

RESOLUTION NUMBER R- 259048

Adopted on AUG 9 1983

WHEREAS, DAVID JOHN RUYLE and JAMES H. ASHCRAFT, individuals, hereafter referred to as "Owners," and ALPHA OMEGA ALUMNI ASSOCIATION, a California corporation, hereafter referred to as "Permittee," filed an application for permission under Conditional Use Permit No. 10-622-0 to establish a fraternity residence and meeting place on property located on the south side of Montezuma Road between Rockford Drive and 63rd Street, in the State University Community Plan area and more particularly described as Lot 190, Collwood Park Unit No. 2, Map No. 2495, and a portion of the south six feet of Montezuma Road adjoining Lot 190 on the north; and

WHEREAS, on February 15, 1981, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 10-622-0 and filed said decision in the office of the City Clerk on March 4, 1981; and

WHEREAS, on February 17, 1981, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, PATRICIA J. HANNUM appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 17, 1981, continued to September 29, 1981, June 1, 1982, June 7, 1983 and August 9, 1983, testimony having been heard, evidence having been submitted, and the City Council having fully considered 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. 10-622-0:

1. The adopted State University Community Area Plan recommends the establishment of off-campus student housing facilities within a one mile perimeter of the campus and the proposed use of this site will not adversely affect the neighborhood, the General Plan nor the Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The proposed facility, as designed, would have adequate parking available to serve the needs of the fraternity and will not adversely affect the neighborhood.

2. The proposed use would comply with all the relevant regulations of the Municipal Code. Although the Planning Commission may grant a Conditional Use Permit for the establishment of fraternity houses, the proposed use must comply with criteria for design. The proposed fraternity proposes a total of six off-street parking spaces where adopted criteria and standards approved by the Planning Commission recommend not less than 24 spaces on site. Any deletion from this standard would contribute to an already serious parking problem in the

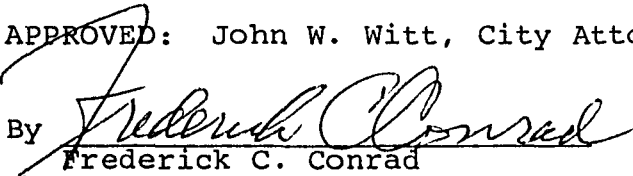
area. However, because of the condition of this permit that "Each member of the fraternity who has a car will be required to have a San Diego State University parking sticker for his car." and with a large university parking lot across the street from the university, no additional parking is required on site.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of PATRICIA J. HANNUM is granted, the decision of the Planning Commission is upheld, and this Council does hereby grant to DAVID JOHN RUYLE and JAMES H. ASHCRAFT, Owners, and ALPHA OMEGA ALUMNI ASSOCIATION, a California corporation, Permittee, Conditional Use Permit No. 10-622-0, 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:ib:630
08/16/83
Or.Dept:Clerk
R-84-266
Form=r.none

CONDITIONAL USE PERMIT
NO. 10-622-0
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to DAVID JOHN RUYLE and JAMES H. ASHCRAFT, "Owners," and ALPHA OMEGA ALUMNI ASSOCIATION, a California corporation, "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 Owners/Permittee to construct and operate a fraternity house on the south side of Montezuma Road, between Rockford Drive and 63rd Street, described as Lot 190 of Collwood Park Unit No. 2, Map No. 2495 and a portion of the south six feet of Montezuma Road closed, adjoining Lot 190 on the north, in the R-2 (proposed R-3) Zone of the State University Community Plan area.

2. The fraternity house shall include and the term "project" as used in this Conditional Use Permit shall mean the total of the following facilities:

a. A three-bedroom, single family home (1,500 square feet), a studio apartment (425 square feet) and a two-car garage, to be used as a fraternity house;

b. The facility shall be used to house a maximum of eight students, as well as providing a meeting place for the fraternity;

c. Off-street parking;

d. Incidental accessory uses as may be determined and

approved by the Planning Director.

3. Not less than six off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated February 5, 1981, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than two-inch A.C., or its equivalent and each parking space shall be marked. No charge shall be made at any time for the use of these off-street parking spaces.

4. Each member of the fraternity who has a car will be required to have a San Diego State University parking sticker for his car.

5. Social affairs and meetings at the fraternity shall cease no later than 11 p.m. on Sunday through Thursday nights and at 1 a.m. on Fridays and Saturdays.

6. A solid six-foot-high wall or fence shall be constructed along the east property line behind the front yard setback. A three-foot-high wall or fence shall be constructed along the same property line within the front yard setback.

7. A final landscape plan, to include additional plantings, shall be submitted for Planning Commission approval within 90 days of the issuance of this permit.

8. No more than eight students shall reside on the premises at any given time.

9. This permit shall be subject to Planning Department review within six months and one year of its issuance.

10. If the Permittee ceases to use the property as a fraternity house, it is the intent of the City Council that the property shall thereafter be used only for non-fraternity purposes. Therefore, construction, repair or remodeling of any structure or structures on the property covered by this permit or use of the property other than as provided by this permit shall be governed by the provisions of Municipal Code, Section 101.0407, R-2 Zone, notwithstanding the fact that the zone applicable to the property may be changed to the R-3 or less restrictive zone, which zone change is required by the provisions of Municipal Code, Section 101.0506 in order to provide for approval of this permit for a fraternity house. The provisions of this Condition shall remain in effect until abandoned or modified by the Council of The City of San Diego and shall not terminate upon abandonment of the permit by the Permittee. A request for abandonment or modification of this Condition may be initiated by the Permittee requesting such abandonment or modification of the City Council. Action by the City Council shall be by the adoption of a resolution approving or disapproving the request. If the request is approved, the resolution shall be recorded in the office of the Recorder of the County of San Diego.

11. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof. In the event of inconsistencies between the provisions of this permit and the General Conditions, the provisions of this permit shall control.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON AUGUST 9, 1983.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete grading and building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated February 5, 1981, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and 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 grading or 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 February 5, 1981, 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. This Conditional Use Permit must be utilized within 18 months after the effective date thereof. Failure to utilize the Conditional Use Permit within the 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.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

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.
- 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 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.

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 ten days after the decision is filed with the City Clerk. The Clerk shall set this matter for public hearing before the City Council, giving the same notice as provided in Section 101.0506 or 101.0507.

11. 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.

AUTHENTICATED BY:

Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1983, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, 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 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.

ALPHA OMEGA ALUMNI ASSOCIATION, a California corporation

By _____

By _____

NOTE: NOTARY ACKNOWLEDGEMENTS MUST
BE ATTACHED PER CIVIL CODE,
SEC. 1180 et seq.

Form=ACK

Passed and adopted by the Council of The City of San Diego on AUG 9 1983,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

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Number