

R. 75-1657

RESOLUTION NO. 212367  
Land Conservation Permit No. 51

JAN 2 1975

WHEREAS, MENLO INVESTORS, LTD., a California corporation, Owner, hereafter referred to as "Permittee," filed an application for a land conservation permit to develop the property located on the westerly side of Home Avenue, between Menlo Avenue and Quince Street, more particularly described as portions of Lots 15-23 and Lot 24, Block 7, and portions of Lots 9-19 and 37-48, Block 9, Swan's Addition, in the R-2 Zone; and

WHEREAS, on October 23, 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 November 7, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, VIVIAN E. WALGREN appealed the decision of the Planning Commission on November 15, 1974; and

WHEREAS, said appeal was set for public hearing on January 2, 1975, 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,

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

That all of the following facts exist with respect to  
Land Conservation Permit No. 51:

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 1, the  
appeal of VIVIAN E. WALGREN be, and it is hereby denied, and  
the City Council does hereby grant to MENLO INVESTORS, LTD.,  
Permittee, Land Conservation Permit No. 51 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

LAND CONSERVATION PERMIT NO. 51  
CITY COUNCIL

This land conservation permit is granted by the City Council of The City of San Diego to MENLO INVESTORS, LTD., 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 westerly side of Home Avenue, between Menlo Avenue and Quince Street, more particularly described as portions of Lots 15-23 and Lot 24, Block 7, and portions of Lots 9-19 and 37-48, Block 9, Swan's Addition, in the R-2 Zone.

2. Slopes shall be no steeper than 2 to 1 grade.

3. Portions of Olive Street, 47th Street and the alleys in Blocks 7 and 9, Swan's Addition, within the subject project shall be vacated.

4. A final subdivision map shall be recorded on the subject property prior to the issuance of any building permits.

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 January 2, 1975.

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 23, 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 October 23, 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.

AUTHENTICATED BY:

\_\_\_\_\_  
Mayor of The City of San Diego, California

\_\_\_\_\_  
City Clerk of The City of San Diego, California

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, residing therein, duly commissioned and  
sworn, personally appeared PETE WILSON, known to me to be  
the Mayor, and EDWARD NIELSEN, 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  
persons who executed the within instrument on behalf of the  
municipal corporation therein named, and acknowledged to me  
that such municipal corporation executed the same.

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 stamp)

\_\_\_\_\_  
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 Land Conservation Permit No. 51 and  
promises to perform each and every obligation of Permittee  
hereunder.

MENLO INVESTORS, LTD.,  
a California corporation

(Seal)

By \_\_\_\_\_

By \_\_\_\_\_

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



JAN 2 1975

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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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CITY CLERK'S OFFICE  
1975 FEB -3 PM 3:57  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **212367** Adopted **JAN 2 1975**

*K.L.*