

RESOLUTION NO. **215161**  
Hillside Review Permit No. 66

JAN 22 1976

WHEREAS, PACIFIC BAY DEVELOPMENT CORPORATION, a California corporation, Owner, hereafter referred to as "Permittee," filed an application for a hillside review permit to develop the property located on the east side of Imperial Avenue between Lisbon Street and Canton Drive, more particularly described as a portion of Lot 12, Rancho Mission of San Diego, a portion of Lot B and all of Blocks 1-6, Angelus Heights, Map No. 1494, and a portion of Lots 35, 47 and 57 Subdivision No. 5 of Lot 12, Licensed Survey Map No. 63, and Lots 17-22 of Halecrest Heights, Unit No. 1, Map 4747, on file in the Office of the County Recorder, in the R-1-5 zone; and

WHEREAS, on December 2, 1975, the Planning Commission of The City of San Diego made its findings of facts and granted said Hillside Review Permit to Permittee and filed said decision in the office of the City Clerk on December 15, 1975; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, Southeast San Diego Development Committee appealed the decision of the Planning Commission on December 17, 1975; and

WHEREAS, said appeal was set for public hearing on January 22, 1976, 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:

All of the following facts exist with respect to Hillside Review Permit No. 66:

1. The development would result in minimum disturbance of the natural terrain commensurate with the proposed use of the premises. The City Council finds that the grading proposed by the subject development attempts to conform to the existing natural topographical configuration of the site and is the minimum grading necessary to provide the subject development and a public street system meeting the requirements of the City Engineer. Only 15% of the site area is within the Hillside Review Overlay Zone and grading in this area would generally be maintained at a 2:1 gradient slope and appropriately landscaped.

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. All cut and fill slopes proposed by this development would be at 2:1 or flatter gradient except for a 1-1/2:1 slope at

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the northerly end of the property which is designed to blend in with an existing graded slope off-site. The Council finds that these slope gradients as well as the anticipated hydro-seed planting and irrigation would not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or severe cutting or scarring.

3. The proposed development would serve to preserve and enhance the natural environment and aesthetic qualities of the site. Presently the subject property is vacant, having been substantially disturbed by several unimproved access roads, debris dumping, foot paths and motorcycle trails. Natural vegetation of chaparral, native grasses and coastal sage scrub can be found on site, though sparse and disturbed. The proposed development should provide development and landscaping consistent with that of adjacent developed properties.

4. The Council recommends the closing of Angelus Avenue, Kingsley Drive, Alta Vista Avenue, Buena Vista Avenue and Nixon Street, all unimproved streets within the subject project boundaries. These streets would not be needed for public use should the subject development be approved and a new street system dedicated.

5. The Council approves the requested overheight cut and fill slopes associates with the development inasmuch as these slopes should not detract from the appearance of the project, be unstable, or have a detrimental effect on the surrounding area.

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 6 to 3, the appeal of the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE is hereby denied and the City Council does hereby grant to PACIFIC BAY DEVELOPMENT CORPORATION, Permittee, Hillside Review Permit No. 66, 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

FCC:nb  
2-10-76 (Rev.)

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HILLSIDE REVIEW PERMIT NO. 66

CITY COUNCIL

This Hillside Review Permit is granted by the City Council of The City of San Diego to PACIFIC BAY DEVELOPMENT CORPORATION, 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 subject property located on the east side of Imperial Avenue between Lisbon Street and Canton Drive, more particularly described as a portion of Lot 12, Rancho Mission San Diego, portion of Lot B and all of Blocks 106, Angelus Heights Map No. 1494, a portion of Lots 35, 41 and 57 Subdivision No. 5 of Lot 12, Licensed Survey Map No. 63, and Lots 17-22 of Halecrest Heights, Unit No. 1, Map No. 4747, on file in the office of the County Recorder, in the R-1-5 zone.

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

3. Slopes in excess of 60 feet in vertical height shall be permitted on site as shown on Exhibit "A" dated December 2, 1975 on file in the office of the Planning Department.

4. Angelus Avenue, Kingsley Drive, Alta Vista Avenue, Buena Vista Avenue and Nixon Street within the subject property shall be vacated.

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5. Prior to the issuance of any permit, a final subdivision map shall be recorded on the subject property.

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

Passed and adopted by the City Council of The City of San Diego on January 22, 1976.

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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 December 2, 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 December 2, 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.

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.

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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.

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 this hillside review permit and promises to perform each and every obligation of Permittee hereunder.

PACIFIC BAY DEVELOPMENT CORPORATION  
a California corporation

By \_\_\_\_\_

By \_\_\_\_\_

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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

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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 type="checkbox"/>	<input checked="" 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 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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Katherine Martinez*, Deputy.

(Seal)

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9976 FEB -2 AM 11:20  
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Office of the City Clerk, San Diego, California

Resolution Number **215161** Adopted **JAN 22 1976**

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