

RESOLUTION NO. 222595

R.79-1453  
JAN 16 1979

Hillside Review Permit No. 134

WHEREAS, THE CITY OF SAN DIEGO, a municipal corporation, Owner, and NATIONAL SEMICONDUCTOR, a Delaware corporation, hereafter referred to as "Permittee," filed an application under Hillside Review Permit No. 134, for grading in the Hillside Review Overlay Zone to allow development under the regulations of the R-1-5 (proposed SR) Zone. The property is located on the east side of I-5 between Genesee Avenue and Roselle Street and is more particularly described as portions of Pueblo Lots 1316, 1321 and 1328, Miscellaneous Map No. 36; and portions of Acre Lots 30 and 31; and Lots C and D of Acre Lot 32, Map Nos. 362 and 483; and

WHEREAS, on December 28, 1978, the Planning Commission of The City of San Diego made its finding of facts, granted said Hillside Review Permit No. 134, and filed said decision in the office of the City Clerk on January 4, 1979; and

WHEREAS, on January 3, 1978, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, The City of San Diego Planning Director appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 16, 1979, 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,

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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. 134:

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

Development of the proposed project would result in the retention of the majority of the major north-south canyon along the easterly boundary of the project. This canyon, as well as some slope areas adjacent to Interstate 5 freeway, are proposed to be offered as open space easements on the final subdivision map for the property and remain in the R-1-5 Zone.

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 developer proposes to mitigate problems of soil erosion, silting, slide damage, flooding problems and severe cutting and scarring by the construction of benches and storm drain systems on the slopes, erosion control landscaping, and a system of bladed ditches in the pad areas to provide on-site entrapment of silt. While several slopes are to be constructed over 60 feet in height, the soil engineer for the applicant indicates that the soil type and landscaping proposed for these slopes would assure their

stability. These slopes are to be heavily landscaped with a mixture of hydroseeded native plant materials supplemented by the hand planting of trees and shrubs.

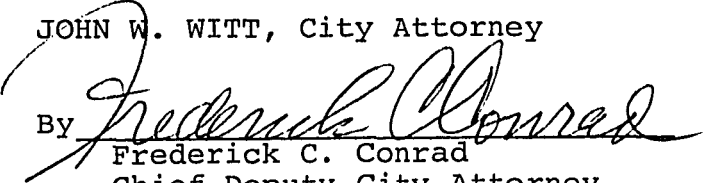
3. The proposed development would serve to preserve and enhance the natural environment and aesthetic qualities of the site.

Most of the steeply sloping portions of the property that are visible from adjacent properties would be retained to a great extent in a natural state. Their preservation would be assured through the granting of an open space easement on the final subdivision map for the project.

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 THE CITY OF SAN DIEGO PLANNING DIRECTOR is denied, and this Council does hereby grant to THE CITY OF SAN DIEGO, a municipal corporation, Owner, and NATIONAL SEMICONDUCTOR, a Delaware corporation, Permittee, Hillside Review Permit No. 134, 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  
2/2/79  
Or.Dept.:Clerk

HILLSIDE REVIEW PERMIT NO. 134  
CITY COUNCIL

This hillside review permit is granted by the City Council of The City of San Diego to THE CITY OF SAN DIEGO, a municipal corporation, "Owner," and NATIONAL SEMICONDUCTOR, a Delaware corporation, hereafter referred to "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 Owner and Permittee to develop the subject property located on the east side of Interstate 5 between Genesee Avenue and Roselle Street, more particularly described as portions of Pueblo Lots 1316, 1321 and 1328, Miscellaneous Map No. 36; and portions of Acre Lots 30 and 31; and Lots C and D of Acre Lot 32, Map Nos. 362 and 483, in the R-1-5 (proposed SR) Zone.

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

3. Slopes over 60 feet in vertical height shall be permitted on the subject property as shown on Exhibit "A," dated December 28, 1978, on file in the office of the Planning Department.

4. 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 16, 1979.

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 Dec. 28, 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 Dec. 28, 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.

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.

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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 CHARLES G. ABDELNOUR, 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.

THE CITY OF SAN DIEGO, a municipal  
corporation

NATIONAL SEMICONDUCTOR, a  
Delaware corporation

By \_\_\_\_\_

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

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 16 1979,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" 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 Goodberg, Deputy.

(Seal)

RECEIVED  
 CITY CLERK'S OFFICE  
 1979 FEB -5 PM 4:49  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 222595 Adopted JAN 16 1979