

RESOLUTION NUMBER R- 261593

ADOPTED ON SEP 18 1984

WHEREAS, MORRIS LIEBERMENSCH, an individual, "Owner," and M & L CONSTRUCTION CO., INC., a California corporation, Permittee, filed an application for permission under Conditional Use Permit No. 84-0080 to construct and maintain a 14-unit senior citizen housing project in a two-story structure, with laundry room, seven off-street parking spaces and landscaping on premises situate on the west side of Campus Street, between Madison and Monroe Avenues, described as Lots 43 and 44 and a portion of Lots 42 and 45, Block 43, University Heights, D'Hemecourt Amended, in the R-1000 Zone of the Uptown Community Plan area; and

WHEREAS, on May 24, 1984, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. 84-0080 and filed said decision in the office of the City Clerk on June 19, 1984; and

WHEREAS, on May 24, 1984, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, M & L CONSTRUCTION, by MORRIS LIEBERMENSCH, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 26, 1984, continued to July 10, July 31, August 7 and September 18, 1984, 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. 84-0080:

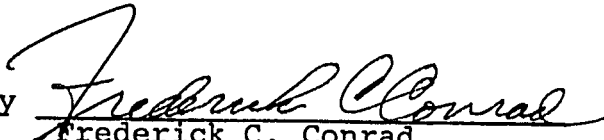
1. The proposed use will not adversely affect the neighborhood, the General Plan nor the Community Plan and will not be detrimental to the health, safety and general welfare of persons residing in the proposed development.

2. The proposed use would comply with all relevant regulations in the Municipal Code.

3. 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 grants the appeal of M & L CONSTRUCTION, by Morris Liebermensch, overrules the decision of the Planning Commission, and hereby grants to MORRIS LIEBERMENSCH, an individual, "Owner," and M & L CONSTRUCTION CO., INC., a California corporation, "Permittee," Conditional Use Permit No. 84-0080, 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  
09/25/84  
Or.Dept:Clerk  
CUP 84-0080  
R-85-550  
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CONDITIONAL USE PERMIT  
NO. 84-0080  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to MORRIS LIEBERMENSCH, an individual, "Owner," and M & L CONSTRUCTION CO. INC., a California 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 construct and operate a senior citizen housing project on premises situate on the west side of Campus Avenue, between Madison Avenue and Monroe Avenue, described as Lots 43 and 44 and a portion of Lots 42 and 45, Block 43, University Heights, D'Hemecourt Amended, in the R-1000 Zone of the Uptown Community Plan area.

2. The facility shall consist of the following:

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

3. No fewer than nine off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 24, 1984, 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 areas shall be marked. No charge shall be made for the parking spaces.

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

5. 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 Owner/Permittee signs and returns 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 ninety (90) days of the City Council decision, the permit shall be void.

6. 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 May 24, 1984, on file in the office of the Planning Department. These plans are to be modified to indicate one less two-bedroom unit.

7. 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 May 24, 1984, on file in the office of the Planning Department and shall include shrub plantings. 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. Tree species shall be increased in size to a mixture of 15-gallon and 24-inch boxes.

8. This Conditional Use Permit must be used within thirty-six (36) 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. Any such time extensions must meet all Municipal Code requirements and applicable guidelines in effect at the time the extension is considered.

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.

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

13. 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.

14. This development shall be an apartment project and shall not be converted to condominium use, unless authorized by the Planning Commission.

15. A supplemental transportation plan for tenants of this project shall be approved. This shall include a Dial-A-Ride pass to be provided at the manager's quarters for tenants who do not have assigned parking. Such passes are not to exceed three.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON SEPTEMBER 18, 1984.

Form=CUP

AUTHENTICATED BY:

\_\_\_\_\_  
Roger Hedgecock  
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 \_\_\_\_\_, 1984, 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 Owner/Permittee, by execution hereof, agrees to each and every condition of this Conditional Use Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

M & L CONSTRUCTION CO., INC.

By \_\_\_\_\_

\_\_\_\_\_  
MORRIS LIEBERMENSCH

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

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R- 261593



Passed and adopted by the Council of The City of San Diego on SEP 18 1984,  
 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 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"/>
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

Resolution Number R-261593 Adopted SEP 18 1984