

RESOLUTION NUMBER R- 266241

ADOPTED ON JUL 15 1986

WHEREAS, TERESA CLINTON appealed the decision of the Planning Commission in approving Conditional Use Permit No. CUP-86-0209 submitted by BETTE G. KLINGMAN, an individual, "Owner/Permittee," to add a companion unit to a single-family residence, on Lot 7, Block 20, Bellview Heights Unit 6, Map No. 2817, located at the intersection of 58th and Olympic Streets, in the State University Community Plan area, in the R1-5000 Zone; and

WHEREAS, said appeal was set for public hearing on July 15, 1986, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit No. CUP-86-0209.

1. The proposed companion unit will not adversely affect the General Plan or the State University Community Plan and will not be detrimental to the health, safety and general welfare of citizens residing and working in the area. The project will be brought into compliance with the Companion Unit Conditional Use Permit Ordinance by the proposed remodeling. The remodeling will also provide for adequate off-street parking for the project.

2. The proposed use will comply with relevant regulations of the Municipal Code. Section 101.0506.3 grants the Planning Commission authority to approve a companion unit under a Conditional Use Permit in the R1-5000 Zone. The project will conform to setback and floor area regulations of the R1-5000 Zone.

3. The property is in a developed, single-family residential neighborhood and the subject property and all surrounding properties re zoned R1-5000.

4. The proposed remodeling is compatible with the primary unit in architectural style. The proposal incorporates building materials that are compatible with the existing structure.

5. The Engineering and Development Department indicates adequate public facilities and services are available within the neighborhood and in close proximity thereto to serve this unit.

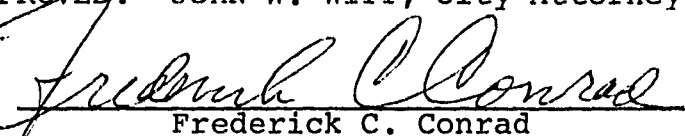
6. This will be the first companion unit authorized in the Mid-City Community and therefore will not cause a total number of companion units within the community plan area to exceed five percent of the detached primary dwelling units located in the R1 Zones in the community plan area.

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 TERESA CLINTON is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-86-0209 is hereby granted to BETTE G. KLINGMAN, 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:cc:640
09/26/87
Or.Dept:Clerk
R-87-176
Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-86-0209

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to Bette G. Klingman, an individual, Owner/Permittee, under the conditions in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to legalize an existing companion unit located at the intersection of 58th Street and Olympic Street (4171 58th Street), described as Lot 7, Block 20, Belleview Heights Unit 6, Map No. 2817, in the R1-5000 Zone.

2. The facility shall consist of the following:

- a. Existing single-family residence and companion unit;
- b. Remodeling in order to bring the project into compliance;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director:

3. No fewer than three off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated July 15, 1986, 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 spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. Only the companion unit designated on Exhibit "A," dated July 15, 1986, may be maintained on this property. No additional companion units will be permitted on this site.

5. Either the primary unit or the companion unit must be occupied by the owner of the property at all times that either unit is available for rental.

6. The companion unit may be regularly occupied by not more than two persons, and at least one occupant must be:

- a. A member of the property owner's family; or
- b. Sixty years of age or older; or

c. Handicapped.

7. Should the property owner reside in the companion unit, occupancy of the primary unit shall be limited to:

- a. Members of the property owner's family; or
- b. A household containing at least one person 60 years of age or older; or a handicapped person.

8. The companion unit may be made available for rent or occupied by the property owner. Neither unit may be sold or conveyed independently.

9. No permit for the remodeling of the 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.

10. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall include the covering or removal of one electric meter. Plans shall be in substantial conformity to Exhibit "A," dated July 15, 1986, 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.

11. The property shall be brought into conformance with the approved permit within ninety days (August 29, 1986). Conformance includes expansion of the garage, establishment of additional on site parking space, removal of lean-to and covering or removal of one electric meter.

12. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

13. This Conditional Use Permit must be used within 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 Section 101.0506 and 101.0507 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

15. 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.

16. 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.

17. 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.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JULY 15, 1986.

01659

R-266241

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198_____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared MAUREEN O'CONNOR, 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 permit and promises to perform each and every obligation of Permittee hereunder.

BETTE G. KLINGMAN

By _____

By _____

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED PER CIVIL
CODE SEC. 1180, et seq.
Form=p.ACK

JUL 15 1986

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Struiksmma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<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 Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

By: *Barbara Baxter*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-266241 Adopted JUL 15 1986