

(R-82-1310)

REV.

RESOLUTION NUMBER R- 255740

Adopted on JAN 26 1982

CONDITIONAL USE PERMIT NO. 10-532-2

WHEREAS, ALABAMA STREET VENTURE, a limited partnership, Owner, hereafter referred to as "Permittee," filed an application for an amendment to Conditional Use Permit No. 10-532-2, to amend the condition regarding the age of residents from 62 to 55 for 32 units of a 164-unit senior housing project. The subject property is located on the west side of Alabama Street between Robinson and University Avenues, in the R-3A Zone, within the boundaries of the Park North-East Community Plan and is more particularly described as Lots 30 through 41 and a portion of Lot 42, Block 257, University Heights; and

WHEREAS, on December 17, 1981, the Planning Commission of The City of San Diego made its findings of fact, approved said amendment to Conditional Use Permit No. 10-532-2, and filed said decision in the office of the City Clerk on January 8, 1982; and

WHEREAS, on December 24, 1981, pursuant to the provisions of Section 101.0507 of the San Diego Municipal Code, B. H. BINGHAM, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 26, 1982, 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 101.0507, 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. 10-532-2:

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

2. The proposed use will 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 City Council authority under appropriate conditions to approve housing for the elderly in any residential or commercial zone. Appropriate conditions can be maintained in this case.

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

BE IT FURTHER RESOLVED, that this Council does hereby deny the appeal of B. H. BINGHAM, sustains the decision of the Planning Commission, and does hereby grant to ALABAMA STREET VENTURE, a limited partnership, Owner and Permittee, the amendment to Conditional Use Permit No. 10-532-2, with the condition that 15 units, designated by ALABAMA STREET VENTURE, may be conveyed for occupancy by a person or persons no less than 55 years of age or handicapped, as such term is defined in

00554

California Health and Safety Code, Section 50072, 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
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
3/16/82
Or.Dept:Clerk
R-82-1310
Form=r.-t

CONDITIONAL USE PERMIT NO. 10-532-2
CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to ALABAMA STREET VENTURE, a limited partnership, 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 San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 164-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 three-story and four-story structures, containing three studio condominium units, 150 one-bedroom condominium units and eleven two-bedroom condominium units;

b. A 14-square foot, wooden identification sign;

c. Off-street parking;

d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 57 off-street 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 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. At least one occupant of 149 of the dwelling units shall be 62 years of age or older. A deed restriction shall be placed upon the property designating the minimum ages. Fifteen (15) units, designated by ALABAMA STREET VENTURE, a limited partnership, may be conveyed for occupancy by a person or persons no less than 55 years of age or handicapped, as such term is defined in California Health and Safety Code, Section 50072.

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

6. Off-street 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. No permit of occupancy of any units proposed for the reduced age limit shall be granted until

a. The Permittee signs and returns the permit to the

Planning Department;

b. The conditional use permit amendment is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Commission decision or within 30 days of a City Council decision, the permit shall be void.

9. After establishment of the project the property shall not be used for any other purposes unless:

a. Authorized by the Planning Commission; or

b. The proposed use meets every requirement of the zone existing for the property at the time of conversion;
or

c. The permit has been revoked by the City.

10. This conditional use permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. A revocation may be requested by the Permittee. Revocation of this conditional use permit may be initiated by the City or the Permittee. The Planning Director shall set the revocation for a public hearing before the Planning Commission, as provided in Section 101.0506 or 101.0507. 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 this matter for a public hearing before the City Council as provided in Section 101.0506 or 101.0507.

11. 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 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.

12. This conditional use permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JANUARY 26, 1982.

JAN 26 1982

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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" 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 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 Buridge Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-255740 Adopted JAN 26 1982