

RESOLUTION NO. 223958 (R.80-1624)

Conditional Use Permit No. 532-PC/Amendment No.1

JUL 10 1979

WHEREAS, ALABAMA STREET INVESTMENTS, a limited partnership, Owner, hereafter referred to as "Permittee", filed an application under Conditional Use Permit No. 532-PC/Amendment No. 1, to amend conditions of the permit to allow a 163 dwelling unit senior citizen housing facility in a 1.52 acre site in the R-3A Zone. The property is located on the west side of Alabama Street between University Avenue and Robinson Avenue and is more particularly described as Lots 30 through 41, and a portion of Lot 42, Block 257, University Heights, D'Hemecourt Map Amended; and

WHEREAS, on May 17, 1979, the Planning Commission of The City of San Diego made its findings of fact, granted said Conditional Use Permit No. 532-PC/Amendment No. 1 and filed said decision in the office of the City Clerk on June 7, 1979; and

WHEREAS, on May 29, 1979, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, JUNE B. STEITZ, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on July 10, 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; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0506

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to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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. 532-PC/Amendment No. 1:

1. The proposed housing development at this location would provide a facility contributing to the general well-being of the neighborhood and community.

2. The proposed use, under the amended plan, which would provide 43 parking spaces and a twice-a-day shuttle-bus service, would not be detrimental to the health, safety and general welfare of persons living in the area and would not be injurious to property or improvements in the vicinity.

3. The proposed use, based on the modified plan with additional parking, would comply with all regulations and conditions specified in the Municipal Code for such use.

4. The granting of this permit would not adversely affect the General Plan of the City nor the adopted Park Northeast Community Plan.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

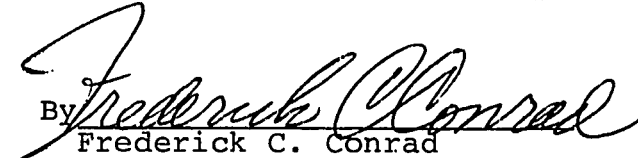
BE IT FURTHER RESOLVED, that the appeal of JUNE B. STEITZ is denied, and this Council does hereby grant to ALABAMA STREET

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INVESTMENTS, a limited partnership, Owner and Permittee,
Conditional Use Permit No. 532-PC/Amendment No. 1, 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:ps
3/17/80
Or.Dept. Clerk

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CONDITIONAL USE PERMIT NO. 532-PC/AMENDMENT NO. 1
CITY COUNCIL

This Conditional Use Permit Amendment is granted by the City Council of The City of San Diego to ALABAMA STREET INVESTMENTS, a limited partnership, Owner, 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 construct and operate a 163-unit, senior-citizen housing project located on the west side of Alabama Street, between University and Robinson Avenues, described as Lots 30-41 and a portion of Lot 42, Block 257 of University Heights, D'Hemecourt Map Amended, in the R-3A Zone.

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

- a. Five 3-story and 4-story structures containing 3 studio condominium units, 149 one-bedroom condominium units and 11 two-bedroom condominium units.
- b. A 14-square-foot, wooden identification sign.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 57 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated May 17, 1979,

on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space 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. At least one occupant of each dwelling unit shall be 62 years of age or older. A deed restriction shall be placed upon the property designating the minimum age.

5. Permittee shall provide twice-daily mini-bus shuttle service to community facilities.

6. Offstreet parking shall be reviewed six months from date of occupancy and at six-month intervals for a period of two years after date of occupancy.

7. A sales office shall be permitted for initial sales only; there shall be no resale office located within the complex.

8. A violation of any condition to this permit shall not be deemed a basis for revocation if, within 90 days of a determination of a violation pursuant to the provisions for hearing set forth above, a successor in interest to Permittee, including (but not by way of limitation) any homeowners association for the project subject to this permit (i) shall have commenced a legal proceeding for enforcement of such

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provision of the declaration of conditions, covenants, and restrictions incident thereto within 90 days of notice of such determination and (ii) shall prosecute such action in good faith until a final decision has been entered, or the violation cured.

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 JULY 10, 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 May 17, 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 May 17, 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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Passed and adopted by the Council of The City of San Diego on JUL 10 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Lucy Killea	<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.

By Barbara Berridge, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Resolution Number	<u>223958</u> Adopted <u>JUL 10 1979</u>

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