

RESOLUTION NO. 214120

Conditional Use Permit No. 434-PC

AUG 28 1975

WHEREAS, the DIOCESE OF SAN DIEGO EDUCATION & WELFARE CORPORATION, a California corporation, Owner, and CLM MANAGEMENT, INC., a California corporation, hereafter referred to as "Permittee," filed an application to operate and maintain a residential care facility for the aged, located on the southwest side of Canon Street between Willow Street and Evergreen Street, more particularly described as Lots 14-16, Block A, Cabrillo Terrace, Map No. 1448, in the R-1-5 Zone; and

WHEREAS, on June 18, 1975, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 343, granted said conditional use permit to Permittee and filed the decision in the office of the City Clerk on June 26, 1975; and

WHEREAS, on June 27, 1975, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, LAWRENCE FORMAN and GALE FOX FORMAN, FRANK J. and JANICE D. SARN, WILLIAM K. and BARBARA GRAHAM, and others, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 28, 1975, and testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

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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. 434-PC:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community. The applicant indicates that the property would be utilized as a residential care facility for mature adults and that further, the Point Loma area does not currently have enough facilities of this type of quality. Housing for the elderly should contribute to the fostering of adopted Council Policy 600-19 regarding the providing of balanced housing facilities for all age and income groups.

2. The use under the circumstances of the particular case would not be detrimental to health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements (existing or future) in the vicinity. The subject area is characterized by residential uses and the facility in question is residential in nature. Also, offstreet parking will be provided.

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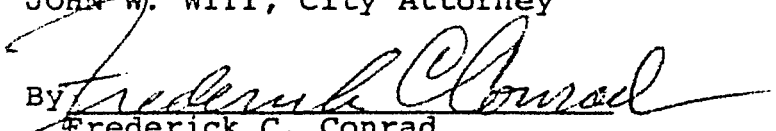
3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such uses. The applicant indicates that the property has been visually inspected by a member of the County Welfare Department and that Department has verbally granted tentative approval for the proper licensing.

4. The granting of this Conditional Use Permit would not adversely affect the master plan of the City, the Peninsula Community Plan or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that by a vote of 8 to 0, the appeal of LAWRENCE FORMAN and GALE FOX FORMAN, FRANK J. and JANICE D. SARN, WILLIAM K. and BARBARA GRAHAM, and others, is hereby denied and this Council does hereby grant to the DIOCESE OF SAN DIEGO EDUCATION & WELFARE CORPORATION, a California corporation, and CLM MANAGEMENT, INC., a California corporation, Conditional Use Permit No. 434-PC, 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

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CONDITIONAL USE PERMIT NO. 434-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to the DIOCESE OF SAN DIEGO EDUCATION & WELFARE CORPORATION, A California corporation, Owner, and CLM MANAGEMENT, INC., a California corporation, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a residential care facility for the aged, located on the southwest side of Canon Street between Willow and Evergreen Streets, described as Lots 14-16, Block A, Cabrillo Terrace, Map No. 1449, in the R-1-5 Zone.

2. The residential care facility for the aged shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. A two-story, 15-unit residential care facility.
- b. Offstreet Parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than six offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated June 18,

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on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Prior to occupancy of the proposed care facility, the applicant shall provide a geological report, including fault study, for the subject property substantiating stability of the site, satisfactory to the City Engineer.

5. Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the City Council on August 28, 1975.

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GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated June 18, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved 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 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 June 18, 1975, 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.

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4. This planned residential development permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by The City of San Diego as set forth in Section 101.0900 of the Municipal Code.

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

6. The effectiveness of this planned residential development 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 planned residential development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this planned residential development permit.

b. This planned residential development permit executed as indicated shall have been recorded in the office of the County Recorder.

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7. 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, or City Council, or both unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.

8. The property included within this planned residential development 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.

9. 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 Permittee or its successors in interest, shall be deemed a material breach hereof and this planned residential development permit may be cancelled or revoked. Cancellation or revocation of this planned residential development permit may be instituted by 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 101.0900. 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 the matter for public hearing before the City Council giving the same notice as provided in Section 101.0900.

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10. This planned residential development 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.

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AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
before me the undersigned, a Notary Public in and for said County  
and State, residing therein, duly commissioned and sworn, person-  
ally appeared PETE WILSON, known to me to be the Mayor, and  
EDWARD NIELSEN, 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 Stamp)

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 planned residential development  
permit and promises to perform each and every obligation of Permittee  
hereunder.

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Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ and \_\_\_\_\_ known to me to be the \_\_\_\_\_ of \_\_\_\_\_

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ and \_\_\_\_\_ known to me to be the \_\_\_\_\_ of \_\_\_\_\_

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

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Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Masteniz*, Deputy.

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Office of the City Clerk, San Diego, California

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