

RESOLUTION NO. 214930

R.76-1415

Hillside Review Permit No. 65

DEC 23 1975

WHEREAS, GEORGE BERNARD, an individual, Owner, hereafter referred to as "Permittee," filed an application for a hillside review permit to develop the property located on Hillside Drive between La Jolla Scenic Drive and Caminito Bassano East, more particularly described as portion of Pueblo Lot 1264, Map No. 36, on file in the office of the County Recorder, in the R-1-20 Zone; and

WHEREAS, on October 28, 1975, the Planning Commission of The City of San Diego made its findings of facts; granted said hillside review permit; and filed the decision in the office of the City Clerk on November 7, 1975; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, JOSEPH H. PEREUE and CHRISTINE PEREUE, EDWARD B. HAYES, DAVID W. and PATRICIA BARRON, MAX GOLDSMITH, JOSEPH E. HARTNETT, LEONARD KULWIEC and RICHARD A. and DORIS D. SUTTON appealed the decision of the Planning Commission on November 17, 1975; and

WHEREAS, said appeal was set for public hearing on December 23, 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

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WHEREAS, the City Council in considering said appeal 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 Hillside Review Permit No. 65:

1. The development would result in minimum disturbance of the natural terrain commensurate with the proposed use of the premises. The only grading proposed at this time is that necessary for the construction of a street system to provide access to the individual lots. The applicant is proposing that all new slopes be at least 1-1/2 to 1 ratio for the entire project with the larger slope in the HR zone being at a 2 to 1 gradient, gradually blending into the 1-1/2 to 1 gradient outside the HR zone. The lots are intended to be sold to individual owners for construction of custom homes. The grading of the individual home sites is not proposed at this time and would be subject to individual Hillside Review Permits at the time of lot development. The Department believes that the amount of grading proposed is minimal for the project.

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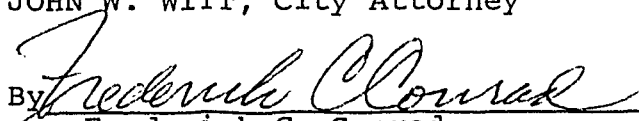
2. The grading and excavating proposed in connection with the development would not result in soil erosion, silting of lower slopes, slide damage, flooding problems or severe cutting or scarring. The slopes proposed in conjunction with the street construction would be planted and irrigated to prevent problems of erosion, silting, flooding and scarring.

3. The proposed development would serve to preserve and enhance the natural environment and aesthetic qualities of the site. The area that is to be graded at this time is only that necessary for the construction of streets to provide access to the development.

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 JOSEPH H. PEREUE and CHRISTINE PEREUE, EDWARD B. HAYES, DAVID W. and PATRICIA BARRON, MAX GOLDSMITH, JOSEPH E. HARTNETT, LEONARD KULWIEC, and RICHARD A. and DORIS D. SUTTON is hereby denied and the City Council does hereby grant to GEORGE BERNARD, Permittee, Hillside Reivew Permit No. 65, 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

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HILLSIDE REVIEW PERMIT NO. 65

CITY COUNCIL

This hillside review permit is granted by the City Council of The City of San Diego to GEORGE BERNARD, an individual, Owner, hereafter referred to "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 Hillside Drive between La Jolla Scenic Drive and Caminito Bassona East, more particularly described as portion of Pueblo Lot 1264, Map No. 36, on file in the office of the County Recorder in the R-1-20 Zone.

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

Passed and adopted by the Council of The City of San Diego on December 23, 1975.

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GENERAL CONDITIONS FOR HILLSIDE REVIEW 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 28, 1975, 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 28, 1975, on file in the office of the Planning Department and shall be in accordance with the Hillside Review Ordinance No. 11640 (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.

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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 hillside review 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 hillside review 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 hillside review 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 hillside review 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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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 checked="" 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"/>
Tom Gade	<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"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input 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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

(Seal)

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **214930** Adopted **DEC 23 1975**

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