

(R-91-1144)

RESOLUTION NUMBER R-276937

ADOPTED ON NOVEMBER 27, 1990

WHEREAS, Lawrence Jay Ahern, appealed the decision of the Planning Commission in approving Planned Residential Development Permit No. 90-0293 submitted by the San Diego Housing Commission, Owner/Permittee, to construct 34 multi-attached one- and two-story residential units located at the southeasterly terminus of Fulton Street, west of Highway 163, and more particularly described as Parcel 2 of Parcel Map No. 7297, in the Linda Vista Community Plan area, in the R-3000 zone; and

WHEREAS, the matter was set for public hearing on November 27, 1990, 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 Planned Residential Development Permit No. 90-0293:

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 Linda Vista Community Plan designates the subject site for low-medium residential development (14.5 du/ac). The project would result in a density factor of 14.4 dwelling units per acre which complies with the adopted community plan and the General Plan.

2. The proposed use, because of the conditions that have

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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 project is designed to avoid the creation of visually impenetrable walls. The structures are designed so that there is a break in the building facades to allow views as recommended in the community plan. The applicant is proposing to utilize a high architectural treatment throughout the project.

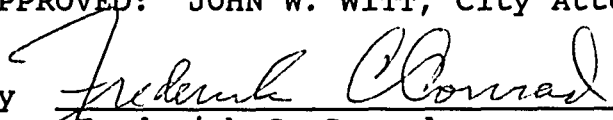
3. The proposed use will comply with the relevant regulations in the Municipal Code. Conditions have been included within the permit which will ensure compliance with all regulations in the Municipal Code.

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 Lawrence Jay Ahern is denied; the decision of the Planning Commission is sustained; and Planned Residential Development Permit No. 90-0293 is hereby granted to the San Diego Housing Commission, 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

FCC:lc  
02/11/91  
Or.Dept:Clerk  
R-91-1144  
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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 90-0293  
FULTON STREET

CITY COUNCIL

This planned residential development permit is granted by the Council of The City of San Diego to SAN DIEGO HOUSING COMMISSION, Owner/Permittee, under the conditions contained in Section 101.0901 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a planned residential development described as Parcel 2 of Parcel Map No. 7297, located at the southerly terminus of Fulton Street, west of Highway 163, in the R-3000 Zone.
2. This planned residential development permit shall include the total of the following facilities:
  - a. 34, one- and two-story multi-attached units;
  - b. Off-street parking;
  - c. Incidental accessory uses as may be determined and approved by the Planning Commission; and
  - d. Tot lot (containing approximately 1,600 square feet).
3. 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 November 27, 1990, 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. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
4. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
5. Eighty (80) total parking spaces shall be provided (at a ratio of 2.35 spaces per dwelling unit). 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

CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated November 27, 1990. 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, 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.
7. No manufactured slope shall be steeper than a ratio of 2:1.
8. Sidewalks shall be provided from each unit to the 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.
9. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
10. 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 101.0901 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.
11. 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.
12. 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 Commission or the permit has been revoked by The City of San Diego.
13. This planned residential development permit may be canceled 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.

14. This planned residential 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.
15. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and planned residential development permit guidelines and standards regardless of Building Inspection Department requirements for building permits.
16. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
17. 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.
18. The discretionary approvals granted by the City after January 12, 1990, shall be conditioned as follows: This project shall comply with the phasing and financing standards, policies and requirement relating to growth management in effect at the time of approval of this project, including any successor or new policies, financing mechanism, phasing schedules, plans and ordinances adopted by The City of San Diego after January 11, 1990.
19. Prior to the issuance of any building permits, the applicant shall relocate the trash dumpster to provide better accessibility.
20. Water and Sewer Requirements:
  - a. The applicant shall install fire hydrants at locations satisfactory to the Fire Department and City Engineer.
  - b. The applicant shall replace the existing four-inch and six-inch mains in Fulton Street, from the 12-inch main in the cul-de-sac to the eight-inch main in Judson Street, with an eight-inch main, satisfactory to the Water Utilities Director.

- c. The City will reimburse the applicant for the actual cost of design and construction of the eight-inch replacement main in accordance with City regulations and practices pertaining thereto. Agreement for such reimbursement shall be executed prior to issuance of building permits.
  - d. The applicant shall install, on-site, an eight-inch looped water main. If the main is public, then the applicant shall grant a 15-foot easement along its length.
  - e. The developer shall install a system of gravity sewer mains of adequate capacity to serve this development.
  - f. The applicant shall provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and cleansing velocities.
21. Mitigation Measures and Monitoring And Reporting Program:

The following specific conditions of Planned Residential Development Permit No. 90-0293 would mitigate existing and future interior and exterior noise levels for the proposed development:

- a. The tot-lot and barbecue shall be located behind the building which are parallel to State Route 163;
- b. All party flood/ceilings and walls shall have STC and IIC rating of at least 50;
- c. All buildings must have mechanical ventilation;
- d. Glazing and outside wall requirements as shown in Section IV (Discussion) of the Initial Study, DEP No. 90-0293, incorporated herein by reference;
- e. Prior to the issuance of building permits the Principal Planner of the Environmental Analysis Section of the Planning Department and the Noise Abatement Administrator shall review and approve building plans to ensure compliance with these mitigation measures; and
- f. Prior to issuance of a Certificate of Occupancy, a site inspection by the Principal Planner of Environmental Analysis Section and the Noise Abatement Administrator shall be conducted to verify compliance with all of the mitigation measures.

22. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
23. This community may be subject to impact fees as established by the City Council at the time of issuance of building permits.
24. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

APPROVED by the Council of The City of San Diego on November 27, 1990.

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02/13/91



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 \_\_\_\_\_, 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.

SAN DIEGO HOUSING COMMISSION  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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NOV 27 1990

Passed and adopted by the Council of The City of San Diego on.....  
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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Ellen Roward* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-276937** Adopted **NOV 27 1990**