

RESOLUTION NO. 209920 **FEB 19 1974**

WHEREAS, PETER and JOANNE BARTELT, owners, and MARY MICKELSON, purchaser, "Applicants," filed an application for a conditional use permit under Zoning Administrator Case No. 12267 to use an existing single-family dwelling as a residential care home for six aged persons, certified by the State of California, at 5415 Waverly Avenue between Colima and Midway Streets, more particularly described as the South 1/2 of Lot 12 and all of Lot 13, Bird Rock Addition, in the R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego has considered Zoning Administrator Case No. 12267 pursuant to Section 101.0503 of the Municipal Code of The City of San Diego and denied the request for said conditional use permit, which decision was filed in the office of the City Clerk on November 16, 1973; and

WHEREAS, Mary Mickelson 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 January 14, 1974 overruled the decision of the Zoning Administrator under Case No. 12267, and granted the conditional use permit subject to the following conditions: (i) that the present four parking spaces shall be maintained - two in the garage and two in the driveway, and (ii) that all requirements of the Building Inspection Department, as well as any other interested governmental agency, shall be complied with; and the same was filed in the office of the City Clerk on January 29, 1974; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, B. J. TIENSIVU filed an appeal from the decision of the Board of Zoning Appeals to the City Council on January 22, 1974; and

WHEREAS, said appeal was set for public hearing on February 19, 1974, 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 a conditional use permit that allows Applicants to use an existing singly-family dwelling as a residential care home for six aged persons, certified by the State of California, at 5415 Waverly Avenue:

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.

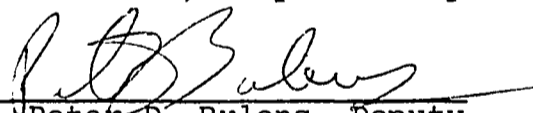
3. The proposed use will comply with the regulations specified in the Code for such use.

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 8 to 1 the City Council does hereby deny the appeal of B. J. TIENSIVU and does hereby uphold the decision of the Board of Zoning Appeals under Zoning Administrator Case No. 12267.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

PDB:lc
2/27/74

FEB 19 1974

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 type="checkbox"/>	<input checked="" 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"/>
Lee Hubbard	<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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input 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 *Yolanda Limon*, Deputy.

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SAN DIEGO, CALIF. *dmf*

Office of the City Clerk, San Diego, California

Resolution Number 209920

Adopted

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