

RESOLUTION NO. 202312 APR 1 1971
Case No. 275-PC

WHEREAS, LOUIS SIMPSON, an individual, Owner, "Permittee," filed an application for a conditional use permit to construct and operate a 45-unit mobile home park, located on the southeast side of Home Avenue, between Laurel Street and Fairmount Avenue, being a portion of Lot 30, Wadsworth Olive Grove, Map No. 482, on file in the office of the County Recorder, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-2 Zone.

WHEREAS, on March 3, 1971, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 275-PC, and granted a conditional use permit to Permittee to construct and operate a 45-unit mobile home park; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, the City Attorney under date of March 9, 1970, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 1, 1971, 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 0, the appeal of City Attorney be, and it is hereby denied and the City Council does hereby grant to LOUIS SIMPSON, an individual, a conditional use permit to construct and operate a 45-unit 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

FCC:plm
4-19-71

202312

CONDITIONAL USE PERMIT - CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to LOUIS SIMPSON, an individual, Owner, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Sections 101.0506 et sequitur of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 45-unit mobile home park and recreation area, located on the southeast side of Home Avenue, between Laurel Street and Fairmount Avenue, being a portion of Lot 30, Wadsworth Olive Grove, Map No. 482, on file in the office of the County Recorder, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-2 Zone.

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

- a. 45 units.
- b. Recreation building and storage yard.
- c. Off-street parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded in the office of the County Recorder.

4. A solid fence or wall 6 feet in height shall be constructed along Home Avenue set back a minimum of 15 feet from the property line, and a solid fence shall be constructed on the north, east and south property lines.

5. The area between the required 6-foot high fence and the public sidewalk shall be planted with dense landscaping as required by the Planning Department.

6. No less than 2 parking spaces per mobile home lot, one parking space for each full-time employee, and 9 parking spaces for the recreation and building areas shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated March 3, 1971, on file in the office of the Planning Department. Said parking spaces shall be a minimum 8-1/2 feet by 20 feet in size and shall be permanently maintained and not converted for any other use. 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.

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

8. 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 of the lot line.

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

10. All utility lines including television services shall be placed underground within the project.

11. As a condition of the final subdivision map, approximately 5 acres located on the northeasterly portion of the subject property shall be reserved as an open space easement.

12. For Information Purposes Only. The San Diego City Schools advise that school children who reside within the project are in an area presently served by Hamilton Elementary School, Wilson Junior High School and Hoover High School. The school district does not provide transportation between home and school. At the present time little or no surplus housing exists for any additional input of students due to new construction.

13. 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 on April 1, 1971.

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 3, 1971, 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 3, 1971, 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.

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 property 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 hereinset out.

APPENDIX "A"

PARCEL A:

THAT PORTION OF LOT 30 OF WADSWORTH'S OLIVE GROVE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 482, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 10, 1888, LYING SOUTHEASTERLY AND SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 30, DISTANT THEREON 61.80 FEET EASTERLY FROM THE SOUTHWEST CORNER OF SAID LOT, SAID POINT OF COMMENCEMENT BEING ALSO DISTANT 5.56 EASTERLY FROM THE SOUTHEAST CORNER OF HOME AVENUE, AS SHOWN ON THE MAP OF SWAN'S ADDITION NO. 947, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 1, 1905; THENCE ALONG THE SOUTHERLY LINE OF AN EASEMENT FOR A RIGHT OF WAY - HOME AVENUE - DESCRIBED IN A DECREE RECORDED MARCH 11, 1954 IN BOOK 5168, PAGE 130 OF OFFICIAL RECORDS, AS FOLLOWS:

NORTHEASTERLY MAKING AN ANGLE OF $43^{\circ}58'$ WITH THE SOUTHERLY LINE OF SAID LOT 30, A DISTANCE OF 271.04 FEET TO THE BEGINNING OF A TANGENT 2040 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF $4^{\circ}00'57''$ A DISTANCE OF 143 FEET TO A POINT; THENCE LEAVING THE SOUTHEASTERLY LINE OF SAID RIGHT OF WAY SOUTHEASTERLY ALONG THE SOUTHEASTERLY PROLONGATION OF A RADIAL INTERSECTION WITH THE BOUNDARY OF SAID LOT 30.

PARCEL B:

THAT PORTION OF LOT 30 IN WADSWORTH'S OLIVE GROVE ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 482, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 10, 1888.

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 30, DISTANT THEREON 61.80 FEET EASTERLY FROM THE SOUTHWEST CORNER OF SAID LOT, SAID POINT OF COMMENCEMENT BEING ALSO DISTANT 5.56 FEET EASTERLY FROM THE SOUTHEAST CORNER OF HOME AVENUE, AS SHOWN ON MAP OF SWAN'S ADDITION NO. 947 FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 1, 1905; THENCE ALONG THE SOUTHEASTERLY LINE OF AN EASEMENT FOR RIGHT OF WAY - HOME AVENUE - DESCRIBED IN A DECREE RECORDED MARCH 11, 1954 IN BOOK 5168, PAGE 130 OF OFFICIAL RECORDS, AS FOLLOWS:

NORTHEASTERLY MAKING AN ANGLE OF $43^{\circ}58'$ WITH THE SOUTHERLY LINE OF SAID LOT 30, A DISTANCE OF 271.04 FEET TO THE BEGINNING OF A TANGENT 2040 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $4^{\circ}00'57''$ AN ARC DISTANCE OF 143 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE PROLONGATION OF A RADIAL LINE OF SAID CURVE TO SAID POINT TO THE BOUNDARY LINE OF SAID LOT 30; THENCE EASTERLY AND NORTHEASTERLY ALONG SAID BOUNDARY LINE TO THE MOST EASTERLY CORNER OF SAID LOT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT TO THE MOST NORTHERLY CORNER THEREOF; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT TO THE INTERSECTION WITH THE RADIAL LINE OF A FOREMENTIONED 2040 FOOT RADIUS CURVE; THENCE SOUTHEASTERLY ALONG SAID RADIAL LINE TO THE TRUE POINT OF BEGINNING.

THE TRUE BOUNDARY LINE BETWEEN LOTS 30 AND 22 OF WADSWORTH'S OLIVE GROVE, MAP NO. 482, IS PROPERLY ESTABLISHED UPON THE GROUND AS STAKED, ACCORDING TO O. D. ARNOLD HEIGHTS UNIT NO. 1, MAP NO. 2924, THAT THE SOUTHEAST CORNER OF LOT 30 OF WADSWORTH'S OLIVE GROVE, MAP NO. 482, IS LOCATED ON THE SOUTHERLY LINE OF SAID WADSWORTH'S OLIVE GROVE AT A POINT 635.22 FEET WESTERLY FROM THE CENTER OF BAILY AVENUE, AS STAKED ACCORDING TO O. D. ARNOLD HEIGHTS UNIT NO. 1, MAP NO. 2924, THAT THE SOUTHWEST CORNER OF SAID LOT 30 IS LOCATED ON THE SOUTHERLY LINE OF SAID WADSWORTH'S OLIVE GROVE, AT A POINT WHICH IS BOTH 658.27 FEET WESTERLY FROM THE SAID SOUTHEAST CORNER OF SAID LOT 30 AND 641.40 FEET EASTERLY FROM THE CONCRETE MONUMENT SET BY THE CITY ENGINEER AT THE SOUTHWEST CORNER OF BLOCK 20, SWAN'S ADDITION, MAP NO. 947, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO, MAY 1, 1905, AS DESCRIBED IN THAT CERTAIN DECREE RECORDED MARCH 11, 1954, IN BOOK 5168, PAGE 130 OF OFFICIAL RECORDS.

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, person-
ally appeared FRANK CURRAN, known to me to be the Mayor, and
EDWARD NIELSEN, 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.

Louis Simpson

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Acknowledgment

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, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

B

APR 1 1971

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

| 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Mike Schaefer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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.

~~EDWARD NIELSEN~~

~~JOHN LOCKWOOD~~

City Clerk of The City of San Diego, California.

(Seal)

By *Dorlene Villani*, Deputy *kr*

RECEIVED
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SAN DIEGO, CALIF. *mv*

Office of the City Clerk, San Diego, California

Resolution Number 202312 Adopted APR 1 1971