

RESOLUTION NO. 199377

WHEREAS, SHATTUCK CONSTRUCTION COMPANY, operating under Business License No. 158039, Owner, "Permittee," filed an application for a conditional use permit to construct and operate a 325-space mobile home park, located on the south side of Mira Mesa Boulevard, approximately 2,100 feet west of U.S. Highway 395, more particularly being the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 14 South, Range 2 West, S.B.B.M., in the A-1-1 Interim Zone (proposed R-2); and

WHEREAS, on December 10, 1969, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 236-PC, and denied a conditional use permit to Permittee to construct and operate said 325-space mobile home park; and

WHEREAS, Shattuck Construction Company, pursuant to the provisions of Section 101.0508 of the San Diego Municipal Code, under date of December 16, 1969, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 29, 1970, continued to March 12, 1970 and March 26, 1970, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; 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 the issuance of said conditional use permit on the property described in the preamble of this resolution.

1. The proposed use at the particular location is necessary to provide a facility which will contribute to the general well-being of the community.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. The proposed use will comply with the regulations and conditions specified in the Code for such use.

4. The granting of this conditional use will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that by a vote of 7 to 2, the appeal of Shattuck Construction Company be, and it is hereby upheld; and the City Council does hereby grant to SHATTUCK CONSTRUCTION COMPANY Conditional Use Permit No. 236-PC to construct and operate a 286-space mobile home park, 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, Deputy

CONDITIONAL USE PERMIT - CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to SHATTUCK CONSTRUCTION COMPANY, operating under Business License No. 158039, Owner, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0505 et sequitur of the San Diego Municipal Code.

1. Permission is hereby granted to SHATTUCK CONSTRUCTION COMPANY, operating under Business License No. 158039, Owner, "Permittee," to construct and operate a 286-space mobile home park, located on the south side of Mira Mesa Boulevard, approximately 2,100 feet west of U.S. Highway 395, more particularly being the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 14 South, Range 2 West, S.B.B.M., in the A-1-1 Interim Zone (proposed R-2).

2. The mobile home park shall include, and the term "Project" as used in this conditional use permit shall mean and include the total of the following facilities:

- a. 286-space mobile home park.
- b. Administration, service and recreation area.
- c. Off-street parking.
- d. Incidental accessory uses.

3. Prior to the issuance of any building permits, the subject property shall have been rezoned R-2, and a final subdivision map shall have been recorded.

4. Not less than 1-1/2 off-street parking spaces for each trailer lot shall be provided, not less than one space for each full-time employee shall be provided, and not less than one space for every 400 square feet of administration, service and recreation facilities shall be provided and maintained on the subject property in the approximate location

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shown on Exhibit A dated March 26, 1970, on file in the office of the Planning Department. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

5. Approved receptacles for garbage and trash shall be provided at each trailer lot.

6. Each lot within the mobile home park shall be appropriately numbered or lettered and these numbers or letters shall be placed on appropriate signs at a point near the front lot line.

7. Radio and television antennas on the exterior of homes and buildings shall not be permitted. A central radio and television antenna may be provided in the mobile home park with underground service to the individual lots and service buildings.

8. All utility lines including telephone service shall be placed underground within the Project.

9. The permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego, March 26, 1970.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated March 26, 1970, on file in the office of the Planning Department. The property shall be developed in accordance with the approved 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 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 March 26, 1970, on file in the office of the Planning Department. 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. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within one year from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0506 and Section 101.0509 of the San Diego Municipal Code.

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5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use 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 conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The project included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. 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 conditional use permit may be cancelled or revoked. Cancellation or revocation

of this conditional use permit may be instituted by 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 101.0505.2. 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 the matter for public hearing before the City Council giving the same notice as provided in Section 101.0505.2.

10. This conditional use 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.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss

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 FRANK CURRAN, known to me to be the Mayor, and JOHN LOCKWOOD, 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 conditional use permit and promises to perform each and every obligation of Permittee hereunder.

SHATTUCK CONSTRUCTION COMPANY,  
a California corporation

By \_\_\_\_\_



Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 1970, 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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SAN DIEGO, CALIF

Passed and adopted by the Council of The City of San Diego on MAR 26 1970,  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN  
Mayor of The City of San Diego, California.

(Seal)

JOHN LOCKWOOD  
City Clerk of The City of San Diego, California.

By Elfa J. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 199377 Adopted MAR 26 1970

dy