

RESOLUTION NO. 202919 JUN 15 1971
(Case No. 10358)

WHEREAS, VERNON G. and ANN M. STUDDT, owners, and WILLIAM J. DESCHWANDEN and JOHN and EULA BARRON, purchasers, "Permittee," filed an application for a conditional use permit under Zoning Administrator Case No. 10358 to provide lodging for three aged persons in each of two existing apartments for a total of six lodgers and a live-in manager at 4626-A and 4626-B Twain Avenue, more particularly described as the east 50 feet of the west 150 feet of the south 150 feet of Lot 2, Block 49, Grantville, Map No. 776, in the R-2 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 10358, pursuant to Section 101.0503 of the San Diego Municipal Code on March 5 and 19, 1971, and granted the request for said conditional use permit, which decision was filed in the office of the City Clerk on March 24, 1971; and

WHEREAS, E. M. Kellhofer appealed the decision of the Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0504 of the San Diego Municipal Code; and

WHEREAS, the Board of Zoning Appeals on April 26, 1971 upheld the decision of the Zoning Administrator under Case No. 10358, and granted the conditional use permit and filed the same in the office of the City Clerk on May 10, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, E. M. Kellhofer filed an appeal from the decision of the Board of Zoning Appeals to the City Council on May 18, 1971; and

WHEREAS, said appeal was set for public hearing on June 15, 1971, 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 granting of the conditional use permit to VERNON G. and ANN M. STUDDT, WILLIAM J. DESCHWANDEN, and JOHN and EULA BARRON:

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

2. The proposed use will not, particularly because of conditions imposed, be detrimental to the public 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 specified in the Code for such use.

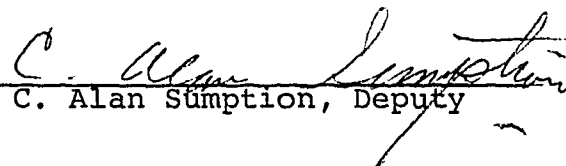
4. The granting of the conditional use permit will not adversely affect the Progress Guide and General Plan of the City of San Diego or the adopted plan of any governmental agency.

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 5 to 0 the City Council does hereby deny the appeal of E. M. Kellhofer from the decision of the Board of Zoning Appeals and does hereby grant to VERNON G. and ANN M. STUDT, WILLIAM J. DESCHWANDEN, and JOHN and EULA BARRON, a conditional use permit in the form and with the terms and conditions as set forth in the conditional use permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


C. Alan Sumption, Deputy

cav
6/28/71

CONDITIONAL USE PERMIT - CITY COUNCIL
(Case No. 10358)

This conditional use permit is granted by the Council of The City of San Diego to VERNON G. and ANN M. STUDDT, owners, and WILLIAM J. DESCHWANDEN and JOHN and EULA BARRON, purchasers, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to provide lodging for three aged persons in each of two existing apartments for a total of six lodgers and a live-in manager at 4626-A and 4626-B Twain Avenue, more particularly described as the east 50 feet of the west 150 feet of the south 150 feet of Lot 2, Block 49, Grantville, Map No. 776, in the R-2 Zone.

Passed and adopted by the City Council of The City of San Diego on June 15, 1971.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Substantial physical construction of the project shall have commenced and shall be proceeding within 18 months 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 Sections 101.0503, paragraph F, and 101.0508 of the San Diego Municipal Code.

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

3. 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 1 above; i.e., the time commences to run on the date the 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.

4. Except as provided in Section 101.0509 of the San Diego Municipal Code, during the 18-month period referred to in 1 above, the property covered by the conditional use permit shall not be used for any other purpose than that authorized by the permit.

5. 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.

6. 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 of this conditional use permit may be instituted by the owner of the property covered by the permit as provided in Section 101.0509 of the San Diego Municipal Code. The Zoning Administrator may set this matter for public hearing giving the same notice as provided in Section 101.0503. An appeal from this decision to the Board of Zoning Appeals may be taken as provided in Section 101.0504 within ten days after the decision is filed with the City Clerk. The Zoning Administrator may set the matter for public hearing before the Board of Zoning

Appeals giving the same notice as provided in Section 101.0504. An appeal from the decision of the Board of Zoning Appeals may be taken to the Council within ten days after the decision is filed with the City Clerk. The Clerk may set the matter for public hearing before the Council giving the same notice as provided in Section 101.0505.

7. 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.

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1971 JUN 29 PM 2:10
SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on JUN 15 1971,
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

(Seal)

FRANK CURRAN
 Mayor of The City of San Diego, California.
 EDWARD NIELSEN
~~JOHN LOCKWOOD~~
 City Clerk of The City of San Diego, California.

By Elfa D. Hansel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 202919 Adopted JUN 15 1971