

RESOLUTION NUMBER R-258171

Adopted on March 29, 1983

WHEREAS, C. E. NORCROSS and G. H. NORCROSS, individuals, "Owners/Permitees," filed an application for permission under Conditional Use Permit No. 82-0745 to construct and operate a 14-unit housing project for the elderly on an 8,400 square foot lot, with parking and landscaping, located at 3082 "E" Street (approximately 0.19 acres) in the R-3A Zone, in the Golden Hill Community Plan area, and more particularly described as a portion of Lot 44 and all of Lots 45 and 46, Block 95, E. W. Morse's Subdivision, Map No. 547; and

WHEREAS, on February 17, 1983, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 82-0745 and filed said decision in the office of the City Clerk on March 2, 1983; and

WHEREAS, on February 28, 1983, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, SCHWERIN, XINOS & ASSOCIATES, by Sydney S. Xinos, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 29, 1983, testimony having been heard, evidence having been submitted, and the City Council having fully considered 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. 82-0745:

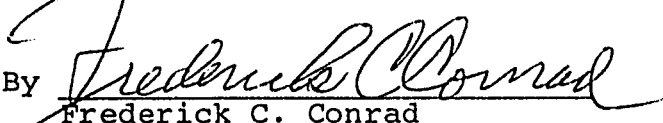
1. The proposed use will not adversely affect the neighborhood, the General Plan and the Community Plan, and would not be detrimental to the health, safety and general welfare of citizens residing or working in the area. The senior citizen housing project will contribute to the general welfare by providing a specialized form of housing for the elderly who may wish to live in the area. The project is not considered to be convenient to public transit services and shopping facilities; however, a condition is included within the permit to require that the applicants provide supplemental transportation for the residents of the development. Because of the conditions imposed, the project will not adversely affect the neighborhood, Community Plan or the General Plan.

2. The proposed use will comply with the relevant regulations in San Diego Municipal Code, Section 101.0506. Paragraph A.14. of said Section grants the Planning Commission of The City of San Diego authority to approve housing for the elderly in any residential or commercial zone by a Conditional Use Permit, subject to appropriate conditions of approval. The City Council believes that appropriate conditions exist in this case to grant approval.

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 SCHWERIN, XINOS & ASSOCIATES, by Sydney S. Xinos, sustains the decision of the Planning Commission, and does hereby grant to C. E. NORCROSS and G. H. NORCROSS, individuals, "Owners/Permittees," Conditional Use Permit No. 82-0745, in the form and with the terms and conditions 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:ib:640
04/01/83
Or.Dept:Clerk
Form=r.none

CONDITIONAL USE PERMIT NO. 82-0745
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to C. E. and G. H. NORCROSS, Owners/Permittees, 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 Owners/Permittees to construct and operate a housing project for the elderly on the north side of "E" Street, easterly of 30th Street, described as Lots 45 and 46 and the easterly 10 feet of Lot 44, Block 95, E. W. Morse's Subdivision, Map No. 547, in the R-3A Zone.

2. The facility shall consist of the following:

- a. One two-story residential structure containing 14 one bedroom senior citizen apartments;
- b. Off-street parking;
- c. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than five off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 17, 1983, 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. Parking areas shall be marked.

4. At least one tenant in each unit will be at least 62 years of age.

5. The Owners/Permittees must provide supplemental transportation (van, station wagon or shuttle bus) for the senior citizen residents of this development subject to approval by the Planning Director.

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

a. The Owners/Permittees sign and return the permit to the Planning Department; and

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. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A" dated February 17, 1983, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

8. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A" dated February 17, 1983, on file in the office of the Planning Department. Approved planting shall be installed

before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

9. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

10. 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 Muncipal Code.

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

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

- a. Authorized by the City Council; 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.

13. 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.

14. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Owners/Permittees and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

Passed and adopted on March 29, 1983 by the Council of The City of San Diego.

AUTHENTICATED BY:

Deputy Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
)
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 BILL CLEATOR, known to me to be the Deputy 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 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.

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

By _____
C. E. NORCROSS

By _____
G. H. NORCROSS

R-258171
01536

Passed and adopted by the Council of The City of San Diego on MAR 29 1983,
 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"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Vacant
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmā	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Vacant

AUTHENTICATED BY:

BILL CLEATOR
 Deputy Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>R-258171</u> Adopted <u>MAR 29 1983</u>