

RESOLUTION NO. 221950

R.79-1014  
REVISED

Hillside Review Permit No. 123

OCT 3 1978

WHEREAS, the DIOCESE OF SAN DIEGO, EDUCATION AND WELFARE CORPORATION, a California nonprofit corporation, Owner, hereafter refereed to as "Permittee," filed an application under Hillside Review Permit No. 123, for grading in the Hillside Review Overlay Zone (HR Zone) to allow development under the regulations of the R-1-5 Zone. The property is located on the south side of Linda Vista Road at Marian Way and is more particularly described as a portion of Pueblo Lot 1177, Miscellaneous Map No. 36; and

WHEREAS, on August 10, 1978, the Planning Commission of The City of San Diego made its finding of facts, granted said Hillside Review Permit No. 123, and filed said decision in the office of the City Clerk on August 30, 1978; and

WHEREAS, on August 11, 1978, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, RACHEL HUNT and LEONARD B. KOLKEY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 12, September 18, and October 3, 1978, 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 the 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

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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. 123:

1. The development would result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises.

The existing slope area on site was graded in 1952, at the time the high school was constructed. The slope consists of uncompacted fill which has experienced erosion problems resulting from last winter's rains. The Planning Department believes that the regrading proposed on this slope area would be the minimum necessary to stabilize the land.

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 proposed grading is designed to stabilize the existing slope from slide damage and erosion which has already taken place. The purpose of the grading plan is to correct the problems of erosion, silting, sliding and flooding.

3. The proposed development would serve to preserve and enhance the natural environmental and aesthetic qualities of the site.

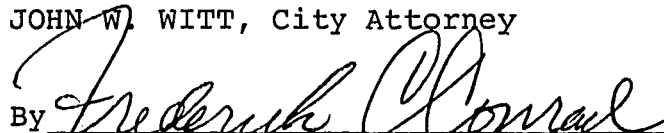
The slope of the existing terrain consists of loose fill with a maximum height of 120 feet. The proposed plan would reduce the height to 100 feet, and the new landscaping proposed would be an improvement to the aesthetic qualities of the slope.

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

BE IT FURTHER RESOLVED, that the appeal of RACHEL HUNT and LEONARD B. KOLKEY is denied, and this Council does hereby grant to the DIOCESE OF SAN DIEGO, EDUCATION AND WELFARE CORPORATION, a California nonprofit corporation, Owner and Permittee, Hillside Review Permit No. 123, 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  
11/28/78  
REV. 1/12/79  
Or.Dept.:Clerk

HILLSIDE REVIEW PERMIT NO. 123  
CITY COUNCIL

This hillside review permit is granted by the City Council of The City of San Diego to the DIOCESE OF SAN DIEGO, EDUCATION AND WELFARE CORPORATION, a California nonprofit corporation, Owner, 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 on the south side of Linda Vista Road at Marian Way, more particularly described as a portion of Pueblo Lot 1177, Miscellaneous Map No. 36, 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 landscape plan shall be approved by the Planning Director prior to the issuance of any building permit.

4. Existing trees adjacent to the property at 1239 Hueneme Street, San Diego, California, will not be removed or touched during or after the grading. A temporary fence will be placed in front of the trees and foliage so rocks and other matter created by the grading will not roll into the trees or onto said property.

5. A brow ditch will be constructed on the school property on the slopes which border the property at 1239 Hueneme Street to insure the proper runoff of water into the lower canyon and away from any residence(s).

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6. Trees and foliage to be planted on the new slopes created by the grading will not be Australian Eucalyptus.

7. Permittee will do its best to provide both a sight and sound barrier on the fencing on the south side of the proposed 90' x 90' activity court which is to be directly north of 1239 Hueneme Street.

8. 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 OCTOBER 3, 1978.

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 August 10, 1978 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 August 10, 1978, 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.





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 OCT 3 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<del>Jess D. Haro</del>	<input 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.

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

By Betty Gooding, Deputy.

(Seal)

RECEIVED  
 CITY CLERK'S OFFICE

1979 JAN 19 AM 9:28

SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 221950 Adopted OCT 3 1978

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