

RESOLUTION No. R- 250080 (R-80-265 )

Adopted on AUG 2 1979

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

That the City Manager is hereby authorized and empowered to execute, for and on behalf of The City of San Diego, Planned Commercial Development Permit No. 52 AM. #1 with SAN DIEGO KIND CORPORATION, as Permittee, for the purpose of constructing and operating a low-income elderly housing project located on the north side of Broadway, between 9th and 10th Avenues, more particularly described as Lots A - L, Block 31, Horton's Addition, under the terms and conditions of that Planned Commercial Development Permit No. 52 AM. #1 on file in the office of the City Clerk as Document No. RR-250080.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug, Deputy

HOV:dm  
8/9/79  
Or.Dept.:Hsg. Auth./Comm.

00320

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 52 AM. #1  
PLANNING COMMISSION

This Planned Commercial Development is granted by the Planning Commission of The City of San Diego to THE CITY OF SAN DIEGO, a municipal corporation, "Owner," and SAN DIEGO KIND CORPORATION, a California corporation, "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Commercial Development located on the north side of Broadway, between 9th and 10th Avenues, more particularly described as Lots A-L, Block 31, Horton's Addition, L.L. Lockling, in the CBD Zone.
2. The Planned Commercial Development shall include and the term "Project" as used in the Planned Commercial Development shall mean the total of the following facilities:
  - a. 156 senior-citizen apartments.
  - b. A senior-citizen center.
  - c. Commercial uses.
  - d. Off-street parking.
  - e. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Not less than 28 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated July 12, 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. Landscape plan and color palette shall be approved by the Planning Commission prior to the issuance of any building permits.
5. At least one resident of each living unit shall be 62 years of age or older, with the exception of the manager's quarters.
6. The Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission of The City of San Diego on July 12, 1979.

00321

DOCUMENT NO. RR 250080  
FILED AUG 2 1979  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

## GENERAL CONDITIONS FOR PLANNED COMMERCIAL DEVELOPMENT 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 July 12, 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 July 12, 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.
4. This Planned Commercial Development Permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the 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. This Planned Commercial Development Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0910 of the Municipal Code of The City of San Diego.
7. The effectiveness of this Planned Commercial Development 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 Planned Commercial Development Permit signed within 90 days of the Commission'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 Planning Commission granted this Planned Commercial Development Permit.
  - b. This Planned Commercial Development Permit executed as indicated shall have been recorded in the office of the County Recorder.
8. 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, unless the proposed use meets every requirement of zone existing for the

subject property at the time of conversion.

9. The property included within this Planned Commercial Development 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.

10. 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 the Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be canceled or revoked. Cancellation or revocation of this permit may be instituted by the 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 101.0910. 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 101.0910.

11. This Planned Commercial Development 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.

AUTHENTICATED BY:

*James M. Herrick*

James M. Herrick, Senior Planner  
Planning Department

*Charlotte L. Hunter*

Charlotte L. Hunter, Secretary of the  
Planning Commission

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

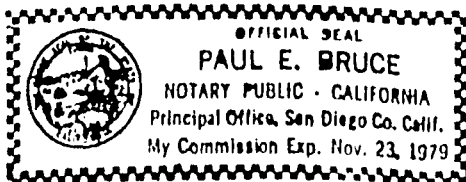
On this 24<sup>TH</sup> day of JULY, 1979, before me, the under-  
signed, a Notary Public in and for said County and State, personally appeared  
JAMES M. HERRICK, known to me to be Senior Planner of The City of  
San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the  
Secretary of the Planning Commission of The City of San Diego and known to me to  
be the persons whose names are subscribed to the within instrument and acknowledged  
that they 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.

*Paul E. Bruce*

Notary Public in and for the County of  
San Diego, State of California

NOTARY STAMP



R- 250080

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

THE CITY OF SAN DIEGO  
A municipal corporation, "Owner"

By \_\_\_\_\_  
Authorized Signator

SAN DIEGO KIND CORP.  
A California corporation, "Permittee"

By \_\_\_\_\_  
Authorized Signator

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

(Corporation)

WITNESS my hand and official seal.

Signature \_\_\_\_\_

NOTARY SEAL

\_\_\_\_\_  
Name (Typed or Printed)

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

(Corporation)

WITNESS my hand and official seal.

Signature \_\_\_\_\_

NOTARY SEAL

\_\_\_\_\_  
Name (Typed or Printed)

R - 250080

Passed and adopted by the Council of The City of San Diego on AUG 20 1977,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>R- 250080</u> Adopted <u>AUG 20 1977</u>