

RESOLUTION NO. R-250016

R.80-1188

Hillside Review Permit No. 142

AUG 14 1979

WHEREAS, PENASQUITOS, INC., a California corporation, Owner, hereafter referred to as "Permittee," filed an application under Hillside Review Permit No. 142 to develop property located west of Calle de Las Rosas between Paseo Montril and La Tortola, more particularly described as a portion of Rancho De Los Penasquitos, Record of Survey 6204, in the A-1-10 (proposed R-1-5) (HR) Zone; and

WHEREAS, on June 14, 1979, the Planning Commission of The City of San Diego made its findings of facts, approved Hillside Review Permit No. 142, and filed said decision in the office of the City Clerk on July 18, 1979; and

WHEREAS, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, DONALD EDGAR MCGREGOR appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 14, 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 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. 142:

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

An extensive area of the property will be retained in open
space either dedicated to the City or retained in a natural
state by an open space easement. In addition, many of the
cuts involved will be daylighted which would cut down the
appearance of cut and fill areas.

2. The grading and excavation proposed in connection with
the development would not result in soil erosion, silting of
lower slopes, slide damage, or flooding problems.

The landscaping proposed would mitigate the problems of
soil erosion, silting of lower slopes, slide damage, and
flooding problems.

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

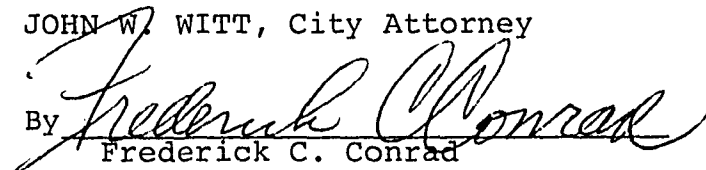
Inasmuch as there are extensive open space areas retained
by dedication or by easement and because of the landscaping
plan submitted it is the Council's belief that this finding
can be met.

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 DONALD EDGAR MCGREGOR is denied, and this Council does hereby grant to PENASQUITOS INC., a California corporation, Owner and Permittee, Hillside Review Permit No. 142, 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
1/3/80
45-79-2
HRP 142
Or.Dept.:Clerk

00214

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HILLSIDE REVIEW PERMIT NO. 142

CITY COUNCIL

This Hillside Review Permit is granted by the City Council of The City of San Diego to PENASQUITOS, INC., 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 Cabazon Place, between Paseo Montril and Penasquitos Boulevard, more particularly described as a portion of Rancho De Los Penasquitos, Record of Survey 6204, on file in the office of the County Recorder, in the A-1-10 (R-1-5 proposed) zone.

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

3. Cut slopes shall not exceed 65 feet in height, as shown on Exhibit "A," dated June 14, 1979, on file in the office of the Planning Department.

4. Improvements within La Tortola shall be located not closer than 20 feet to the rear property lines of lots within Penasquitos View Unit No. 6.

5. The subdivider must install additional landscaping and temporary irrigation for the 20-foot area between the relocated road and homes in Penasquitos View Unit No. 6.

6. The subdivider must install an off-site traffic signal at the intersection of Rancho Penasquitos Boulevard and Calle de Las Rosas in a manner satisfactory to the City Engineer.

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7. 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 AUGUST 14, 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 June 14, 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 June 14, 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.

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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.

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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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AUG 14 1979

Passed and adopted by the Council of The City of San Diego on
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 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.

(Seal)

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

By *Rita Anderson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *12-250046* Adopted *AUG 14 1979*