

RESOLUTION NO. 204913
HEIGHT LIMIT EXCEPTION PERMIT NO. 1

FEB 22 1972

WHEREAS, ARVID STEEN-KEN, an individual, Owner, hereafter referred to as "Permittee," filed an application for a height limit exception permit to develop the property located on the northeast corner of Cass Street and Emerald Street, more particularly described as the southerly 75 feet of Lots 37-40, Block 158, Pacific Beach, in the C Zone.

WHEREAS, on January 19, 1972, the Planning Commission of The City of San Diego made its findings of facts, and granted Height Limit Exception Permit No. 1 to Permittee, and filed the same in the office of the City Clerk on January 25, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0452.2 of the San Diego Municipal Code, Mrs. Phyllis M. Caluwaert and Mrs. Elinor Skief, under dates of January 25, 1972 and January 27, 1972, respectively, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on February 22, 1972, 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 Height Limit Exception Permit No. 1 on the property described

in the preamble of this resolution.

1. The proposed structure at the particular location and under the proposed conditions of development with regard to good planning practice, including provisions for height, building bulk, yards, open spaces, lot coverage, grading and related matters, will provide equally as well for light and air, for the public health, safety and convenience, and the preservation of the general welfare of the community as if developed to the limits imposed by the 50-foot height limitation and the other zoning regulations applicable to the property in question.

2. The proposed structure will comply with the regulations and conditions specified in the Code for such structures.

3. The granting of an exception will not adversely affect any 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 appeals of Mrs. Phyllis M. Caluwaert and Mrs. Elinor Skief are hereby denied, and the City Council does hereby grant to ARVID STEEN-KEN, Permittee, Height Limit Exception Permit No. 1 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, Chief Deputy

HEIGHT LIMIT EXCEPTION PERMIT NO. 1
CITY COUNCIL

This height limit exception permit is granted by the City Council of The City of San Diego to ARVID STEEN-KEN, an individual, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0452.2 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a commercial office building 53 feet in height as shown on Exhibit "A," dated January 19, 1972, located on the northeast corner of Cass Street and Emerald Street, more particularly described as the southerly 75 feet of Lots 37-40, Block 158, Pacific Beach, in the C Zone.

2. The commercial office building shall not exceed 53 feet in height, 88 percent coverage, and 22,240 square feet in gross floor area.

3. Not less than 13 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated January 19, 1972, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2' by 20' in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" AC or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards.

4. Permittee shall comply with the General Conditions for Height Limit Exception Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on February 22, 1972.

GENERAL CONDITIONS FOR HEIGHT LIMIT EXCEPTION PERMITS

1. Prior to the issuance of any building permits, building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A," dated _____, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and 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 _____, on file in the office of the Planning Department and shall be in accordance with the Land Development Ordinance No. 10660 (New Series). 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. Construction and operation of the approved permit shall comply at all times with the regulations of this or other governmental agencies.

4. This height limit exception permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section _____ of the Municipal Code of the City of San Diego.

5. The effectiveness of this height limit exception 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 permit signed within 90 days of the Council's decision.

b. This height limit exception permit executed as indicated shall have been recorded in the office of the County Recorder.

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 the Permittee or its successors in interest, shall be deemed a material breach hereof and this height limit exception permit may be cancelled or revoked. Cancellation or revocation of this height limit exception permit may be instituted by the 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 101.0506. 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 this matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

7. This height limit exception 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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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on FEB 22 1972,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<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 type="checkbox"/>	<input checked="" 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"/>
Jim Bates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Julius A. Nielsen, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 204913 Adopted FEB 22 1972

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