

RESOLUTION NO. **217698**

R.77-1588

**FEB 15 1977**

Conditional Use Permit No. 469-PC

WHEREAS, PRUDENT BUENA VISTA PROPERTIES, Owner, hereafter referred to as "Permittee," filed an application to construct and operate for elderly housing an additional 168 apartment units in an existing 318-unit complex (total units = 486) with reduced parking ratio of one space to each four dwelling units, with landscaping, on 11.6 acres in the R-3 Zone, located on the northeast side of Clairemont Drive between Iroquois Avenue and Calle Neil, more particularly described as Lots 1 and 2, Block 1, Clairemont Garden; and

WHEREAS, on December 16, 1976, the Planning Commission of The City of San Diego made its findings of facts, approved said Conditional Use Permit No. 469-PC, and filed said decision in the office of the City Clerk on December 30, 1976; and

WHEREAS, on December 30, 1976, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, the CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Marian Bear, Chairman, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 15, 1977; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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:clh  
3/18/77

All of the following facts exist with respect to  
Conditional Use Permit No. 469-PC:

1. The proposed use at this location is necessary and desirable to provide a service or facility which would contribute to the general well-being of the neighborhood and community.

The applicant indicates that the requested elderly housing facility would meet an existing community need for this type of housing. In regard to the City of San Diego's Balanced Community Policy, housing for the elderly should be located in all areas of the City. Facilities should be available in every neighborhood to provide the option for residents of a neighborhood to remain in an area they enjoy as they come to require special care.

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 basic use of the property, as residential, would remain unchanged and new construction on the site would be within the interior of the property, removed from any adjacent ownerships.

3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such use.

The subject development would meet all requirements of the underlying R-3 Zone for development, except for on-site parking. With regard to parking, the City's Engineering and Development Department indicates that the parking proposed

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on-site would be comparable with parking previously required for similar elderly housing development.


4. The granting of this conditional use permit would not adversely affect the General Plan of the City, the Clairemont Mesa Community Plan or the adopted plan of any governmental agency.

The adopted Clairemont Mesa Community Plan designates the subject property for medium density residential development (15-45 dwelling units per acre). The subject development is compatible with this designation.

BE IT FURTHER RESOLVED, that the appeal of CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Marian Bear, Chairman, is denied, and this Council does hereby grant to PRUDENT BUENA VISTA PROPERTIES, Conditional Use Permit No. 469-PC, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
3/3/77  
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 469-PC  
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to PRUDENT BUENA VISTA PROPERTIES, Owner, 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 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a senior citizens' housing project located on the easterly side of Clairemont Drive, between Iroquois Avenue and Calle Neil, described as Lots 1 and 2, Block 1, Clairemont Garden, Map No. 2947, in the R-3 Zone.

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

- a. Four hundred eighty-six, one and two-bedroom units.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and

approved by the Planning Director.

3. Not less than 124 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated November 18, 1976, 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.

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4. As requested by "Permittee," the following conditions are hereby imposed:

a. That any apartment rented from this day on within the boundaries of this permit will have at least one family member over the age of 55.

b. That there will be no more than two people residing in any one bedroom unit.

c. That there will be no more than three people residing in any two bedroom apartment, and that two of the three will be over 55, and the third person over 35, except that if the third person is a live-in nurse or attendant required for medical reasons.

d. Age 62 shall be the minimum age limit for at least one resident in the 168 additional units.

e. That the above requirements will be made part of the lease agreement executed for all rentals from this date on.

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

Passed and adopted by the Council of The City of San Diego. on February 15, 1977.

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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 December 16, 1976, 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 December 16, 1976, 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. 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

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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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STATE OF CALIFORNIA) ss.  
COUNTY OF SAN DIEGO)

On \_\_\_\_\_, before me, the undersigned, a  
Notary Public in and for said State, personally appeared  
\_\_\_\_\_, known to me to be one 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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Passed and adopted by the Council of The City of San Diego on FEB 15 1977,  
 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<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 *Heather Martinez* Deputy.

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 1977 MAR 11 PM 2:28  
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Office of the City Clerk, San Diego, California

Resolution Number 217698 Adopted FEB 15 1977

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