

Hillside Review Permit No. 89

SEP 14 1977

WHEREAS, ALICIA A. BURKS, Owner, and RICHARD R. LIGON, both hereafter referred to as "Permittee," filed an application to allow development in the R-1-5 (portion in Hillside Review Overlay) Zone, by constructing four single-family residences, a private driveway, and sewer connection to serve the residences, located at the northerly terminus of Cromwell Court along the south wall of Mission Valley, more particularly described as Lot 8, Indian Hill Subdivision; and

WHEREAS, on June 16, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 872, granted said Hillside Review Permit to Permittee and filed the decision in the office of the City Clerk on June 30, 1977; and

WHEREAS, on July 8, 1977, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, George Richter by Bruce R. Wallace, attorney, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 14, 1977, and 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,

MICROFILMED

JUN 6 1978

C1530

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. 89:

1. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises. The only disturbance to the natural terrain proposed by this project will be the footings necessary for the construction of the houses and the grading required to install the six-inch sewer. No cut or fill slopes are proposed.

2. The grading and excavating 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. The proposed development will not include any cut or fill slopes. The grading for the sewer installation will be reseeded with a native plant mix. The installation of new native materials will prevent any erosion from the grading.

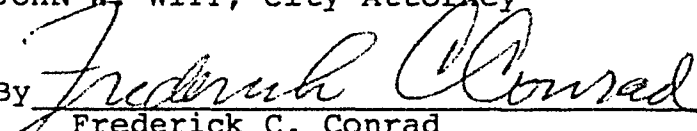
3. The proposed development will serve to preserve and enhance the natural environmental and the aesthetic qualities of the site. Preservation of the integrity of the site has been obtained by fitting the proposed development to the

natural terrain. Only the minor grading necessary for the footings for the houses and for the sewer is being proposed.

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 GEORGE RICHTER by Bruce R. Wallace, attorney, is hereby denied; and this Council does hereby grant to ALICIA A. BURKS and RICHARD R. LIGON, Hillside Review Permit No. 89, 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:clh
10/13/77
Or.Dept.:Clerk

MICROFILMED

JUN 6 1978

219316

01532

PLANNED HILLSIDE REVIEW PERMIT NO. 89

This hillside review permit is granted by the Council of the Council of The City of San Diego to ALICIA A. BURKS, Owner, and RICHARD R. LIGON, both hereafter referred to as "Permittee," for the purposes and under the terms and 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 at the northerly terminus of Cromwell Court, more particularly described as Lot 8, Indian Hill, Map No. 1974, on file in the office of the County Recorder, in the R-1-5 (HR) Zone.

2. Grading shall include footings for the proposed residences and excavation for the necessary sewer lines.

3. The sewer easement shall be reseeded in conformance with plans located in the office of the Planning Department, dated June 16, 1977.

4. The 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 September 14, 1977.

MICROFILMED

JUN 6 1978

219316

01533

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 June 16, 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 JUNE 16, 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.

MICROFILMED

JUN 6 1978

219316

01534

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.

MICROFILMED
JUN 6 1978
219316

01535

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.

MICROFILMED

JUN 6 1978

219316 C1536

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.

ALICIA A. BURKS

RICHARD R. LIGON

MICROFILMED

JUN 6 1978

219316

01537

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

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 person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

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)
COUNTY OF SAN DIEGO) ss

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 person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

MICROFILMED

JUN 6 1978

219316

01538

SEP 14 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 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 F. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd I. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Kathleen Martinez* Deputy.

LB
1977 OCT 10 PM 4:38
S.W. 1100/110

Office of the City Clerk, San Diego, California	
Resolution Number	219316
Adopted	SEP 14 1977

CC 1276 (REV. 8-77)

MICROFILMED

JUN 6 1978

01539