

216661

R.77-426

RESOLUTION NO. _____

Conditional Use Permit No. 451-PC

AUG 25 1976

WHEREAS, CATHERINE B. OSTRANDER and LILLA B. BARNEY, Owners, and ROBERT O. PETERSON and RICHARD T. SILBERMAN, hereafter referred to as "Permittees," filed an application to utilize existing buildings designated "Historical Site" as commercial offices, located on the east side of Seventh Avenue between Upas and Brookes Streets. The property is more particularly described as Lots 12-14, 26-39, and portions of Lots 40 and 41, Block 9, and a portion of Lot 10, and Lots 11-25, Block 12, Crittenden's Addition, including a portion of Alley, Block 9, Crittenden's Addition Vacated, a portion of Eighth Avenue Vacated, a portion of Brookes Street Vacated, and a portion of Lot 10, Block 7, La Canyada Villa Tract along with a portion of Brookes Street Vacated, in the R-1-5 and R-1-40 (portion in Hillside Review Overlay) Zones; and

WHEREAS, on May 27, 1976, the Planning Commission of The City of San Diego, denied said Conditional Use Permit No. 451-PC, and filed the decision in the office of the City Clerk on June 14, 1976; and

WHEREAS, on June 16, 1976, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, JOHN D. HENDERSON, architect, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 25, 1976, 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. 451-PC:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community. This type of Conditional Use Permit was originated to allow the adaptive reuse of historic sites so that they might be preserved even in the face of economic infeasibility as a single family-residence. The preservation of the Irving Gill designed Burnham House, in this area of other historic sites, will enable future generations to study and enjoy this high quality residential neighborhood.

2. Such use under the circumstances of the particular case will not be detrimental to health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements (existing or future) in the vicinity. The use would be limited to offices for architects, attorneys, landscape architects, insurance agencies, engineers, advertising agencies, graphic artists and photographers. There would be a limit of five tenants and 40 employees for the property. Hours of operation would be restricted to the hours of 7:00 a.m. to 8:00 p.m. Also, a condition of the permit would restrict the possibility of physical changes to the structure or landscaping. Signs to be approved by the Planning Department, not to exceed a total of six-square feet in area, will serve to identify the premises and/or occupants and assist persons in locating the office they seek.

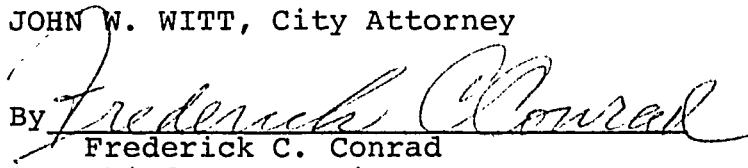
The applicants are providing 20 parking spaces for approximately 6,000 square feet of rentable area at the same ratio as is currently required by the CO Zone, one per 300 square feet. The parking is provided in an area shielded from immediate street view and restrictions on the types of businesses allowed to occupy the residence should alleviate any on-street parking problem. The Engineering and Development Department is requesting a 20-foot wide driveway from the street to the house and the installation of a fire hydrant. These requirements will

assist in protecting the structure and grounds from the increased usage. The adjacent property to the immediate south, the George Marston residence, is owned by the City of San Diego and is proposed to be used by the San Diego Historical Society for use as offices, museum and teaching center. The proposed use of the Burnham House would be compatible with this adjacent use.

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 1, the appeal of JOHN D. HENDERSON, architect, is hereby granted and this Council does hereby grant to CATHERINE B. OSTRANDER and LILLA B. BARNEY, owners, and ROBERT O. PETERSON and RICHARD T. SILBERMAN, permittees, Conditional Use Permit No. 451-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

FC C:clh
9/9/76

CONDITIONAL USE PERMIT NO. 451-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to CATHERINE B. OSTRANDER and LILLA B. BARNEY, Owners, and ROBERT O. PETERSON and RICHARD T. SILBERMAN, hereafter referred to as "Permittees," 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 commercial offices within a designated historical site located on the east side of Seventh Avenue between Upas and Brookes Streets. The property is more particularly described as Lots 12-14, 26-39, and portions of Lots 40 and 41, Block 9, and a portion of Lot 10, and Lots 11-25, Block 12, Crittenden's Addition, including a portion of Alley, Block 9, Crittenden's Addition Vacated, a portion of Eighth Avenue Vacated, a portion of Brookes Street Vacated, and a portion of Lot 10, Block 7, La Canyada Villa Tract along with a portion of Brookes Street Vacated, in the R-1-5 and R-1-40 (portion in Hillside Review Overlay) Zones.

2. The facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

a. Office uses, for the following: architects, attorneys, accountants, landscape architects, insurance

agents, engineers, advertising agencies, graphic artists, or photographers as may be approved by the Planning Director.

b. A sign, to identify the premises or occupants, not to exceed 6 square feet to be approved by the Planning Director prior to building occupancy.

c. Offstreet Parking.

d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 20 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated May 6, 1976, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways 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 offstreet parking spaces.

4. Prior to any change of occupancy, all requirements of the Building Inspection Department and Engineering and Development Department must be met.

5. Prior to issuance of any business license the Planning Director shall review the license application for type of office and number of employees. The number of tenants shall not exceed five (5) and the total number of employees shall not exceed forty (40).

6. All physical changes to the structure or landscaping shall be approved by the Planning Director in addition to any required approval by the Historical Site Board.

7. All existing landscaping shall be maintained in a healthy, growing manner.

8. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.

9. 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 on August 25, 1976.

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 May 6, 1976, 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 May 6, 1976, 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

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 25 1976,
 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"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" 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"/>
Tom Gade	<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"/>
Jess D. Haro	<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 Kathleen Mathias, Deputy.

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 CITY CLERK'S OFFICE
 1976 SEP 30 PM 3:33
 SAN DIEGO, CALIF. *RR*

CC-1276 (REV. 12-75)

Office of the City Clerk, San Diego, California	
Resolution Number 216661	Adopted AUG 25 1976 <i>EP</i>