

RESOLUTION NO. 201054 OCT 20 1970

WHEREAS, MARTIN and SARAH PASKMAN, "Applicant," filed an application for a conditional use permit under Zoning Administrator Case No. 9982 to operate a pre-school nursery where single family residences only are permitted at 4605 Alice Street between Adams Avenue and Madison Avenue, more particularly described as Lot 12 and South one-half of Lot 11, El Cerrito Heights in the R-1-5 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 9982, pursuant to Section 101.0503 of the San Diego Municipal Code on July 17, 1970, and denied the request for said conditional use permit, which decision was filed in the office of the City Clerk on July 24, 1970; and

WHEREAS, Applicant appealed the decision of the Assistant Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0507 of the San Diego Municipal Code; and

WHEREAS, the Board of Zoning Appeals on September 9, 1970, upheld the decision of the Assistant Zoning Administrator under Case No. 9982, and denied the conditional use permit and filed the same in the office of the City Clerk on September 17, 1970; and

WHEREAS, pursuant to the provisions of Section 101.0507.1 of the San Diego Municipal Code, Applicant filed an appeal from

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the decision of the Board of Zoning Appeals to the City Council on September 25, 1970; and

WHEREAS, said appeal was set for public hearing on October 20, 1970, testimony having been heard and 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:

That all of the following facts exist with respect to the denial of the conditional use permit to Martin and Sarah Paskman:

1. There are no special circumstances or conditions applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the neighborhood.

Subject property is a 75-foot x 127-foot corner lot lying at the northeasterly corner of the five-legged intersection of three streets. The site is improved with a structure originally erected as a single family dwelling with an attached two car garage and a detached guest house that was subsequently attached to the original structure by construction of additional room area between the garage and the guest house. The structure is located on a level building pad, lying at an elevation that ranges from a maximum of approximately eight feet above Alice Street grade, extending from the northerly property line to the intersection,

and then declines to approximately three feet above Madison Avenue grade at the rear property line. The structure observes a 37-foot front yard adjacent to Alice Street and a 15-foot street side yard adjacent to Madison Avenue. A six-foot interior side yard and a 14-foot rear yard are observed by the structure. A paved driveway provides access from Madison Avenue to a paved off-street parking area and a small covered carport at the rear of the structure. An approximately 30-foot x 60-foot, generally level, yard area is provided on the northerly side of the lot. This area is partially enclosed by the building on the south and easterly sides.

The two adjoining 50-foot wide lots at the rear, and the 75-foot wide parcel adjacent northerly, are improved with single family dwellings and accessory buildings located on building pads at approximately the same grade as subject site. Neighboring R-1-5 lots, predominantly 50 feet x 127 feet in dimension, are fully improved with single family dwellings and accessory buildings.

2. Such use, under the circumstances of the particular case, would 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 would not comply with the regulations and conditions specified in the Municipal Code for such use.

4. The granting of this conditional use would adversely affect the Master Plan of the City.

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 5 to 2 the decision of the Board of Zoning Appeals denying said appeal under Zoning Administrator Case No. 9982 be, and the same is hereby upheld in the same manner and the appeal of MARTIN and SARAH PASKMAN is denied.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption
C. Alan Sumption, Deputy

CAS:srr
10/29/70

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OCT 20 1970

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

RECEIVED
CITY CLERK'S OFFICE
1970 OCT 30 PM 3:23
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN

Mayor of The City of San Diego, California.

JOHN LOCKWOOD

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Stellanini*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **201051** Adopted **OCT 20 1970**

FORM CC-1276 (1-69)

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