

RESOLUTION NO. 220112

R.78-1817

Hillside Review Permit No. 101

JAN 18 1978

WHEREAS, HARLIN P. KERMICLE, Owner, and REIS E. WIGLESWORTH, both hereafter referred to as "Permittee," filed an application to allow development of a single-family subdivision (approximately 45 acres), in the R-1-5 (portion in the Hillside Review Overlay) Zone, located on the west side of 65th Street between Sullivan Avenue and Medio Street, more particularly described as Lots J, K, M, N, and O, Encanto Subdivision; and

WHEREAS, on December 1, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 1086, recommended approval of said hillside review permit, and filed the decision in the office of the City Clerk on December 8, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE, by Verna M. Quinn, vice-chairman, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 17, 1978; 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 hearings;

NOW, THEREFORE,

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

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All of the following facts exist with respect to Hillside Review Permit No. 101:

1. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises. The grading in areas within the Hillside Review Zone is dictated by the subdivision design for the remainder of the property.

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. All cut and fill slopes will be 1 and 1/2 to 1 and planted to prevent erosion and silting problems. The Hillside Review portions of the site form a relatively small portion of the entire subdivision. Grading within the Hillside Review areas is consistent with grading for the remainder of the project.

3. The proposed development will serve to preserve and enhance the natural environment and the aesthetic qualities of the site. The proposed development will form an integral part of a new single-family, residential subdivision. Since the Hillside Review areas of the site form such a small portion of the total project, it is believed that their conformity with the remainder of the project will provide the best aesthetic qualities.

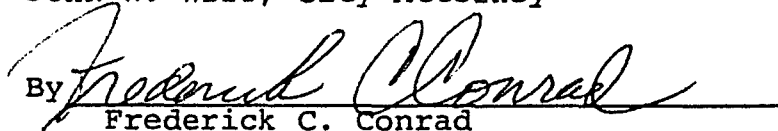
BE IT FURTHER RESOLVED, that the appeal of the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE, by Verna M. Quinn, vice-chairman, is denied, and this Council does hereby grant to HARLIN P. KERMICLE and REIS E. WIGLESWORTH, Hillside Review Permit No. 101,

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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
3/21/78
Or.Dept.:Clerk

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HILLSIDE REVIEW PERMIT NO. 101
CITY COUNCIL

This hillside review permit is granted by the City Council of The City of San Diego to HARLIN P. KERMICLE, Owner, and REIS E. WIGLESWORTH, both 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 west side of 65th Street between Sullivan Avenue and Medio Street, more particularly described as Lots J, K, M, N, and O, Encanto Subdivision, Map No. 749, on file in the office of the County Recorder, in the R-1-5 Zone.
2. Slopes shall not exceed 1 1/2:1 in grade.
3. The Permittee shall comply with the General Conditions for Hillside Review Permits attached hereto and made a part hereof.

Adopted by the Council of The City of San Diego on January 17, 1978.

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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 1, 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 Dec. 1, 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.

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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.

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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.

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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.

HARLIN P. KERMICLE

REIS E. WIGLESWORTH

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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 JAN 18 1978
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input type="checkbox"/>	<input checked="" 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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Amy R. Rice*, Deputy.

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RECORDED
 1978 MAY 19 AM 9:35
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 220112 Adopted JAN 18 1978