

RESOLUTION NUMBER R- 259457

Adopted on OCT 18 1983

WHEREAS, DR. L. J. JAMISON, "Owner," and BLACK FEDERATION OF SAN DIEGO, a California nonprofit corporation, "Permittee," filed an application for permission under Conditional Use Permit No. 83-0431 to establish and operate an emergency center for up to 24 battered women and families in distress; and

WHEREAS, on September 1, 1983, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 83-0431 and filed said decision in the office of the City Clerk; and

WHEREAS, on September 12, 1983, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, THOMAS D. GLASSER appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 18, 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. 83-0431:

1. The proposed use will not adversely affect the neighborhood, the General Plan nor the Southeast San Diego Community Plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The emergency center will contribute to the general welfare by providing temporary protective shelter for distressed women and families. The City Council believes that conditions proposed for the project would be consistent with the spirit and intent of the community plan. The project will be convenient to transit services, shopping facilities and other services which are used by the clientele.

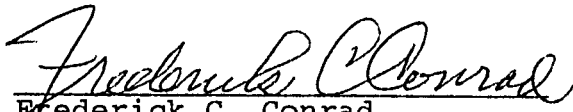
2. The proposed use will comply with all relevant regulations in the Municipal Code. Section 101.0506 of the Municipal Code of San Diego, paragraph A.10., grants the Planning Commission authority, subject to appropriate conditions, to approve nonprofit institutions whose primary purpose is the promotion of public health and welfare in any zone by Conditional Use Permit. The City Council believes that appropriate conditions exist in this instance to grant the permit.

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 hereby denies the appeal of THOMAS D. GLASSER, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee,"

Conditional Use Permit No. 83-0431, 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:ib:632  
10/21/83  
Or.Dept:Clerk  
CUP-83-0431  
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CONDITIONAL USE PERMIT  
NO. 83-0431  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to DR. L. J. JAMISON, "Owner," and BLACK FEDERATION OF SAN DIEGO, a California nonprofit corporation, "Permittee," 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 Owner/Permittee to establish and operate an emergency shelter for distressed women and families on the southwest corner of Island Avenue and 25th Street, described as a portion of Lots 1 and 2, Block 10, L. W. Kimball's Subdivision, Map No. 56, in the R-3 Zone of the Southeast San Diego Community Plan area.

2. The facility shall consist of the following:

a. An emergency center for up to 24 battered women, women in distress and families in distress;

b. A maximum staff of three persons at any one time on the premises;

c. Off-street parking; and

d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. Maximum stay of any individual or family shall be one week.

4. The applicant shall maintain adequate records to demonstrate compliance with all conditions of this permit.

5. Due to the limited space available on the premises, follow-up counseling and services for nonresidents shall be conducted off the premises.

6. Evidence should be provided establishing the legality of the subject parcel should it be required by the Building Inspection Department for the issuance of remodeling permits.

7. No fewer than four off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated September 1, 1983, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the San Diego 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.

8. No permit for remodeling or occupancy 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.

9. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit

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"A," dated September 1, 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.

10. Before issuance of any building permits, a revised landscape plan, including additional trees and plantings and a permanent irrigation system, shall be submitted to the Planning Director for approval. Approved plantings shall be installed before issuance of any occupancy permit on any building. Such plantings shall not be modified or altered unless this permit has been amended.

11. 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 San Diego Municipal Code.

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

13. 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.

14. 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.

15. 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 OCTOBER 18, 1983.

AUTHENTICATED BY:

\_\_\_\_\_  
Mayor of The City of San Diego

\_\_\_\_\_  
City Clerk of The City of San Diego

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1983, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, 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 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.

BLACK FEDERATION OF SAN DIEGO, a California nonprofit  
corporation  
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 OCT 18 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**ROGER HEDGECOCK**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

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