

(R-88-1235)

RESOLUTION NUMBER R-269316

ADOPTED ON SEPTEMBER 22, 1987

WHEREAS, on June 17, 1987, the Board of Zoning Appeals considered the appeal of Ken Stewart, by Neil Moyer, owner; Cobar House, Inc., lessee, Case C-19572, from the denial of their request to operate a residential care facility for a maximum of twelve (12) persons, where use is permitted by conditional use permit only, Lot 16, Block 9, Beverly Subdivision, Map 1129, located at 1140 Beverly Street, in the R1-6000 Zone; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the Zoning Administrator's decision, considered the staff report and the plans and materials submitted prior to and at the public hearing, conducted an inspection of the subject property and heard public testimony presented at the hearing; and

WHEREAS, the Board of Zoning Appeals found that the request could be partially approved, the Board did believe that the request for twelve (12) persons was excessive given the improvements on the property. However, as there was determined to be a need for this type of facility, a capacity of ten (10) persons could be approved. This number of residents could only be approved if the single-family dwelling remained intact. The Board did not believe that the garage conversion should be accomplished or any modification to the structure which would diminish the designation as a single-family house; and

WHEREAS, the proposed use would not adversely affect the neighborhood, the General Plan or the Community Plan, and would not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

WHEREAS, the Board of Zoning Appeals further found the proposed use would comply with all relevant regulations in the Municipal Code; and

WHEREAS, by a vote of three (3) to zero (0), the Board of Zoning Appeals approved the appeal of Ken Stewart by Neil Moyer, owner; Cobar House, Inc., lessee, and overturned the decision of the Zoning Administrator to approve, a maximum of ten (10) persons, subject to the following conditions:

1. A maximum of ten (10) persons shall be living at the facility including the employee.

2. The garage shall not be converted and that it shall be maintained for use by an automobile.

3. The one full bathroom shall be constructed in the facility.

4. The project shall comply with all the requirements of the Building Inspection and Fire Departments and any other governmental agency.

5. The fence shall be modified to comply with the fence ordinance within sixty (60) days.

6. The variance shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder; and

WHEREAS, on September 22, 1987, the City Council considered the appeal of Southeast Development Committee, by Karla Holford, from the decision of the Board of Zoning Appeals; and

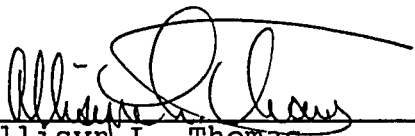
WHEREAS, in arriving at its decision, the City Council reviewed the appellants' testimony and the decision of the Board of Zoning Appeals and heard public testimony on this matter; and

WHEREAS, based on public testimony heard, the City Council found there is a need for this type of facility and that the neighborhood was not opposed to an expansion of the existing operation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, by a vote of six (6) to zero (0), Districts 2 and 5 not present, District 4 vacant, that the appeal of the Southeast Development Committee, by Karla Holford, is hereby denied and the permit shall issue, subject to the conditions set out by the Board of Zoning Appeals.

BE IT FURTHER RESOLVED, that the decision of the City Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:ta:wk
09/22/87
Or.Dept:Clerk
R-88-1235
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SEP 22 1987

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"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Ed Struiksma	<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"/>	
Celia Ballesteros	<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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Ellen Roward*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R 263316* Adopted SEP 22 1987