

JAN 18 1978

RESOLUTION NO. 220124

(R.78-1474)

Conditional Use Permit No. 499-PC

WHEREAS, Q. ROGER AND JOHN C. DePUY, Owners, hereinafter referred to as "Permittees," filed an application to construct and operate a skateboard park and water slide course with parking, landscaping and other amenities on a 22,500 square foot parcel, more particularly described as Lots 1 through 6, Block 257, University Heights, amended by G. A. d'Hemecourt, located on the south side of University Avenue between Florida Street and Alabama Street, in the Park Northeast Community Plan area, in the C Zone; and

WHEREAS, on November 3, 1977, the Planning Commission of The City of San Diego made its findings of facts, denied said Conditional Use Permit No. 499-PC, and filed said decision in the office of the City Clerk on December 22, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, Q. ROGER AND JOHN C. DePUY, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 10, 1978; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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All of the following facts exist with respect to
Conditional Use Permit No. 499-PC:

1. The proposed use at this location would be desirable to provide a facility contributing to the general well-being of the neighborhood and community.

The applicant indicates that due to the rapid increase in the recreational use of skateboards and the ban of their use on most streets and sidewalks of the local community and parks, a need exists for the construction of a well planned and safe recreational facility that would serve the area. The applicant further indicates that the subject location was selected for its topographic landform, accessibility to public transportation and the increasing need for recreational facilities within the particular area.

2. The proposed facility, under the circumstances of this particular case, would not be detrimental to the health, safety or general welfare of persons living or working in the area nor injurious to property or improvements (existing or future) in the vicinity.

The subject development would be compatible with the existing commercial zoning on the property and should not be detrimental to surrounding land uses with the perimeter fencing and landscaping proposed and the shielding of night lighting.

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

The adopted Municipal Code (Zoning Ordinance) provides that recreational facilities may be located in any zone, subject to the granting of a conditional use permit by the Planning Commission.

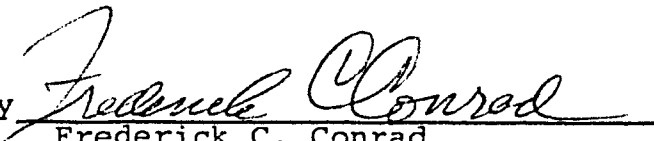
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4. The granting of this Conditional Use Permit would not adversely affect the General Plan for the City or the adopted Park Northeast Community Plan.

The General Plan and Park Northeast Community Plan designate the subject property for commercial development which would be compatible with the intended use of the property.

BE IT FURTHER RESOLVED, that the appeal of Q. ROGER AND JOHN C. DePUY, Permittees, is granted, and this Council does hereby grant to Q. ROGER AND JOHN C. DePUY, Permittees, Conditional Use Permit No. 499-PC, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:dm
2-6-78
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 499-PC
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to Q. ROGER AND JOHN C. DePUY, Owners, 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 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittees to construct and operate a recreational facility located at the southeast corner of University Avenue and Florida Street described as Lots 1 through 6, Block 257, University Heights, amended by G. A. d'Hemecourt, in the C Zone.

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

a. Two concrete lined skateboard courses and one water slide course.

b. A 1,000 sq. ft. office structure containing a pro-shop, lobby, game room, toilets, safety equipment rental, food and beverage vending machines, and a viewing deck.

c. Offstreet Parking.

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

3. Not less than 9 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated November 3, 1977, on file in the office of the Planning Department. Each

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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. The property shall be maintained in a neat and orderly fashion at all times.

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

6. A wall shall be constructed in accordance with the Planning Department's direction.

7. No music shall be played.

Passed and adopted by the Council of The City of San Diego on January 18, 1978.

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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 November 3, 1977, 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 November 3, 1977, 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. This Conditional Use Permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the Conditional Use Permit within an 18-month period will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. This Conditional Use 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 101.0506 of the Municipal Code of The City of San Diego.

7. 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 Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition No. 4 above i.e., the time commences to run on the date that the Planning Commission granted this Conditional Use Permit.

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b. This Conditional Use Permit executed as indicated shall have been recorded in the office of the County Recorder.

8. 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, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The project 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.

10. 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 Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use 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 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 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 101.1506 or 101.0507.

11. This Conditional Use Permit shall inure to the benefits 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.

May, 1974

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AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared PETE WILSON, , known to me to be the Mayor, and EDWARD NIELSEN, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

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

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

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Acknowledgment

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

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(s) whose name(s) is/are 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

MICROFILMED

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

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) ss
COUNTY OF SAN DIEGO)

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EDWARD NIELSEN, known to me to be the City Clerk of The City of
San Diego, the municipal corporation that executed the within
instrument and known to me to be the persons who executed the
within instrument on behalf of the municipal corporation therein
named, and acknowledged to me that such municipal corporation
executed the same.

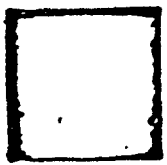
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executed the within instrument.

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(Notary Stamp)

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

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Passed and adopted by the Council of The City of San Diego on JAN 18 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Allyn D. Newitt*, Deputy.

(Seal)

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 CITY CLERK'S OFFICE
 1978 FEB 14 PH 12:29
 SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Resolution Number 220124 Adopted JAN 18 1978 *[Signature]*