

RESOLUTION NO. 206067 JUL 13 1972  
Conditional Use Permit No. 5409-PC Amendment

WHEREAS, KEARNEY LODGE, a partnership, Owner, filed an application for an amendment to Conditional Use Permit No. 5409-PC to construct and operate a storage facility at the existing mobile home park, located north of Clairemont Mesa Boulevard, east of Interstate 805, more particularly described as a portion of Lot 78, Partition of Rancho Mission, in the A-1-10 and R-1-20 Interim Zones; and

WHEREAS, on May 10, 1972, the Planning Commission of The City of San Diego made its Findings of Facts, which are set forth in Resolution No. 5409-PC Amendment, and denied said amendment, and filed said decision in the office of the City Clerk on May 25, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, KEARNEY LODGE, a partnership, by CHARLES G. KERCH, a partner, under date of May 24, 1972, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 22, 1972, continued to July 13, 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; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code Section 101.0506 paragraph E.4., to affirm, reverse, or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; 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 Conditional Use Permit No. 5409-PC Amendment.

1. The proposed use at the particular location is desirable to provide a service 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.


3. The proposed use will comply with the regulations and conditions specified in the Code for such use.

4. The granting of this amendment 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 6 to 2, this Council does hereby grant to KEARNEY LODGE, a partnership, Conditional Use Permit No. 5409-PC Amendment 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

FCC:nr  
7-27-72

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CITY COUNCIL  
CONDITIONAL USE PERMIT NO. 5409-PC AMENDMENT

This conditional use permit amendment is granted by the Council of The City of San Diego to KEARNEY LODGE, a partnership, hereinafter referred to as "Permittee," for the purpose and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a storage facility at the existing mobile home park, located north of Clairemont Mesa Boulevard, easterly of Interstate 805, more particularly described as a portion of Lot 78, Partition of Rancho Mission, in the A-1-10 and R-1-20 Interim Zones.

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. 327 spaces
- b. Recreational facilities
- c. Off-street parking
- d. Storage facilities
- e. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 2 parking spaces per trailer lot and 36 parking spaces for the recreation building area shall be provided and maintained on the subject property in the approximate location shown on Exhibit A (dated April 29, 1970) on file in the office of the Planning Department. 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.

4. No permanent structures shall be built within the area required for State highway right of way for Interstate 805.

5. A surety bond (or other instrument acceptable to the City) shall be obtained and filed with the City Clerk guaranteeing the future installation of a pedestrian crossing over Interstate 805. This bond shall be in force until said crossing is constructed or transportation shall be provided by the applicant satisfactory to the Planning Director and San Diego City Schools.

6. Each lot within the mobile home park shall be appropriately numbered or lettered and these numbers or letters shall be placed at a point near the front lot line.

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

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8. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the City Council of The City of San Diego on July 13, 1972.

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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 101.0507 and Section 101.0508 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

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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 101.0506. 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 the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

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 herein set out.

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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 \_\_\_\_\_ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.  
(Notary Stamp)

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

JUL 13 1972

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>
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.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Katherine M. Noel*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **206067** Adopted **JUL 13 1972**