

JUN 6 1974

WHEREAS, JOHN M. SACHS, INC., Owner, hereafter referred to as "Permittee," filed an application for a land conservation permit to develop the property located at the northeast corner of Berger Avenue and Mesa College Drive, adjacent to I-805, more particularly described as Lots 8 and 9, Cabrillo Palisades Unit No. 3, in the R-4 (LC Overlay) Zone; and

WHEREAS, on April 24, 1974, the Planning Commission of The City of San Diego made its findings of facts; granted a land conservation permit to Permittee; and filed the decision in the office of the City Clerk on May 20, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, CASCADE GARDENS HOMEOWNERS ASSOCIATION, by Gary R. Aptaker, appealed the decision of the Planning Commission on May 2, 1974; and

WHEREAS, said appeal was set for public hearing on June 6, 1974, 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 appeal is empowered by the provisions of Municipal Code Section 101.0454, paragraph E.4., 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,

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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. 42:

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 7 to 0, the
appeal of CASCADE GARDENS HOMEOWNERS ASSOCIATION, by Gary R.
Aptaker, be and it is hereby denied, and the City Council does
hereby grant to JOHN M. SACHS, INC., Permittee, Land Conservation
Permit No. 42 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

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LAND CONSERVATION PERMIT NO. 42

CITY COUNCIL

This land conservation permit is granted by the City Council of The City of San Diego to JOHN M. SACHS, INC., a California corporation, 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 at the northeast corner of Berger Avenue and Mesa College Drive, adjacent to I-805, more particularly described as Lots 8 and 9, Cabrillo Palisades Unit No. 3, in the R-4 (LC Overlay) Zone.

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 June 6, 1974.

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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 April 24, 1974, 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 April 24, 1974, 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.

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210782

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____ and _____ known to me to be the _____ of _____

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

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

JUN 6 1974

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

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"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input 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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 L. Miller, Deputy.

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Office of the City Clerk, San Diego, California	
Resolution Number 210782	Adopted JUN 6 1974
	<i>E.S.</i>

CC-1276 (REV. 11-73)

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