

R. 75-729

RESOLUTION NO. 211438
Land Conservation Permit No. 45

AUG 29 1974

WHEREAS, DE ANZA VIEW MEDICAL-DENTAL CENTER, INC., a California corporation, Owner, hereafter referred to as "Permittee," filed an application for a land conservation permit to develop the property located on the northerly side of Balboa, easterly of Moraga Avenue, more particularly described as portion of Lot 3, Partition of Pueblo Lot 1209, S.C.C. No. 8341, on file in the office of the County Recorder, in the R-1-5 (LC Overlay) Zone; and

WHEREAS, the Planning Commission of The City of San Diego made its finding of facts on July 3, 1974, granted a land conservation permit to Permittee; and filed the decision in the office of the City Clerk on July 22, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, CLAIREMONT MESA DEVELOPMENT COMMITTEE and STEVENSON CANYON AREA HOMEOWNERS appealed the decision of the Planning Commission on July 29 and July 30, 1974, respectively; and

WHEREAS, said appeals were set for hearing on August 29, 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 appeals 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,

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. 45:

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 8 to 1, the appeals of CLAIREMONT MESA DEVELOPMENT COMMITTEE and STEVENSON CANYON AREA HOMEOWNERS, be, and they are hereby denied, and the City Council does hereby grant to DE ANZA VIEW MEDICAL-DENTAL

CENTER, INC., a California corporation, Land Conservation Permit
No. 45 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
Chief Deputy City Attorney

FCC:mmb
9-26-74

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211438

· LAND CONSERVATION PERMIT NO. 45

CITY COUNCIL

This land conservation permit is granted by the City Council of The City of San Diego to DE ANZA VIEW MEDICAL-DENTAL CENTER, INC., a California corporation, 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 northerly side of Balboa Avenue, easterly of Moraga Avenue, more particularly described as portion of Lot 3, Partition of Pueblo Lot 1209, S.C.C. No. 8341, on file in the office of the County Recorder, in the R-1-5 (LC Overlay) Zone.

2. Slopes shall not exceed 2 to 1 in grade.

3. An open space easement shall be granted on the 2 to 1 slope along the easterly boundary of the property.

4. A two-year maintenance agreement shall be bonded for the landscaping of the slopes.

5. 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 August 29, 1974.

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 July 3, 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 July 3, 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.

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

AUG 29 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Patricia Polan*, Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **211438** Adopted **AUG 29 1974**