

(R-84-1910)

RESOLUTION NUMBER R-260553

Adopted on April 24, 1984

WHEREAS, KALTENBACH ESTATE, "Owner," and BETTY ALBEE, a limited partnership, "Permittee," filed an application for permission under Conditional Use Permit No. 83-0714 to operate and maintain a 16-unit bed-and-breakfast inn on an historically designated site located at 7753 Draper Avenue and described as Lots 7 and 8, Block 32, La Jolla Park, Map No. 352; and

WHEREAS, on February 16, 1984, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 83-0714 and filed said decision in the office of the City Clerk on March 6, 1984; and

WHEREAS, on February 27, 1984, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, LA JOLLA TOWN COUNCIL, INC., by David M. Ish, Executive Manager, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 3, 1984, trailed to April 9, 1984, continued to April 10, 1984 and to April 24, 1984, 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

00656

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. 83-0714:

1. The proposed use will not adversely affect the neighborhood, the General Plan nor the La Jolla Community Plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The proposed use would preserve an historical site in conformance with the La Jolla Community Plan, which plan states:

"The La Jolla Museum of Contemporary Art, the Recreation Center, the Woman's Club, the Bishop's School, Scripps Clinic & Research Foundation, and two large churches are all situated near the intersection of Silverado Street and Prospect Street. It is desirable that such facilities be encouraged to continue their activities in their present location, and that similar facilities whose activities are compatible, be encouraged to locate there in the future.

The Local Coastal Program (LCP) for La Jolla indicates that the proposed use would be compatible with plans for the area. The LCP also encourages use of historic structures for commercial purposes to achieve preservation.

2. The proposed use will comply with all relevant regulations in the Municipal Code. Section 101.0506 of the Municipal Code of San Diego, paragraph A.13., grants the Planning Commission authority, subject to appropriate

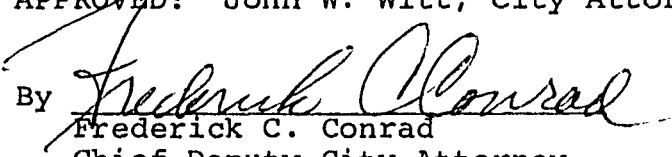
conditions, to approve commercial uses on historical sites by a Conditional Use Permit. This Council believes that appropriate conditions exist in this instance to grant the permit. The proposed project has been approved by the City Historical Site Board. The Engineering and Development Department has indicated that the parking proposed would be adequate.

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

BE IT FURTHER RESOLVED, that this Council hereby denies the appeal of LA JOLLA TOWN COUNCIL, INC., by David M. Ish, Executive Manager, sustains the decision of the Planning Commission, and does hereby grant to "Owner and Permittee," Conditional Use Permit No. 83-0714, 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:632
05/03/84
Or.Dept:Clerk
CUP-83-0714
Form=r.none

CONDITIONAL USE PERMIT
NO. 83-0714
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to KALTENBACH ESTATE, "Owner," and BETTY ALBEE, a limited partnership, "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 Owner and Permittee to operate and maintain a 16-unit bed-and-breakfast inn on an historically designated site located on the east side of Draper Avenue, between Silverado Street and Kline Street, described as Lots 7 and 8, Block 32, La Jolla Park, Map No. 352, in the R-1000 Zone of the La Jolla Community Plan area.

2. The facility shall consist of the following:

a. A bed-and-breakfast inn with 16 bedrooms. Meal service shall be limited to breakfast, served only to resident guests;

b. Existing landscaping as shown on Exhibit "A;"

c. 18 off-street parking spaces with seven on site and eleven off-site; and

d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No permit for occupancy of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

a. The Permittee signs and returns the permit to the

Planning Department;

b. The Conditional Use Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Commission decision or within 30 days of a City Council decision, the permit shall be void.

4. Before issuance of any building permits for interior or exterior remodeling, or for building additions, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 16, 1984, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

5. The grounds, building and structure of the historical site shall be maintained and administered to preserve those elements of the site for which it was designated as an historical site. Maintenance shall include those activities and repairs required to prevent deterioration of the premises.

6. This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Sections 101.0506 and 101.0507 of the San Diego Municipal Code.

7. Operation of the approved uses shall comply at all times with the regulations of this or any other governmental agencies.

8. After establishment of the project, the property shall

not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

9. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

10. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

11. Before the issuance of any building permits, a complete landscape plan and irrigation plan shall be submitted for Planning Director approval. These plans shall be in substantial conformity with Exhibit "A," dated February 16, 1984, and shall include existing plant materials and supplemental landscaping.

12. Arrangements shall be made to provide eleven (11) off-street parking spaces at a site or sites near the subject property, satisfactory to the Planning Director and City Engineer.

13. The Permittee shall notify the Planning Director upon the cancellation of any agreement to provide off-site parking. Planning Commission review is required if an off-site lease is cancelled. Use of the facility shall be consistent with

required parking and any decrease in off-site parking or on-site parking shall be accompanied by a commensurate decrease in the intensity of use.

14. The Planning Commission shall review the parking six months after the commencement of operations and twelve months after the commencement of operations. In addition, the Planning Commission shall also review the parking at any time that notice of cancellation of any off-site parking agreement is received or if the number of off-site parking spaces available for lease is reduced.

15. The off-site parking lease(s) shall be for a minimum of 24 months and shall include a clause that requires the lessor to contact both the lessee and the City Planning Director at least 30 days prior to the cancellation of the lease or to a change in the lease. Additionally, the lessee must contact the Planning Director 30 days prior to cancelling or changing a lease with the lessor.

16. Free valet parking service shall be available and used at the inn 24 hours per day every day of the week.

17. The on-site tandem parking spaces shall be reserved for staff of the inn and not for guests.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON APRIL 24,
1984.

APR 24 1984

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"/>
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.

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

(Seal)

By *Manuel L. Portocarrero*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-260553* APR 24 1984
Number Adopted