

R. 75-717

RESOLUTION NO. 211435

AUG 29 1974

CONDITIONAL USE PERMIT NO. 407-PC

WHEREAS, C. H. WATT, an individual, Owner, hereafter referred to as "Permittee," filed an application for a conditional use permit to construct and operate an automobile dismantling facility, located on the north side of Commercial Street, between 24th and 25th Streets, more particularly described as Lot 39, Block 14, Lincoln Park, Map No. 478, on file in the office of the County Recorder, in the M-2 Zone; and

WHEREAS, on June 5, 1974, the Planning Commission of The City of San Diego made its finding of facts, which are set forth in Resolution No. 407-PC, and granted a conditional use permit to Permittee to construct and operate said automobile dismantling facility, and filed said decision in the office of the City Clerk on June 26, 1974; and

WHEREAS, pursuant to Section 101.0506 of the San Diego Municipal Code, the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE, by Jewell D. Hooper, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 29, 1974, and 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 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. 407-PC:

The proposed use at the particular location is desirable to provide a facility 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 in the vicinity, or injurious to property or improvements 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 conditional use permit will not adversely affect the General Plan, the Southeast San Diego Community Plan 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 0, the appeal of the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE, by Jewell D. Hooper, is hereby denied and this Council does hereby grant to C. H. WATT, an individual, Conditional Use Permit No. 407-PC, 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 City Attorney

FCC:mmb
9-26-74

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211435

CONDITIONAL USE PERMIT NO. 407-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to C. H. WATT, 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 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate an automobile dismantling facility, located on the north side of Commercial Street, between 24th and 25th Streets, more particularly described as Lot 39, Block 14, Lincoln Park, Map No. 478, on file in the office of the County Recorder, in the M-2 Zone.

2. The automobile dismantling facility shall include, and the term "Project" as used in this conditional use permit shall mean the total of the following facilities:

- a. An automobile dismantling facility.
- b. The sale of used automobile parts.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. The existing fencing behind the house shall be replaced with solid 8-foot-high wood or masonry fencing, with a solid gate along the alley, subject to approval of the Planning Director.

4. The front yard shall be landscaped with grass and shrubs, subject to the approval of the Planning Director. Landscaping shall be maintained in a healthy, growing manner.

5. The hours of the automobile dismantling operation shall be limited to 8 a.m. to 5 p.m., Monday through Friday, and 8 a.m. to 12 noon on Saturday.

6. Hand tools only shall be used for the dismantling of automobiles.

7. Vehicles shall not be stored onsite beyond a reasonable time for their dismantling.

8. A 6-foot-high, 32-square-foot identification sign shall be permitted in the front yard. All existing signing onsite shall be removed.

9. Automobiles and used automobile parts shall not be visible from ground level above fencing onsite.

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

Passed and adopted by the Council of The City of San Diego on August 29, 1974.

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 June 5, 1974, 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 June 5, 1974, 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 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 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

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.

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 the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

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 **AUG 29 1974**,
 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Patricia Polen*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number **211435** Adopted **AUG 29 1974**
K.Y.