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Rys.

(R-85-552)

RESOLUTION NUMBER R- 261586

ADOPTED ON SEP 18 1984

WHEREAS, HOWARD FRANK and JOSEPH MILCHEN, a partnership, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 83-0053.1 to use registered City of San Diego Historic Site No. 169, a two-story, single family residence, for attorneys' offices, with eleven on-site parking spaces, on property situate at the northwest corner of Second Avenue and Redwood Street, described as Lots G & H, Block 360, Horton's Addition, in the R1-5000 Zone of the Uptown Community Plan area; and

WHEREAS, on July 19, 1984, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 83-0053.1 and filed said decision in the office of the City Clerk on August 21, 1984; and

WHEREAS, on July 24, 1984, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, ALVIN J. MCGOWAN and HAROLD HOERSCH appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 21, 1984, continued to September 18, 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 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. 83-0053.1:

1. The proposed use 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 use would preserve an historic site in conformance with the Uptown Community Plan area which recommends that limited commercial-office uses should be granted where necessary to preserve structures of historic and/or architectural significance, and other structures which, due to their scale and appearance, will help maintain the historic character and pedestrian scale of the community in the context of planned growth.


2. The proposed use would comply with all relevant regulations in the Municipal Code.

3. 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 ALVIN J. MCGOWAN and HAROLD HOERSCH, upholds the decision of the Planning Commission, and hereby grants to HOWARD

FRANK and JOSEPH MILCHEN, a partnership, "Owner/Permittee,"  
Conditional Use Permit No. 83-0053.1, 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  
09/27/84  
Or.Dept:Clerk  
CUP 83-0053.1  
R-85-552  
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CONDITIONAL USE PERMIT  
NO. 83-0053.1  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to HOWARD FRANK and JOSEPH MILCHEN, a partnership, "Owner/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/Permittee to utilize an existing historic site for attorneys' offices on premises located on the northwest corner of Second Avenue and Redwood Street, described as Lots G and H, Block 360, Horton's Addition, in the R1-5000 Zone of the Uptown Community Plan area.

2. The facility shall consist of the following:

- a. Seven attorney offices, a secretary's area, and a reception area;
- b. Existing landscaping as shown on Exhibit "A;"
- c. Eleven off-street parking spaces as shown on Exhibit "A;"
- d. Accessory uses as may be determined incidental and approved by the Planning Director;
- e. Maximum of 15 client visits per week shall be permitted;
- f. No more than 10 full-time employees and one part-time employee shall be permitted on-site at any one time.

3. No fewer than 11 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated July 19, 1984, 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. Parking areas and aisles shall conform to Planning Department standards. Parking areas shall be marked. No charge shall be made for the use of these parking spaces. A revised parking plan shall be submitted for the area along the northern property boundary and shall be part of the project.

4. Hours of operation shall be 7:30 a.m. to 6:00 p.m., Monday through Friday, with very occasional use on weekends.

5. 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 Owner/Permittee signs and returns the permit to the Planning Department; and
- 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 ninety (90) days of the Planning Commission decision or within 30 day of a City Council decision, the permit shall be void.

6. Before issuance of any building permits for interior or exterior remodeling, complete plans shall be submitted to the Planning Director for approval. Plans shall be in substantial

conformity to Exhibit "A," dated July 19, 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.

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

8. This Conditional Use Permit must be used within thirty-six (36) 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 Municipal Code. Any such Extension of Time must meet all Municipal Code requirements and applicable guidelines in effect at the time the extension is considered.

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

10. 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.

11. 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.

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

13. Enriched parking surface (brick, stone, grass-crete) shall be used as surfacing for the driveway.

14. No further removal of existing landscaping shall be permitted, with the exception of remnants of the Jacaranda tree and minor, non-significant landscaping.

15. Any further deterioration of the brick retaining wall on the south side of the property shall be prevented.

16. A 24-hour security device shall be installed that is subject to review by the Police Department and approved by the Planning Director.

17. A review of parking and operation of the facility shall be conducted six months following the beginning of operation.

18. Vines shall be planted at the base of the existing fence along the northern property boundary.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON SEPTEMBER 18, 1984.

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AUTHENTICATED BY:

\_\_\_\_\_  
Roger Hedgecock  
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 \_\_\_\_\_, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECK, 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 Owner/Permittee, by execution hereof, agrees to each and every condition of this Conditional Use Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

\_\_\_\_\_  
HOWARD FRANK

\_\_\_\_\_  
JOSEPH MILCHEN

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

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Passed and adopted by the Council of The City of San Diego on SEP 18 1984,  
 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-261586</u>	Adopted <u>SEP 18 1984</u>