

RESOLUTION NO. R-253819

(R.81-2030)

Conditional Use Permit No. 10-619-0

MAR 17 1981

WHEREAS, SAN DIEGO INTERFAITH HOUSING FOUNDATION, a California corporation, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 10-619-0 to construct and operate an 88-unit senior citizen housing project with parking and landscaping on 2.26 acres in the R-1-5 Zone. The subject property is located on the west side of 53rd Street between Quince and Redwood Streets, in the Mid-City Development Plan area and is more particularly described as a portion of the Northwest 1/4 of Section 34, Township 16 South, Range 2 West, S.B.B.M.; and

WHEREAS, on February 19, 1981, the Planning Commission of The City of San Diego made its findings of facts, denied said conditional use permit, and filed the decision in the office of the City Clerk on March 6, 1981; and

WHEREAS, on February 20, 1981, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, SAN DIEGO INTERFAITH HOUSING FOUNDATION, by Lynn Skinner, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 17, 1981; 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; and

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WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0506 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. 10-619-0:

1. The proposed use would not adversely affect the neighborhood, the General Plan and the community plan, and would not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The Senior Citizen Housing project would contribute to the general welfare by providing a specialized form of housing for elderly who may wish to live in the area. Because of the conditions imposed, the project will not adversely affect the neighborhood, community plan or the General Plan.

2. The proposed use will not comply with all the relevant regulations in the Municipal Code.


Section 101.0506 of the Municipal Code of San Diego paragraph A 14 grants the Planning Commission authority to approve housing for the elderly in any residential or commercial zone by a Conditional Use Permit, subject to appropriate conditions of approval.

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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 SAN DIEGO INTERFAITH HOUSING FOUNDATION, by Lynn Skinner, is granted, and this Council does hereby grant to SAN DIEGO INTERFAITH HOUSING FOUNDATION, a California corporation, Owner and Permittee, Conditional Use Permit No. 10-619-0, 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
5/1/81
Or.Dept. Clerk
CUP-10-619-0

RECEIVED

Passed and adopted by the Council of The City of San Diego on MAR 17 1981
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 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 Margaret I. Pontecorvo, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-253819 Adopted MAR 17 1981

CONDITIONAL USE PERMIT NO. 10-619-0
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to SAN DIEGO INTERFAITH HOUSING FOUNDATION, a California corporation, Owner, 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 Permittee to construct and operate a senior citizen housing project located west of 53rd Street between Quince and Redwood Streets described as a portion of the Northwest 1/4 of Section 34, Township 16 South, Range 2 West, S.B.B.M. of Rancho Ex-Mission of San Diego, in the R-1-5 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. 88 units of senior citizen housing in seven 2-story buildings.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 29 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated February 19, 1981, 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 two inch 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 off-street parking spaces.

4. The maximum building height of any structure shall not exceed 23 feet.

5. At least one occupant of each unit shall be at least 62 years of age.

6. A solid 3-foot-high fence in the front yard setback area and a 6-foot-high fence along the sides and rear of the project shall be constructed and maintained.

7. Prior to the issuance of any building permit, a final landscape/irrigation plan shall be submitted for Planning Director approval.

8. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO
MARCH 17, 1981.

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 February 19, 1981, 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 February 19, 1981, 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

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.

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.

SAN DIEGO INTERFAITH HOUSING FOUNDATION,
a California corporation (SEAL)

By _____

By _____

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED - PER
CIVIL CODE, SEC. 1180 et seq.