

RESOLUTION NO. 219504

R.78-1472

OCT 18 1977

Conditional Use Permit No. 487-PC

WHEREAS, ALICE M. ZEMKE, Owner, and GEORGE T. SZABO, hereafter referred to as "Permittee," filed an application to construct and operate a 24-unit senior citizens' housing project in the R-1-5 Zone. The property is located on the north side of Clairemont Mesa Boulevard between Longford Street and Diane Avenue, more particularly described as a portion of the West 1/2 of the Northwest 1/4 of Pueblo Lot 1234; and

WHEREAS, on July 28, 1977, the Planning Commission of The City of San Diego made its findings of facts, approved said Conditional Use Permit No. 487-PC, and filed said decision in the office of the City Clerk on August 4, 1977; and

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

WHEREAS, said appeal was set for public hearing on October 18, 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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All of the following facts exist with respect to
Conditional Use Permit No. 487-PC:

1. The proposed use at this location would be necessary and desirable to provide a facility contributing to the general well-being of the neighborhood and community.

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 the residents of the neighborhood to remain in an area they enjoy as they come to require special care. A need has been demonstrated for elderly housing units in the area.

2. The subject use, under the circumstances of this particular case, would not be detrimental to the health, safety or general welfare of persons living or working in the area or injurious to property or improvements either existing or future in the vicinity.

The subject elderly housing development and its resident density would be compatible with residential and institutional uses in the vicinity.

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

The subject elderly housing development would meet all design and development regulations specified in the Code. Alley and sidewalk improvements will be required in connection with a map to establish a legal lot.

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4. The granting of this conditional use permit would not adversely affect the Clairemont Mesa Community Plan or the General Plan of the City.

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

BE IT FURTHER RESOLVED, that the appeal of the CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Marian R. Bear, Chairman, is denied, and this Council does hereby grant to ALICE M. ZEMKE and GEORGE T. SZABO Conditional Use Permit No. 487-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 Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
2/2/78
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 487-PC
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to ALICE M. ZEMKE, Owner, and GEORGE T. SZABO, 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 24-unit senior citizens' housing project located on the north side of Clairemont Mesa Boulevard, between Longford Street and Diane Avenue, described as a portion of the west half of the northwest quarter of Pueblo Lot 1234 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36, in the R-1-5 Zone.

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

- a. Twenty-four, one-bedroom senior citizen apartments.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than eight offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated July 28, 1977, 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 use of these offstreet parking spaces.

4. Prior to the issuance of any permits, a map shall be recorded on the property providing for public improvements required by the City Engineer.

5. Elevations of roof lines shall be approved by the Planning Director.

6. One member of each household shall be at least 62 years of age.

7. The use of Clairemont Mesa Boulevard for access shall be limited to two years from date of issuance of building permit, at which time the access way shall be closed and landscaped.

8. The permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereto.

Passed and adopted by the Council of The City of San Diego on October 18, 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 July 18, 1977, 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 July 18, 1977, 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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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 conditional use permit and promises to perform each and every obligation of Permittee hereunder.

ALICE M. ZEMKE

GEORGE T. SZABO

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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 person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that _____
executed the within instrument.

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 the following vote:

OCT 18 1977

Councilmen	Yeas	Nays	Excused	Absent
G. Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Margen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Harbart	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon E. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erva L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Kathleen Masterson* Deputy.

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Office of the City Clerk, San Diego, California		
Resolution Number	219504	Adopted OCT 18 1977

CC 1276 (REV. 8-77)

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