

RESOLUTION NO. 222567

R.79-1634
(Revised)

Conditional Use Permit No. 527-PC

JAN 9 1979

WHEREAS, GARY J. EMBLEM, an individual, Owner, and HOME AWAY FROM HOME, INC., a California corporation, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 527-PC to construct and operate a residential-care facility for 45 emotionally disabled adults, located on the north side of C Street between 25th Street and 26th Street in the R-4 Zone. The property is more particularly described as Lots 39 through 42, W. J. Prout's Resubdivision of Block 28, H. W. Higgins Addition, Map No. 838; and

WHEREAS, on March 23, 1978, the Planning Commission of The City of San Diego made its findings of facts, granted said Conditional Use Permit No. 527-PC, and filed said decision in the office of the City Clerk on November 27, 1978; and

WHEREAS, on November 16, 1978, the Planning Commission of The City of San Diego reconsidered the granting of Conditional Use Permit No. 527-PC, made its findings of facts, revoked said Conditional Use Permit No. 527-PC, and filed said decision in the office of the City Clerk of December 6, 1978; and

WHEREAS, on November 22, 1978, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, WARREN SEINSOTH appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 2, 1979, continued to January 9, 1979, and testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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CORRECTED COPY

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

The following additional restrictions be imposed on
Conditional Use Permit No. 527-PC:

1. The maximum number of adult residents shall be 39 persons.
2. There shall be one staff person on duty in each building on a 24-hour basis.
3. There shall be no outside public address system utilized at any time.
4. This permit shall expire on July 1, 1980.
5. The facility shall be operated and the residents shall be provided sufficient supervision to insure that the facility shall at no time constitute a disruptive influence in the neighborhood and shall not interfere with reasonable expectations of peace and tranquility of the neighbors.
6. The Permittee shall send to all residents on the block a letter giving a telephone number and the name of the responsible person in charge of the facility on a 24-hour basis.
7. No persons other than residents of the facility and staff shall be allowed to remain on the premises overnight, and no meals nor other services of any kind shall be provided to any person other than a staff member or resident of the facility.

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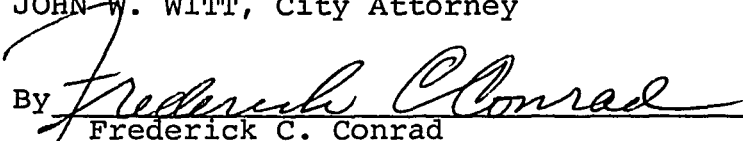
8. There shall be no dogs on the premises at any time.

9. The Permittee shall submit a report within 75 days outlining all steps taken to implement the conditions of the permit as amended. The Planning Department shall report to the City Council in 90 days.

BE IT FURTHER RESOLVED, that the hearing on Conditional Use Permit No. 527-PC be continued to April 10, 1979, for further review.

APPROVED: JOHN W. WITT, City Attorney

BY


Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
2/23/79
Rev. 4/6/79
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 527-PC

CITY COUNCIL

This Conditional Use Permit is granted by the Council of the City of San Diego to GARY J. EMBLEM, an individual, "Owner," and HOME AWAY FROM HOME, INC., a California corporation, 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 Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a residential care facility for 39 emotionally disabled adults located on the north side of "C" Street between 25th Street and 26th Street, described as Lots 39-42 of W. J. Prout's Resubdivision of Block 28 of H. W. Higgin's Addition Map No. 838, in the R-4 Zone.

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

- a. Housing for 39 adults in two existing structures.
- b. A recreation building and office storage building.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than four offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated March 23, 1978, on file in the office of the Planning Department. Each parking space

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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.

4. No outside activities shall be allowed between the hours of 9:00 p.m. and 8:00 a.m.

5. No yard areas shall be lighted between the hours of 9:00 p.m. and 8:00 a.m., and all lights shall be shielded so as not to affect adjacent property owners.

6. This permit shall be reviewed by the City Council three months and six months from the date of approval.

7. Residents of the facility shall not be permitted to have automobiles.

8. A live band shall be permitted once each month to terminate no later than 9:00 p.m.

9. There shall be one staff person on duty in each building on a 24-hour basis.

10. There shall be no outside public address system utilized at any time.

11. This permit shall expire on July 1, 1980.

12. The facility shall be operated and the residents shall be provided sufficient supervision to insure that the facility shall at no time constitute a disruptive influence in the neighborhood and shall not interfere with reasonable expectations of peace and tranquility of the neighbors.

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13. The Permittee shall send to all residents on the block a letter giving a telephone number and the name of the responsible person in charge of the facility on a 24-hour basis.

14. No persons other than residents of the facility and staff shall be allowed to remain on the premises overnight, and no meals nor other services of any kind shall be provided to any person other than a staff member or resident of the facility.

15. There shall be no dogs on the premises at any time.

16. The Permittee shall submit a report within 75 days outlining all steps taken to implement the conditions of the permit as amended. The Planning Department shall report to the City Council in 90 days.

17. 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 JANUARY 9, 1979.

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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 March 23, 1979, 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 March 23, 1979, 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 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.

HOME AWAY FROM HOME, INC., a
California corporation (SEAL)

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By _____

GARY J. EMBLEM

By _____

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

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 whose name is 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

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____ known to me to be the _____ and _____ known to me to be the _____ of _____

_____ the corporation that executed 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 executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

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 JAN 9 1979,
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Ellen Bovard, Deputy.

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Office of the City Clerk, San Diego, California	
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Adopted	JAN 9 1979