

RESOLUTION NO.

204055

OCT 26 1971

WHEREAS, THE DESAUTELS COMPANY, "Applicant," filed applications for zone variances under Zoning Administrator Case Nos. 10567 and 10568:

CASE NO. 10567 - to (1) convert existing apartments to offices now observing a 1'6" front yard on Avenida de la Playa where 10' is required, a 1' street side yard on Paseo del Ocaso where 10' is required, a 5'9" front yard on Calle Clara where 10' is required, and to use existing carport and garage now observing a 1'9" front yard on Calle Clara where 10' is required, as three off-street parking spaces where eleven is required, and (2) eliminate required 1580 sq. ft. of landscaping, at 2236-42 Avenida de la Playa, more particularly described as Lots 16 and 17, Block 10, La Jolla Shores Unit No. 1, in the CN Zone; and

CASE NO. 10568 - (1) to convert existing single-family dwelling to office now observing a 3' front yard on Avenida de la Playa where 10' is required, and to use existing carport, now observing a 1'9" front yard on Calle Clara where 10' is required, as only off-street parking space where five are required, and (2) eliminate required 500 sq. ft. of landscaping, at 2246 Avenida de la Playa, more particularly described as Lot 15, Block 10, La Jolla Shores Unit No. 1, in the CN Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case Nos. 10567 and 10568 pursuant to Section 101.0502 of the San Diego Municipal Code on July 9, 1971, and denied the requests for said variances, which decisions were filed in the office of the City Clerk on July 21, 1971; and

WHEREAS, Applicant appealed the decisions of the Zoning Administrator on Case Nos. 10567 and 10568 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 September 13, 1971, upheld the decision of the Zoning Administrator under Case Nos. 10567 and 10568, and denied the appeals and filed the same in the office of the City Clerk on September 23, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicant appealed the decisions of the Board of Zoning Appeals to the City Council on October 4, 1971; and

WHEREAS, said appeals were set for public hearing and were heard on October 26, 1971, testimony having been heard and evidence having been submitted and the City Council having fully considered the matters and being fully advised concerning the same; NOW, THEREFORE,

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case Nos. 10567 and 10568 pursuant to Section 101.0502 of the San Diego Municipal Code on July 9, 1971, and denied the requests for said variances, which decisions were filed in the office of the City Clerk on July 21, 1971; and

WHEREAS, Applicant appealed the decisions of the Zoning Administrator on Case Nos. 10567 and 10568 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 September 13, 1971, upheld the decision of the Zoning Administrator under Case Nos. 10567 and 10568, and denied the appeals and filed the same in the office of the City Clerk on September 23, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicant appealed the decisions of the Board of Zoning Appeals to the City Council on October 4, 1971; and

WHEREAS, said appeals were set for public hearing and were heard on October 26, 1971, testimony having been heard and evidence having been submitted and the City Council having fully considered the matters 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 a variance that allows Applicant to:

(A) Convert existing apartments to offices now
observing a 1'6" front yard on Avenida de la Playa where
10' is required, a 1' street side yard on Paseo del Ocaso
where 10' is required, a 5'9" front yard on Calle Clara
where 10' is required, and to eliminate required 1580 sq. ft.
of landscaping at 2236-42 Avenida de la Playa, more particu-
larly described as Lots 16 and 17, Block 10, La Jolla Shores
Unit No. 1, in the CN Zone; and

(B) Convert existing single family dwelling to office
now observing a 3' front yard on Avenida de la Playa where
10' is required, and to eliminate required 500 sq. ft. of
landscaping at 2246 Avenida de la Playa, more particularly
described as Lot 15, Block 10, La Jolla Shores Unit No. 1,
in the CN Zone.

1. There are special circumstances or conditions
applying to the land or buildings for which the adjustment
is sought, which circumstances or conditions are peculiar to
such land or buildings and do not apply generally to the land
or buildings in the neighborhood. Such conditions have not
resulted from any act of the Applicant subsequent to the
adoption of the applicable zoning ordinance.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the Applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The granting of the variance will not adversely affect the Progress Guide and General Plan for the City of San Diego.

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 the City Council does hereby grant the appeal of THE DESAUTELS COMPANY from the decision of the Board of Zoning Appeals and does hereby grant to THE DESAUTELS COMPANY a variance in the form and with the terms and conditions as set forth in the variance attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption
C. Alan Sumption, Deputy

cav
11/15/71

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204055

VARIANCE - CITY COUNCIL
(Case Nos. 10567 and 10568)

This zone variance is granted by the Council of The City of San Diego to THE DESAUTELS COMPANY, "Applicant," for the purposes and on the terms and conditions as set out herein pursuant to the authority contained in Section 101.0502 of the San Diego Municipal Code and related parts thereof and Resolution No. 204055, adopted October 26, 1971, by the City Council of The City of San Diego.

Permission is hereby granted to Applicant under Zoning Administrator Case Nos. 10567 and 10568 to:

(A) Convert existing apartments to offices now observing a 1'6" front yard on Avenida de la Playa where 10' is required, a 1' street side yard on Paseo del Ocaso where 10' is required, a 5'9" front yard on Calle Clara where 10' is required, and to eliminate required 1580 sq. ft. of landscaping at 2236-42 Avenida de la Playa, more particularly described as Lots 16 and 17, Block 10, La Jolla Shores Unit No. 1, in the CN Zone; and

(B) Convert existing single family dwelling to office now observing a 3' front yard on Avenida de la Playa where 10' is required, and to eliminate required 500 sq. ft. of landscaping at 2246 Avenida de la Playa, more particularly described as Lot 15, Block 10, La Jolla Shores Unit No. 1, in the CN Zone, subject to the following conditions:

1. Ten off-street parking spaces shall be provided on the property adjacent to Calle Clara by the removal of the 14' by 21'9" apartment unit on Lot 17 immediately adjacent to Calle Clara and the removal of an 8' by 10' bathroom on Lot 15 immediately adjacent to Calle Clara.

2. This variance shall be for a period of three years and will expire on October 26, 1974.

3. The effectiveness of this variance is expressly conditioned upon and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Applicant shall have agreed to each and every condition hereof by having this variance signed within 90 days of the Council's decision.

b. This variance, executed as indicated, shall have been recorded in the office of the County Recorder.

4. This variance shall inure to the benefit of and shall constitute a covenant running with the land, and the terms, conditions and provisions hereof shall be binding upon Applicant and any successor or successors thereto and the interest of any such successor shall be subject to each and every condition herein set out.

5. This variance is not a permit or license and any permit or license required by law must be obtained from the proper department.

6. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this variance or any default on the part of Applicant or its successors in interest shall be deemed a material breach hereof and this variance may be cancelled or revoked. Cancellation or revocation may be instituted by City or Applicant. The Zoning Administrator shall set the matter for public hearing before the Board of Zoning Appeals giving it the same notice as provided in Section 101.0502 of the San Diego Municipal Code. An appeal from the decision of the Board of Zoning Appeals may be taken to the City Council by any interested person 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 101.0502.

7. Any zone variance granted by the City shall be null and void and shall be revoked automatically 18 months after its effective date unless the use or construction permitted, or both, is commenced before said time expires, in accordance with Municipal Code Section 101.0508.

Passed and adopted by the Council of The City of San Diego on October 26, 1971.

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, personally 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 Applicant by execution hereof agrees to each and every condition of this variance and promises to perform each and every obligation of Applicant hereunder.

THE DESAUTELS COMPANY

By _____

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

_____ of THE DESAUTELS COMPANY, the company that executed the within instrument and known to me to be the person who executed the same on behalf of said company and acknowledged to me that said company 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

Passed and adopted by the Council of The City of San Diego on OCT 26 1971,
 by the following vote:

RECEIVED
 CITY CLERK'S OFFICE

1971 NOV 17 AM 10:30

SAN DIEGO, CALIF. 92104

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Judith A. Dillon, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 204055 Adopted OCT 26 1971
eh