

RESOLUTION NO. 207067 DEC 14 1972  
Land Conservation Permit No. 23

WHEREAS, ADOBE FALLS, a partnership, Owner, hereafter referred to as "Permittee," filed an application for a land conservation permit to develop the property located on the north side of Adobe Falls Road, approximately one-half mile east of Waring Road, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-5 and R-1-40 (LC Overlay) Zones; and

WHEREAS, on October 25, 1972, the Planning Commission of The City of San Diego made its findings of fact; granted a land conservation permit to Permittee; and filed the decision in the office of the City Clerk on November 8, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, WILLIAM G. and KATHRYN A. BEAN, GARY and GEORGIA BAUER, and others, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on December 14, 1972, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeals is empowered by the provisions of Municipal Code Section 101.0454 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 Land Conservation Permit No. 23.

1. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises.

2. Grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or severe cutting or scarring.

3. The proposed development will serve to preserve and enhance the natural environment and the aesthetic qualities of the site.

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

BE IT FURTHER RESOLVED, that by a vote of 5 to 2, the appeals of William G. and Kathryn A. Bean, Gary and Georgia Bauer, and others be, and they are hereby denied, and the City Council does hereby grant to ADOBE FALLS, a partnership, Land

Conservation Permit No. 23 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*  
Frederick C. Conrad, Chief Deputy

FCC:mmb  
12-22-72

-3-

207067 DEC 14 1972

LAND CONSERVATION PERMIT NO. 23  
CITY COUNCIL

This land conservation permit is granted by the City Council of The City of San Diego to ADOBE FALLS, a partnership, Owner, hereafter 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 101.0454 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to develop the property located on the north side of Adobe Falls Road, approximately one-half mile east of Waring Road, more particularly described in Appendix "A" attached hereto, in the R-1-5 and R-1-40 (LC Overlay) Zones.

2. Permittee shall comply with the General Conditions for Land Conservation Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on December 14, 1972.

GENERAL CONDITIONS FOR LAND CONSERVATION PERMITS

1. Prior to the issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated October 25, 1972, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and 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 grading or 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 October 25, 1972, on file in the office of the Planning Department and shall be in accordance with the Land Development Ordinance No. 10660 (New Series). 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. Construction and operation of the approved permit shall comply at all times with the regulations of this or other governmental agencies.

4. The effectiveness of this land conservation 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 permit signed within 90 days of the Council's decision.
- b. This land conservation permit executed as indicated shall have been recorded in the office of the County Recorder.

5. 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 land conservation 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 101.0506. 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 this matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

6. This land conservation 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.

Page 4 of 7

DEC. 14, 1972

207067





ACKNOWLEDGMENT

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
before me, the undersigned, a Notary Public in and for said  
County and State, personally appeared \_\_\_\_\_  
and \_\_\_\_\_  
\_\_\_\_\_, known to me to be \_\_\_\_\_  
of the partners of the partnership that executed the within  
instrument, and acknowledged to me that such partnership executed  
the same.

WITNESS my hand and official seal.  
(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

APPENDIX "A"

That portion of Lot 67, Rancho Mission of San Diego in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at the northwesterly corner Lot 1 of Arbo Falls Unit No. 1 according to map thereof No. 7231 filed in the office of the County Recorder of San Diego County, said point being also on the southerly line of Del Cerro Unit No. 13 according to Map 4572 filed in the office of said County Recorder; thence easterly along said southerly line to the northwesterly corner of College Canyon Park Unit No. 1 according to Map No. 5232 filed in the office of said County Recorder; thence southerly along the westerly line of said College Canyon Park approximately 300 feet to the southerly line of the LC Zone as established by the City of San Diego; thence westerly along said southerly line of said zone approximately 1437 feet to the easterly line of said Arbo Falls Unit No. 1; thence northerly along said easterly line approximately 430 feet to the point of beginning.

DEC 14, 1972

207067

DEC 14 1972

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE

1972 DEC 27 AM 10:29

SAN DIEGO, CALIF 95

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Mary Anne Nease, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 207067 Adopted DEC 14 1972