

**PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 9/AMENDMENT
PLANNING COMMISSION**

This planned residential development permit is granted by the City Planning Commission of the City of San Diego to FRIARS VILLAGE, a joint venture Of Swan Constructors, Inc. and SHELTEC CORPORATION, a general partnership, "Owner/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 et sequitur of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a planned residential development located on the south side of Linda Vista Road northerly of Friars Road and westerly of Via Las Cumbres, being Lot 2, Monterey Club and a portion of Pueblo Lot 1103, more particularly described in Appendix "A" attached hereto and made a part hereof in the R-4, R-3, and R-1 zones.

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. 440 residential units
- b. Private recreation facility
- c. Offstreet 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 or maps shall be recorded on the subject property, except that a permit may be authorized for 7 model home units and the recreation facility as shown on Exhibit "B" (dated January 20, 1971).

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 3 parking spaces for each residential unit shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" (dated September 30, 1970) on file in the office of the Planning Department. A minimum of 2 offstreet parking spaces shall be supplied for each residential unit and one of these shall be enclosed. These spaces shall be not less than 8½ feet by 20 feet in dimension and be permanently maintained for parking purposes at all times with no conversions for any other uses permitted. Areas and driveways shall be surfaced with not less and 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 the use of these offstreet parking spaces.

6. Exterior radio and television antennas shall be prohibited.

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

On February 15, 1971, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____
Robert E. Kreis, known to me to be President _____
_____ of the corporation that executed the within instrument and known to me to be the person who executed the within instrument on behalf of said corporation, said corporation being know to me to be a general partner of Friars Village, a partnership, the partnership that executed the same as such partner and that such partnership executed the same.

s/s Carolyn S. Matheus
Notary Public in and for said County
and State

NOTARY STAMP

(State) **Official Seal**
(Seal) **CAROLYN S. MATHEUS**
Notary Public
My Commission Expires Mar. 13, 1974

**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 September 30, 1970), 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 September 30, 1970), 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 Planning Commission 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. This planned residential development permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0900 of the Municipal Code of The City of San Diego.

7. 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 Commission'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 Planning Commission 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.

8. 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, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The property included within this planned residential development 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.

10. 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 the Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be cancelled or revoked. Cancellation or revocation of this permit may be instituted by the 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, paragraph E. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 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.

11. 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.

ACKNOWLEDGED:

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.

FRIARS VILLAGE, a joint venture of SWAN CONSTRUCTORS, INC. and SHELTEC CORPORATION

SWAN CONSTRUCTORS, INC., a California corporation, "Owner/Permittee"

By: _____ s/s R. S. Walter, Vice President

By: _____ s/s Shirley A. Brandes, Asst. Secy.

By: _____ s/s Robert E. Kreis, President

**FINDINGS OF FACT
PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 9/AMENDMENT**

WHEREAS, FRIARS VILLAGE, a joint venture of Swan Constructors, Inc. and SHELTEC CORPORATION, a general partnership, "owner/Permittee" filed an application to construct and operate a planned residential development, located on the south side of Linda Vista Road northerly of Friars Road and westerly of Via Las Cumbres, being Lot 2 Monterey Club and a portion of P. L. 1103, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-4, R-3 and R-1-40 zone.

WHEREAS, the Planning Commission of the City of San Diego considered Planned Residential Development Permit No. 9/Amendment under date of February 8, 1971 to FRIARS VLLAGE, a joint venture of Swan Constructors, Inc. and SHELTEC CORPORATION, a general partnership "Owner/Permittee" to construct and operate a planned residential development subject to the terms and conditions as set out in said permit: NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

That all of the following facts exist with respect to the issuance of an amended planned residential development permit in favor FRIARS VILLAGE, a joint venture of Swan Constructors, Inc. and SHELTEC CORPORATION, a general partnership "Owner/Permittee":

1. That the proposed use at the particular location is necessary or desirable to provide a facility which will contribute to the general well-being of the community.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity
3. That the proposed use will comply with the regulations and conditions specified in the Code for such use.
4. That the granting of this permit will not adversely affect the adopted Kearny Vista Community Plan.

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 Planning Commission does hereby grant to "Owner/Permittee" a permit in the form and with the terms and conditions as set forth in Planned Residential Development Permit No. 9, attached hereto and made a part hereof.

s/s Mary M. Bagaloff
Mary M. Bagaloff, Secretary of the
Planning Commission