

FEB 8 1978

RESOLUTION NO. 220263

R.78-1619

Conditional Use Permit No. 493-PC

WHEREAS, LONE STAR INVESTMENTS, a limited partnership, Owner, hereafter referred to as "Permittee," filed an application to construct and operate a senior citizen housing project of 118 double units (1 and 2 bedroom) with a recreation building and other amenities on 2.7 acres in the CN Zone, located on the east side of Fordham Street between Midway Drive and Kenyon Street, more particularly described as Lots 1 and 2, Sero Park; and

WHEREAS, on November 3, 1977, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 493-PC, and filed said decision in the office of the City Clerk on January 3, 1978; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, ARDETTA STEINER appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 7, 1978, continued to February 8, 1978; 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. 493-PC:

1. That 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 proposed project will provide 108 living units for senior citizens in a neighborhood area that has nearby public transportation, shopping, an adult educational facility, medical offices, restaurants, entertainment centers, and other facilities. The need for providing housing for the elderly has long been recognized as a goal of The City of San Diego.

2. That such use under the circumstances of the particular case will not be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity or injurious to property or improvements (existing or future) in the vicinity.

All building will be constructed with the following criteria:

- a. Insulation will be applied in all walls and ceilings, as well as roofs.
- b. Doors and windows will be weatherstripped.
- c. Air conditioning will be supplied to all units.

The building design will be compatible with other structures in the neighborhood.

3. That the proposed use will comply with the regulations and conditions specified in the Municipal Code for such use. The proposed project meets all zoning requirements and other Municipal Code requirements.

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220263


00733

4. That the granting of this conditional use will not adversely affect the Master Plan of the City and the adopted plan of any governmental agency.

This project has been planned to fill a serious need for housing for Senior Citizens, as indicated in several City reports. Our efforts above should resolve all objections. Each rental agreement will have a revelation that the property lies under the flight pattern for Lindbergh Field with noise levels that may have an adverse effect upon the health, safety, and welfare of residents.

BE IT FURTHER RESOLVED, that the appeal of ARDETTA STEINER is denied, and this Council does hereby grant to LONE STAR INVESTMENTS Conditional Use Permit No. 493-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
3/2/78
Or.Dept.:Clerk

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220263

00731

CONDITIONAL USE PERMIT NO. 493-PC
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to LONE STAR INVESTMENTS, a limited partnership, 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 108-unit senior citizens' facility located on the east side of Fordham Street between Midway Drive and Kenyon Street, described as Lots 1 and 2 of Sero Park, Map No. 4333, in the CN Zone.

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

- a. 108 residential units.
- b. A recreation room and office building.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 56 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated November 3, 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

00735
220263

Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. A specific landscape plan shall be approved by the Planning Director prior to the issuance of building permits.

5. A soils or liquification investigation of the site shall be performed satisfactory to Environmental Quality Division, and the recommendations of these investigations shall be included within the building specifications and land development plans.

6. The minimum age of residents of the proposed project shall be 62 years of age. This shall not preclude the employment of managers for the proposed facility.

7. The residential structures shall be constructed in the following manner so as to bring interior noise levels below 45 DBL in compliance with state law;

a. Insulation to be applied in all walls and ceilings, as well as roofs.

b. Doors and windows shall be weatherstripped.

c. Air conditioning shall be supplied to all units.

8. The recreation building shall be constructed in the same manner required in Condition No. 7 above for residential structures.

9. The statement:

"Persons who are sensitive to noise should be warned that frequent passage of commercial aircraft in this area produces an outside noise level which some persons will find excessive."

shall be included in the rental agreement.

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00736
220263

10. 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 8, 1978.

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00737

220263

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 3, 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 November 3, 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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00738
220263

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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00739
220263

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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FEB 8 1978

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

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Neerth, Deputy.

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Office of the City Clerk, San Diego, California

Resolution Number 220263 Adopted FEB 8 1978