

RESOLUTION NO. **222992** (R.80-1369)

Hillside Review Permit No. 138

**MAR 6 1979**

WHEREAS, DALEY CORPORATION, a California corporation, Owner, hereafter referred to as "Permittee", filed an application under Hillside Review Permit No. 138, for grading in the Hillside Review Overlay Zone (HR Zone) to allow development under the regulations of the R-1-5 (portion HR) Zone. The property is located west of Interstate 15 and south of Aero Drive and is more particularly described as a portion of Lot 41, Rancho Mission of San Diego, Map No. 348; and

WHEREAS, on January 25, 1979, the Planning Commission of The City of San Diego made its finding of facts, granted said Hillside Review Permit No. 138, subject to conditions, and filed said decision in the office of the City Clerk on February 9, 1979; and

WHEREAS, on February 2, 1979, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, ROBERT L. JAMES appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 6, 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, to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission, subject to the

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limitations as are placed upon the Planning Commission by  
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. 138:

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

The applicant indicates that, much of the area proposed  
for fill within Phases 3 and 4 on the plan has been disturbed  
by previous grading activities and the fill proposed within  
Phase 2 would be necessary for the future extension of Shawn  
Avenue in an easterly direction. The total area affected by  
the fill is 45.5 acres of the total 106 acre site. This would  
allow approximately 60.5 acres of the site, which represents  
the most visible portion of the property to remain natural.

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.

No cutting or exposing of natural slopes is proposed.  
Only fill material would be added to the site and the applicant  
proposes to hydroseed and irrigate this fill to prevent soil  
erosion, silting of lower slopes, slide damage and flooding  
problems.

3. The proposed development will serve to preserve and

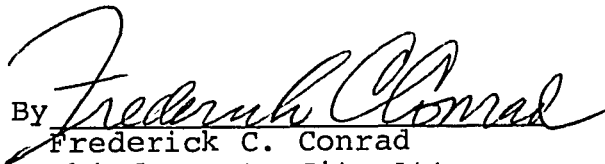
enhance the natural environment and aesthetic qualities of the site.

Over half of the total site area would remain in its natural condition. The existing canyon floors would be filled, altering the terrain in these areas. However, the steeper canyon slope areas on-site, representing the most visible portion of the property, would remain natural.

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 ROBERT L. JAMES is denied, and this Council does hereby grant to DALEY CORPORATION, Owner and Permittee, Hillside Review Permit No. 138, 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:ps  
2/1/80  
Or.Dept. Clerk

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HILLSIDE REVIEW PERMIT NO. 138  
CITY COUNCIL

This hillside review permit is granted by the City Council of The City of San Diego to DALEY CORPORATION, a California 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 west side of Interstate 15, south of Aero Drive, more particularly described as Portion of Lot 41, Rancho Mission of San Diego, Map No. 348, on file in the office of the County Recorder, in the R-1-5 Zone.

2. Hours of operation shall be 8 a.m. until 5 p.m., Monday through Friday. Also, grading on subject property shall be restricted to maximum of two weeks within any four-month period.

3. Appropriate dust control measures shall be utilized, including the use of water trucks, to insure compatibility with adjacent land uses.

4. This permit shall be reviewed in August, 1979, and at one-year intervals thereafter.

5. 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, March 6, 1979.

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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 January 25, 1979 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 January 25, 1979, 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.

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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 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.

NOTE: NOTARY ACKNOWLEDGMENTS  
MUST BE ATTACHED - PER  
CIVIL CODE, SEC.1180 et seq.

DALEY CORPORATION,  
a California corporation

By \_\_\_\_\_

By \_\_\_\_\_

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Passed and adopted by the Council of The City of San Diego on MAR 6 1979,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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.

(Seal)

By Ellen Roward, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>222992</u> Adopted <u>MAR 6 1979</u>