

(R-82-1410)

RESOLUTION NUMBER R- 255831

Adopted on FEB 16 1982

Conditional Use Permit No. 10-443-1

WHEREAS, CLAIREMONT ROYALE GUEST HOME, a limited partnership, Owner, hereafter referred to as "Permittee," filed an application for an amendment to Conditional Use Permit No. 10-443 to allow construction of an additional 24 dwelling units and 6 off-street parking spaces to the previously approved 76-unit guest home for the ambulatory elderly. The property is located at 5219 Clairemont Mesa Boulevard (1.2 acre site), in the R-3-A and R-1-5 Zones, in the Clairemont Mesa Community Plan area, and is more particularly described as Lots 274 through 281, Clairemont Mesa Unit No. 4, Map-4146 and Adjacent Alley Closed; and

WHEREAS, on January 7, 1982, the Planning Commission of The City of San Diego made its findings of fact, granted said Conditional Use Permit No. 10-443-1 and filed said decision in the office of the City Clerk on January 27, 1982; and

WHEREAS, on January 18, 1982, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, DONALD, SUDIE and STAN IDEKER appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 16, 1982, 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 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. 10-443-1:

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

The proposed addition of 24 rooms would provide for a total of 48 persons and would add to the inventory of specialized housing in this area of the City. These persons would not generate additional parking. Under these conditions the use would not adversely affect the neighborhood or the community plan, and would not be detrimental to the health, safety and 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, paragraph A 14, of the Municipal Code of The City of San Diego grants the Planning Commission authority, under conditions, to approve housing for the elderly in any residential or commercial zone by a Conditional Use Permit.

3. The above findings are supported by the minutes, maps

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and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeals of DONALD, SUDIE and STAN IDEKER are denied, and this Council does hereby grant to CLAIREMONT ROYALE GUEST HOME, a limited partnership, Owner and Permittee, Conditional Use Permit No. 10-443-1, 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  
3/30/82  
Or.Dept:Clerk  
CUP-10-443-1  
R-82-1410  
Form=r.none

CONDITIONAL USE PERMIT NO. 10-443-1  
CITY COUNCIL

This Conditional Use Permit Amendment is granted by the City Council of The City of San Diego to CLAIREMONT ROYALE GUEST HOME, 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 granted to Permittee to add 24 guest rooms to a housing facility for the elderly, located on the south side of Clairemont Mesa Boulevard, east of Limerick Street and north of Kesling Street, described as Lots 274 through 281, Clairemont Mesa Unit No. 4, Map 4146 and adjacent alley closed, in the R-3A and R-1-5 zones.

2. The facility shall consist of the following:

- a. A 24-room addition making a total of 100 guest rooms for approximately 200 elderly persons.
- b. Recreational area.
- c. Off-street parking.
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 28 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A" dated January 7, 1982, 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. 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. Parking areas shall be marked.

4. Each occupant shall be at least 62 years of age or older.

5. Before the issuance of a building permit a landscape plan shall be submitted to the Planning Director for approval.

6. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

a. The Permittee signs and returns the permit to the Planning Department.

b. The Conditional Use Permit 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.

7. An air filtering system shall be included within the air conditioning system.

8. This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Sections 101.0506 and 101.0507 of the Municipal Code.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. 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.

11. 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 Section 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 Section 101.0507.

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.

Passed and adopted by the Council of The City of San Diego on February 16, 1982.

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.

CLAIREMONT ROYALE GUEST HOME, a limited partnership

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: NOTARY ACKNOWLEDGEMENTS  
MUST BE ATTACHED - PER  
CIVIL CODE; SEC.1180 et seq.

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Passed and adopted by the Council of The City of San Diego on FEB 16 1982,  
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"/>
Ed Struiksma	<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.

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

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Number ..... Adopted .....