

RESOLUTION NO. 218048

R.77-1990

Hillside Review Permit No. 79

MAR 30 1977

WHEREAS, GLASOE ESTATE TRUST NO. 07058, SECURITY PACIFIC NATIONAL BANK, Owner, and CHE, INC., hereafter referred to as "Permittee," filed an application to allow grading to construct a restaurant and parking lot within the CA and R-1-40 (portion in HILLSIDE REVIEW OVERLAY) Zones, located south of Camino del Rio South at the southerly terminus of Glasoe Lane, more particularly described as a portion of Lot 2, San Diego Nob Hill Unit 2 and a portion of Pueblo Lot 1112; and

WHEREAS, on January 27, 1977, the Planning Commission of The City of San Diego made its findings of fact, approved said Hillside Review Permit No. 79, and filed said decision in the office of the City Clerk on February 9, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, FOODMAKER, INC., by Gerald Dawson, attorney, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 23, 1977, and continued to March 30, 1977; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; 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. 79:

1. The development will not result in anything more than the minimum disturbance. The terrain has already been scarred, grading is a minimum consistent with the development that is being done, and a smaller restaurant would not be economically feasible.

2. Grading and excavation proposed in connection with the development will not result in soil erosion, silting of the lower slopes, slide damage, flooding problems, or severe cutting or scarring.

3. The proposed development will serve to enhance the natural environment and aesthetic qualities of the site. A parking lot back into the hillside will also enhance the natural environment.

The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of FOODMAKER, INC., by Gerald Dawson, attorney, is hereby denied, and this Council does hereby grant to GLASOE ESTATE TRUST NO. 07058, SECURITY PACIFIC NATIONAL BANK, Owner, and CHE, INC., Permittee, Hillside Review Permit No. 79, 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

FCC:clh
4/21/77
Or.Dept.:Clerk

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

218048

HILLSIDE REVIEW PERMIT NO. 79

CITY COUNCIL

This Hillside Review Permit is granted by the Council of The City of San Diego to GLASOE ESTATE TRUST NO. 07058, SECURITY PACIFIC NATIONAL BANK, Owner, and CHE, INC., 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 allow grading to construct a restaurant and parking lot within the CA and R-1-40 (portion in HILLSIDE REVIEW OVERLAY) Zones, located south of Camino del Rio South at the southerly terminus of Glasoe Lane, more particularly described as a portion of Lot 2, San Diego Nob Hill Unit 2 and a portion of Pueblo Lot 1112.

2. Slopes shall not exceed 1-1/2 to 1 slope in grade.

3. The 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 on March 30, 1977.

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 January 27, 1977, 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 Jan. 27, 1977, 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.

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.

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

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

MAR 30 1977

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"/>
Joel M. Strobl	<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 type="checkbox"/>	<input checked="" 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 *Kathleen Martinez*, Deputy.

*FILED
MAR 30 1977
SAN DIEGO*

Office of the City Clerk, San Diego, California

Resolution Number **218048** Adopted **MAR 30 1977**