential Development Permit No. 20-185-1; and

WHEREAS, on June 24, 1982, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Cecilia Carter-House, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for hearing on August 24, 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 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. 20-185-1:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan. The adopted Clairemont Mesa Community Plan shows this area for five to ten dwelling units per net acre and Marlesta Drive as a collector street; the proposed Planned Residential Development is at a density of 8.17 dwelling units per net acre. The proposed amendment to this permit would provide a street reservation to allow Marlesta Drive to be improved through the Planned Residential Development; therefore, the Counsel believes that this finding can be made.

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 has indicated that Marlesta Drive could be eliminated from the circulation network. The Council feels such an action is premature as this area may have a plan update which could show the necessity to maintain the collector street. The application shows a street reservation to allow for the improvement of Marlesta Drive in the event the street becomes a collector street. The Council believes that this finding can be made.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The applicant is proposing 3.3 parking spaces per unit in addition to proposing a total of 2.2 acres of open space where 1.4 is required; therefore, the Council believes that this finding can be made.

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 CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Cecilia Carter-House, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to HIDDEN CANYON LTD., a California limited partnership, an amendment to Planned Residential Development Permit No. 20-185-1, permitting construction of 21 dwelling units where 17 had been approved and provision of a cul-de-sac of Marlesta Drive instead of a through collector street, 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 Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:PRD-20-185-1

11/07/82

Or.Dept:Clerk

Form=r.none

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 20-185-1
CITY COUNCIL

This planned residential development permit is granted by the City Council of The City of San Diego to HIDDEN CANYON LTD., a California limited partnership, Owner, hereinafter 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 Auburndale Street between Hilton Place and Salazar Street, more particularly described as Portion of Lots 95 and 96, Briarwood Unit No. 5, Map 4846 and Portion of Lot 1, Lorraine Heights Unit No. 1, Map 5088 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. 21 attached dwelling units
- b. Off-street parking
- c. Incidental accessory uses as may be determined and approved by the Planning Director.
- d. Swimming pool and spa.

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.

5. Not less than 70 parking spaces (or at a ratio of 3.3:1) 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 June 24, 1982. 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.

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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.

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

Passed and adopted by the Planning Commission of The City of San Diego on June 24, 1982.

FCC:ib
11/8/82
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 June 24, 1982, 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 June 24, 1982, 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.

AUG 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Russell L. Postecrow*, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-257064 Adopted AUG 24 1982
Number _____