

RESOLUTION NO. 222285

NOV 21 1978

Conditional Use Permit No. 552-PC

WHEREAS, EDUC INC., dba AMERICAN BUSINESS COLLEGE, a California corporation, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 552-PC to convert an existing one-story structure into a private vocational school, consisting of 1,200 square feet of floor space, with parking on a 6,250-square-foot parcel in the R-3 Zone. The property is located on the east side of Esther Street between El Cajon Boulevard and Madison Avenue, more particularly described as a portion of Lot 13, Block 5, El Cerrito Heights, Map No. 1940; and

WHEREAS, on September 21, 1978, the Planning Commission of The City of San Diego made its findings of facts, denied said Conditional Use Permit No. 552-PC, and filed said decision in the office of the City Clerk on October 5, 1978; and

WHEREAS, on October 2, 1978, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, AMERICAN BUSINESS COLLEGE appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 14, 1978, continued to November 21, 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 hearing; NOW, THEREFORE,

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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. 552-PC:

1. The proposed use at this location would be desirable  
to provide service or a facility contributing to the general  
well-being of the neighborhood and community. The applicant  
indicates it has become necessary to improve their hotel-motel  
training course and give the students the high quality training.

2. The use under the circumstances of this particular case  
will not be detrimental to the 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 applicant indicates that using the existing structure and  
its rooms would in no way be detrimental to the health, safety  
or general welfare of students attending the class in this building.  
In addition, the provided parking should not increase any parking  
congestion in the vicinity. The Department believes that this  
finding can be made, particularly if the signing is by lettering  
on the glass on the building and not by a separate sign.

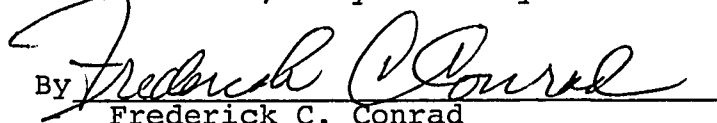
3. That the proposed use will comply with regulations and  
the conditions specified in the Municipal Code for such use.  
The Planning Department believes this proposal would comply with  
the regulations and conditions specified in the Municipal Code  
as provisions are made for a Conditional Use Permit approval for  
private educational facilities.

4. That the granting of this conditional use will not adversely affect the Master Plan of the City or any adopted plan of any governmental agency. The proposal should not adversely affect the adopted Mid-City Community Plan.

BE IT FURTHER RESOLVED, that the appeal of AMERICAN BUSINESS COLLEGE is granted, and this Council does hereby grant to AMERICAN BUSINESS COLLEGE Conditional Use Permit No. 552-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:clh  
1/15/79  
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 552-PC

CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to EDUC INC., dba AMERICAN BUSINESS COLLEGE, a California corporation, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and 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 Permittee to construct and operate a private vocational school located on the east side of Esther Street between El Cajon Boulevard and Madison Avenue, more particularly described as a portion of Lot 13, Block 5, El Cerrito Heights, Map No. 1940, in the R-3 Zone.

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. A private vocational school.
- b. Ten off-street parking spaces.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

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3. Not less than ten off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated September 13, 1978, 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

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 organized classes shall be held after 9:00 p.m., including weekends.

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

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON NOVEMBER 21, 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 September 13, 1978, 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 September 13, 1978, 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.

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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.

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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 \_\_\_\_\_ and \_\_\_\_\_ known to me to be the \_\_\_\_\_ of \_\_\_\_\_

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)

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

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NOV 21 1978

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Lucy Killea	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Betty Suechling, Deputy.

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CITY CLERK'S OFFICE  
1979 JAN 19 AM 9:28  
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Office of the City Clerk, San Diego, California

Resolution Number 222285 Adopted NOV 21 1978