

RESOLUTION NUMBER R- 268365

ADOPTED ON MAY 19 1987

WHEREAS, SANDRA L. DURBIN, et al., appealed the decision of the Planning Commission in approving Mid-City Development Permit No. MCD-86-0887 submitted by PLAYRITE ASSOCIATES PARTNERSHIP, Owner, and GUTTMAN CONSTRUCTION COMPANY, Permittee, to construct 131 attached units on Lots 1 through 7, Block 2, Orangewood, Map No. 1293, and a portion of Lot 50, Block M, Teralta, Map No. 265, located on the west side of 44th Street, east of Fairmount Avenue, and north of Meade Avenue, in the Mid-City Community Plan area, in the MR-1000B and CN-1 Zones; and

WHEREAS, the matter was set for public hearing on May 19, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Mid-City Development Permit No. MCD-86-0887:

1. The proposed use and project design meet the purpose and intent of the Mid-City Planned District (Section 103.1500), the Mid-City Community Plan, and related design studies. The 131-unit project is within the density limitations of the High Density Residential Land Use designation of the Mid-City Community Plan. The design of the project incorporates the

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standards in the Mid-City Planned District regulations by providing building articulation, significant landscaping and an improved streetscape.

2. The proposed development will be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community is achieved as far as practicable. The project does not exceed the density which will be permitted in the immediate vicinity under the current land use designation. The project design incorporates features such as two-story elements at the corners, pedestrian orientation to 44th Street, stucco and wood exterior materials which will visually reduce the bulk of the structures thereby increasing compatibility with adjacent existing uses.


3. 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. Due to the residential use of the site, the proposal will not result in a significant increase in the ambient noise level. The proposal will not generate traffic which is substantial in relation to existing street capacity significantly impact existing on-street parking, or negatively impact community services and utilities as outlined in staff's analysis.

4. The proposed use and site design complies with all other relevant regulations of the San Diego Municipal Code.

BE IT FURTHER RESOLVED, that the appeal of Sandra L. Durbin, et al., is denied; the decision of the Planning Commission is sustained, and Mid-City Development Permit No. MCD-86-0887 is hereby granted to PLAYRITE ASSOCIATES PARTNERSHIP, Owner, and GUTTMAN CONSTRUCTION COMPANY, Permittee, under the terms and conditions 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

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06/24/87
Or.Dept:Clerk
R-87-2469
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MID-CITY DEVELOPMENT PERMIT NO. 86-0887
KENSINGTON PARK GARDEN APARTMENTS

CITY COUNCIL

This Mid-City Development Permit is granted by the City Council of The City of San Diego to Playrite Associates Partnership, "Owner", and Guttman Construction Company, "Permittee", under the conditions contained in Section 103.1500 of the Municipal Code of The City of San Diego.

1. Permission is granted to "Owner and Permittee" to construct a Mid-City Development described as Lots 1 through 7, Block 2, of the Orangewood Map No. 1293; together with a Portion of Lot 50, Block M, of the Teralta Map No. 265 located on the west side of 44th Street, east of Fairmount Avenue, and north of Meade Avenue, in the MR-1000B and CN-1 Zones.

2. The Mid-City Development Permit shall include the total of the following facilities:

- a. 131 attached units;
- b. Off-street parking, 260 parking spaces;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of grading permits, a detailed 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 May 19, 1987, 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.

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

5. 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.

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6. No building additions, including patio covers, 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.

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

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

9. The effective date of this permit shall be the date of final action by the Planning Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. 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 Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

10. 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 Mid-City 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 of the Planning Director, Planning Commission or City Council, the permit shall be void.

11. The property included within this Mid-City 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.

12. This Mid-City 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.

13. This Development 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.

14. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

15. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances, shall be installed in accordance with the plans approved by the Planning Director and City Engineer and the landscaping shall be properly maintained to insure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements.

16. Prior to issuance of building permits, the applicant shall submit detailed landscape plans which indicate the size, type, and location of all plant material and street trees. Calculations shall be provided to indicate conformance to the City Landscape Ordinance. Final landscape plans shall indicate 36-inch box trees on 44th Street.

17. The applicant shall comply with the following requirements of the Engineering Department:

- a. Prior to the issuance of any building permits the applicant shall:
 - 1) Relinquish access rights along Fairmount Avenue.
 - 2) Enter into a participation agreement with the City for reimbursement for the replacement of the six-inch cast iron water main in 44th Street.
 - 3) Provide a sewer study for approval by the Water Utilities Department.
 - 4) Pay the park fees that are applicable in the Mid-City Community Plan area.

b. Prior to the issuance of any building permits the applicant shall assure by permit and bond:

- 1) Replace the existing six-inch cast iron water main in 44th Street from Meade Avenue north to the existing eight-inch AC water main with a ten-inch water main.
- 2) Install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.
- 3) Install all sewer facilities recommended by such an approved study in order to provide adequate capacity for this proposed development.
- 4) Ensure an unobstructed continuous curb at the bus stop on the northbound side of Fairmount Avenue north of Meade Avenue and a sidewalk to accommodate pedestrian traffic and a bus bench satisfactory to the Metropolitan Transit Development Board (MTDB) and to the City Engineer.

18. The fire lane drive aisles shall consist of mortared brick or pavers; or stamped concrete.

19. A minimum of 12, 48-inch box street trees shall be provided in planters within the public right-of-way.

20. Prior to issuance of building permits, the applicant shall deposit \$600.00/unit into the Mid-City Impact Fee Fund (Total = \$78,600).

21. Construction of a bus stop and related improvements to the specifications as required by MTDB shall be provided.

APPROVED by the City Council of The City of San Diego on May 19, 1987.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 permit and promises to perform each and every obligation of Permittee hereunder.

GUTTMAN CONSTRUCTION COMPANY
(Permittee)

By _____

By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq.
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Passed and adopted by the Council of The City of San Diego on **MAY 19 1987**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-268365** Adopted **MAY 19 1987**

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