

RESOLUTION NO. 222237

R.79-1414

Conditional Use Permit No. 551-PC

NOV 14 1978

WHEREAS, THE CITY OF SAN DIEGO, a municipal corporation, Owner, and RIO SUR DEVELOPMENT COMPANY, a general partnership, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 551-PC to construct and operate an elderly housing project of 88 dwelling units (2-story) consisting of a total of 45,000 square feet of floor space with recreation and laundry buildings, parking and landscaping on a 1.8 acre site in the R-1-5 Zone. The property is located on the north side of Beadnell Way between Abernathy Avenue and an alley, and is more particularly described as a portion of Pueblo Lot 1231 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36; and

WHEREAS, on September 21, 1978, the Planning Commission of The City of San Diego made its finding of facts, approved said Conditional Use Permit No. 551-PC, and filed said decision in the office of the City Clerk on October 5, 1978; and

WHEREAS, on October 2, 1978, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, LEE S. BOWMAN appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 14, 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. 551-PC:

1. The use at this location would provide a desirable service or facility which would contribute to the general well-being of the neighborhood and community. The applicant indicates the senior citizen housing would be in an area that has nearby shopping, medical facilities, public transportation, recreation facilities, a library and other commercial development. In addition, the project would foster balanced community development which is consistent with the adopted Council Policy 600-19, which encourages all types of housing within the various communities of the City.

2. The use would not be detrimental to the health, safety, or general welfare of persons living in the area or injurious to property or improvements existing or future in the vicinity. The project would be of similar type of use, construction and height as the adjacent apartment development.

3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such use. The development would be consistent with the adopted Clairemont Mesa Community Plan recommended density. On-site parking would be consistent with the recommendations of the Transportation Division of the Engineering Development Department.

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

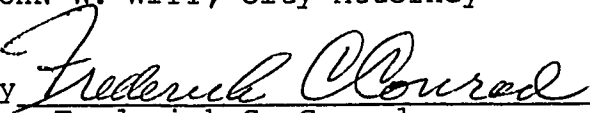
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plan of any governmental agency. The proposed use of the subject property would be consistent with the Clairemont Mesa Community Plan which designates the subject property for medium density residential use.

BE IT FURTHER RESOLVED, that the appeal of LEE S. BOWMAN is denied, and this Council does hereby grant to THE CITY OF SAN DIEGO and RIO SUR DEVELOPMENT COMPANY, Conditional Use Permit No. 551-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the traffic problem in connection with Conditional Use Permit No. 551-PC be referred to the Transportation and Land Use Committee for discussion and solution.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
1/29/79
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 551-PC
CITY COUNCIL

This conditional use permit is granted by the City Council of The City of San Diego to THE CITY OF SAN DIEGO, a municipal corporation, Owner, and RIO SUR DEVELOPMENT COMPANY, a general partnership, 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 "Owner/Permittee" to construct and operate an 88-unit elderly housing project located at the north side of Beadnell Way between Abernathy Avenue and an alley described as Portion Pueblo Lot 1231 of the Pueblo Lands of The City of San Diego, Miscellaneous Map No. 36, in the R-1-5 Zone.

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

- a. 88 units for elderly housing, including one unit for a project manager.
- b. Laundry and clubhouse building.
- c. Off-street parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 31 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated September 21, 1978, 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 off-street parking spaces.

4. Except for the manager's and assistant manager's units, one occupant of each unit shall be at least 62 years of age and the second occupant of the same unit shall be at least 55 years of age.

5. All fences shall maintain R-1-5 Zone setbacks.

6. The fence adjacent to Mt. Abernathy shall be set back 10 feet.

7. A sidewalk shall be constructed adjacent to Beadnell Way, consistent with City standards.

8. The Permittee will donate \$100 for park fees. Additional park fees will be required to be paid at the time building permits are issued, in accordance with the Municipal Code.

9. 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 NOVEMBER 14, 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 September 21, 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 September 21, 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.

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 CHARLES G. ABDELNOUR, 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.

RIO SUR DEVELOPMENT COMPANY, a general
partnership

By _____ MICROFILMED:

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 _____, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Betty Gooding, Deputy.

(Seal)

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CITY CLERK'S OFFICE
1979 FEB -8 PM 4: 56
SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Resolution Number 222237 Adopted NOV 14 1978