

RESOLUTION NO. 221385

R.79-289

Conditional Use Permit No. 529-PC

JUL 11 1978

WHEREAS, CALIFORNIA FIRST BANK, Executor of HERBERT B. WUSSAW ESTATE and JEANNE W. CLAUSEN, Co-owners, and TRADE LIMITED, a general partnership, both hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 529-PC to convert an existing building to a senior-citizen housing facility with parking and landscaping on a 22,500 square foot parcel in the CN Zone, located on the east side of Third Avenue, between Hawthorn Street and Ivy Street, more particularly described as Lots A through D, and a portion of Lot E, Block 246, Horton's Addition, Lockling; and

WHEREAS, on May 4, 1978, the Planning Commission of The City of San Diego made its finding of facts, denied said Conditional Use Permit No. 529-PC, and filed said decision in the office of the City Clerk on May 9, 1978; and

WHEREAS, on May 19, 1978, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, CALIFORNIA FIRST BANK appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 20, 1978, continued to July 11, 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 hearing; NOW, THEREFORE,

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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. 529-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 since it will provide moderately priced senior housing in an area where there is great need for such housing.

2. That such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. The proposed residential use is entirely consistent with the existing use of surrounding properties, which is entirely residential. Construction techniques will minimize airport noise impact within this residential use.

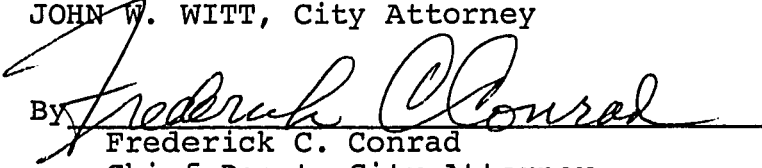
3. That the proposed use will comply with the regulations and conditions specified in the Municipal Code for such use. All provisions of the Code are complied with. A variance from the off-street parking requirement is required, but the limited size and scope to the proposed project reduces the severity of this impact to a low-level significance.

4. That the granting of this conditional use will not adversely affect the Master Plan of the City or the adopted plan of any governmental agency. Residential use of this property is the only use which would be consistent with

the General Plan. Use of the property for senior housing contributes to implementation of the goals of the housing element to provide such housing at moderate cost in all parts of the City of San Diego.

BE IT FURTHER RESOLVED, that the appeal of CALIFORNIA FIRST BANK is granted, and this Council does hereby grant to CALIFORNIA FIRST BANK, Executor of Herbert B. Wussaw Estate and Jeanne W. Clausen, Co-owners, and TRADE LIMITED, a general partnership, Conditional Use Permit No. 529-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

FCC:clh
8/11/78
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 529-PC
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to CALIFORNIA FIRST BANK, Executor of HERBERT B. WUSSAW ESTATE and JEANNE W. CLAUSEN, Co-owners, and TRADE LIMITED, a general partnership, both hereafter referred to as "Permittee," for the purposes and under the terms and 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 convert and operate a senior-citizen housing facility located on the east side of 3rd Avenue between Ivy Street and Hawthorn Street, described as Lots A-D, and the north half of Lot E, Block 246 Horton's Addition, in the CN Zone.

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

- a. 40 one- and two-bedroom units for elderly housing.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Residents of the project shall be limited to those individuals over 62 years in age.

4. All interior areas shall be sound insulated to mitigate noise levels to 45 db CNEL.

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5. An outside noise level warning is to be included in the lease.

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

Adopted by the Council of The City of San Diego on July 11, 1978.

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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 May 4, 1978, 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 May 4, 1978, 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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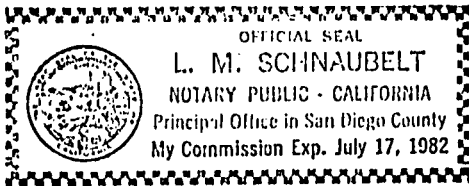
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Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this 26th day of February, 1979, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ray Hadley, 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)



L. M. Schnaubelt
Notary Public in and for the County
of San Diego, State of California

Acknowledgment

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO) ss

On this 8th day of March, 1979, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ronald H. Kendrick, known to me to be the Vice President, and M. Lee Hosman, known to me to be the Trust officer of California First Bank, the corporation, that executed, as trustee, 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, as trustee, executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)



Konnie L. Horton
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 JUL 11 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Betty Luedberg, Deputy.

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 CITY CLERK'S OFFICE
 1978 AUG 16 AM 11:46
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 221385 Adopted JUL 11 1978

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