

(R-84-1150)

RESOLUTION NUMBER R- 259909

Adopted on JAN 03 1984

WHEREAS, DEFAF ASSOCIATES, a limited partnership, "Owner/Permittee," filed an application for permission under Planned Residential Development Permit No. 83-0475 to add three single-family dwelling units and an associated private access road on property located on the east side of Morena Boulevard, between Avati and Jutland Drives, in the R-1-5 and M-IP (proposed R-1-5) zones, in the Clairemont Mesa Community Plan area; and

WHEREAS, on December 1, 1983, the Planning Commission of The City of San Diego made its findings of fact, approved said Planned Residential Development Permit No. 83-0475 and filed said decision in the office of the City Clerk on December 21, 1983; and

WHEREAS, on December 1, 1983, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, CELIA E. JACOBS appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 3, 1984, testimony having been heard, evidence having been submitted, and the City Council having fully considered the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0900 to affirm, reverse or modify, in whole or in part, any

determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; 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. 83-0475:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan nor the Clairemont Mesa Community Plan. The Clairemont Mesa Community Plan shows this property for low-density development (5-10 DU/AC), and this plan proposes a density of 1.2 DU/AC. The applicant has attempted to preserve views of the existing units to the east and has utilized building elevations which are appropriate for this hillside area.

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 living or working in the area and will not adversely affect other property in the vicinity. The applicant will provide an open space easement over all but the building envelopes of this site and revegetate existing cut slopes. Existing native vegetation will remain on the northern portion of the site and new plant materials will be added with the construction of the units. Sufficient off-street parking and emergency vehicle access is provided. This Council believes that efforts were made by the applicant to be compatible with the existing neighborhood.

3. The proposed use will comply with all relevant

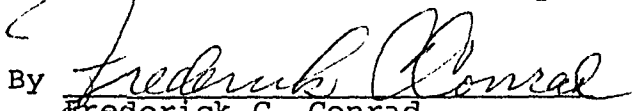
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regulations in the Municipal Code. The required amounts of total and usable open space are being provided. All the regulations of the Municipal Code as pertaining to Planned Residential Developments have been complied with.

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

BE IT FURTHER RESOLVED, that this Council hereby denies the appeal of CELIA E. JACOBS, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Planned Residential Development Permit No. 83-0475, 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:ib:632
01/05/84
Or.Dept:Clerk
PRD-83-0475
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PLANNED RESIDENTIAL DEVELOPMENT PERMIT
NO. 83-0475
CITY COUNCIL

This Planned Residential Development Permit is granted by the City Council of The City of San Diego to DEFAF ASSOCIATES, a limited partnership, "Owner/Permittee," under the terms and 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 Owner/Permittee to construct a Planned Residential Development on premises located on the east side of Morena Boulevard, between Avati and Jutland Drives, described as Parcel A of Parcel Map No. PM-11753 and Lot 373 of Harbor View Heights Unit 6 Map No. 5937, in the R-1-5 and M-IP (proposed R-1-5) zones of the Clairemont Mesa Community Plan area.

2. The Planned Residential Development Permit shall include the total of the following facilities:

- a. Four detached single family residential units;
- b. Off-street parking;
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. The applicant shall have the M-IP portion of this permit rezoned to R-1-5 by initiating a zone boundary adjustment with the Planning Department of The City of San Diego.

4. An open space easement shall be granted and shown on

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said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated December 1, 1983, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

7. Twelve total parking spaces shall be provided (at a ratio of three spaces per dwelling unit). Of those spaces, 4 shall be provided for guests (at a ratio of 1 space per unit). One curb space may be included in the calculation. 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. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated December 1, 1983. 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.

8. Exterior radio or television antennas shall be prohibited except for one master antenna 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.

9. No building additions shall be permitted unless approved by the Homeowners' Association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

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

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

12. 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.

13. Sidewalks shall be provided from each unit to 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.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

15. The effective date of this permit shall be the date of final action by the City Council. The permit must be utilized within 36 months after the effective date. Failure to utilize

the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the San Diego Municipal Code.

16. No development shall commence, nor shall any permit for construction be issued, until:

a. The Permittee signs and returns the permit to the Planning Department;

b. The Planned Residential Development Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the decision by the City Council, the permit shall be void.

17. The property included within this Planned Residential Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

18. This Planned Residential Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.

19. This Planned Residential Development Permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the Permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

20. Private streets shall be named and begin with

appropriate terms such as "Caminito," "Ruelle," "Row" or "Square." Public refuse collections shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.

21. This Planned Residential Development Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.

22. The private drive shall be located entirely within the project boundaries.

23. No permanent irrigation system shall be installed on the subject property and landscape materials shall be primarily drought resistant.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON January 3, 1984.

AUTHENTICATED BY:

Roger Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, 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 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.

DEFAF ASSOCIATES, a limited partnership

By _____

By _____

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

Form=ACK

JAN 03 1984

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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Maybell L. Portecour Deputy.

Office of the City Clerk, San Diego, California

Resolution R- 259909 JAN 03 1984
Number _____ Adopted _____