

RESOLUTION NO. **214933**

R.76-1374

Conditional Use Permit No. 441-PC

DEC 23 1975

WHEREAS, ROBERT MAYBERRY, Owner, and CERRO PUEBLO UNITED, a partnership, hereafter referred to as "Permittee," filed an application to construct and operate a 40-unit retirement facility located at the southeast corner of Clairemont Drive and Hartford Street, more particularly described as Lot 15 and portions of Lot 14 and 16-19, Block 115, and Lots 1-6 and 26-28, Block 116, Morena Amended, Map #809, and portions of Gesner Street, Illion Street and alleys vacated, in the R-1-5 zone; and

WHEREAS, on October 28, 1975, the Planning Commission of The City of San Diego made its findings of fact which are set forth in Resolution No. 420, granted said conditional use permit to Permittee and filed the decision in the office of the City Clerk on November 19, 1975; and

WHEREAS, on December 1, 1975, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, the CONCERNED CITIZENS FOR SENSIBLE HOUSING FOR THE ELDERLY, by Melva Ray, appealed the decision of the Planning Commission, and

WHEREAS, said appeal was set for public hearing on December 23, 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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MAY 22 1978

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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. 441-PC:

1. The proposed use, at this location, is necessary and desirable to provide a service or a facility which would contribute to the general well-being of the neighborhood and community. The proposed retirement facility at this location would provide a needed, balanced type of housing for the area as anticipated by adopted Council Policy 600-19.

2. The proposed use, under the circumstances of this particular case, would not be detrimental to the 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 project is designed with one-story buildings, similar to that of surrounding residences. The residential character of the development as well as the landscaping to be provided should serve to blend the project in to this residential area.

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MAY 22 1978

3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such use. Except for parking the design of the facility is consistent with the standards of the R-1-5 zone, and with adjacent development. The proposed density of the project, 40 elderly persons, would be consistent with the number of persons generated by a standard single-family subdivision at 5-10 dwelling units per acre. With regard to parking facilities proposed, the project indicates 16 offstreet spaces, or one parking space for each two and one-half dwelling units. The Traffic Division of the Community Development indicates that this ratio is adequate and consistent with previously approved retirement facilities.

4. The granting of this conditional use permit would not adversely affect the Clairemont Community Plan, the General Plan or the adopted plan of any governmental agency. This is a residential use proposed within an area designated for residential development.

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

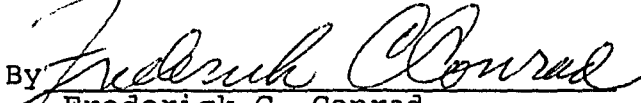
BE IT FURTHER RESOLVED, that by a vote of 7 to 1, the appeal of CONCERNED CITIZENS FOR SENSIBLE HOUSING FOR THE ELDERLY, by Melva Ray, is hereby denied, and

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MAY 22 1978

this Council does hereby grant to ROBERT MAYBERRY and CERRO PUEBLO UNITED, a partnership, Conditional Use Permit No. 441-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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MAY 22 1978

214933

01366

CONDITIONAL USE PERMIT NO. 441-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to ROBERT MAYBERRY, Owner, and CERRO PUEBLO UNITED, a partnership, 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 40-unit retirement facility located at the southeast corner of Clairemont Drive and Hartford Street, described as Lot 15 and portions of Lot 14 and 16-19, Block 115, and Lots 1-6 and 26-28, Block 116, Morena Amended, Map #809, and portions of Gesner Street, Illion Street and alleys vacated, in the R-1-5 zone.

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

- a. 40 retirement units.
- b. Recreation facility.
- c. Offstreet Parking
- d. Incidental accessory uses as may be determined

and approved by the Planning Director.

3. Not less than 16 offstreet parking spaces shall be provided and maintained on the subject property in the

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MAY 22 1978

approximate location shown on Exhibit "A," dated November 4, 1975, on file in the office of the Planning Department. Each parking space shall be 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. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

5. Prior to the issuance of any permit a final subdivision map shall be recorded on the subject property. The subdivision map shall provide for the vacation of Gesner Street, between Illion Street and Clairemont Drive and the vacation of a portion of the alley in Block 116, Morena Tract. The subdivision map shall also provide for an east-west extension of the alley in Block 116 to provide for a connection with Hartford Street, in an alignment satisfactory to the City Engineer. Illion Street shall also be improved to the southerly boundary of the project site satisfactory to the City Engineer.

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MAY 22 1978

6. The 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 December 23, 1975.

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MAY 22 1978

GENERAL CONDITIONS FOR CONDITIONAL USE 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 November 4, 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 November 4, 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.

MICROFILMED

MAY 22 1978

214933

01370

4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego 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 conditional use 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 conditional use 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 conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

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 zone existing for the subject property at the time of conversion.

8. The property included within this conditional use 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 conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use 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 101.0506. 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 101.0506.

10. This conditional use 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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MAY 22 1978

214933

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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, personally 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 Commercial Development Permit and
promises to perform each and every obligation of Permittee hereunder.

CERRO PUEBLO UNITED, a
partnership

By _____

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MAY 22 1978

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

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 _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

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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MAY 22 1978

DEC 23 1975

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<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 type="checkbox"/>	<input checked="" 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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Arthur Martinez*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution
Number

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Adopted

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