

(R-85-2048)

RESOLUTION NUMBER R- 263013

ADOPTED ON APR 23 1985

WHEREAS, NORMAN CULLEN, an individual, Owner/Permittee, filed an application for permission under Conditional Use Permit No. 85-0076 to construct and operate a six-unit, two-story, senior-housing facility, with off-street parking, at 3028 Howard Street, on property described as a portion of Lots 20-22, Block 118, University Heights, in Zone R-600 of the Park North East Community Plan area; and

WHEREAS, on February 28, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 85-0076 and filed said decision in the office of the City Clerk on March 12, 1985; and

WHEREAS, on February 28, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, MARSHALL D. WARD appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 23, 1985, 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. 85-0076:

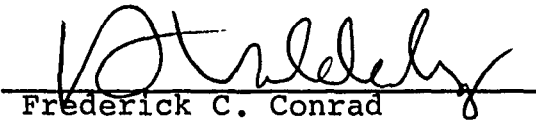
1. The proposed project would not adversely affect the neighborhood, the General Plan nor the community plan and would not be detrimental to the health, safety and general welfare of persons residing or working in the area. The senior citizen housing project would provide alternative housing for the area. The project would provide the minimum amount of off-street parking required.

2. The proposed use would comply with all the relevant regulations of the San Diego Municipal Code. Section 101.0506 of the Municipal Code, paragraph A.14., grants the Planning Commission authority to approve housing for the elderly in any residential or commercial zone with a Conditional Use Permit, subject to appropriate conditions of approval. The proposed development meets standards of the Planning Commission relative to landscaping, parking and on-site amenities.

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 MARSHALL D. WARD, sustains the decision of the Planning Commission and does hereby grant to NORMAN CULLEN, Owner/Permittee, Conditional Use Permit No. 85-0076, 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   
for Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:632  
04/29/85  
Or.Dept:Clerk  
CUP-85-0076  
R-85-2048  
Form=r.none

CONDITIONAL USE PERMIT NO. 85-0076

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to NORMAN CULLEN, an Individual, Owner/Permittee, under the conditions in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a senior housing facility located on the north side of Howard Avenue between 30th Street and Ohio Street, described as a Portion of Lots 20 to 22, Block 118, University Heights, in the R-600 Zone.
2. The facility shall consist of the following:
  - a. A two-story residential structure, containing six senior housing apartments;
  - b. Off-street parking; and
  - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than six off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 28, 1985, 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 shall be 62 years of age or older.
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 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.

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 February 28, 1985, 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.

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 February 28, 1985, 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. A revised landscaping plan shall be submitted for Planning Commission approval prior to the issuance of building permits.

8. 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 and not reflect onto adjacent property.

9. This Conditional Use Permit must be used within 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 Section 101.0506 and 101.0507 of the Municipal Code. Any extension of time shall be in compliance with criteria and standards in effect at the time the extension is applied for.

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

11. 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.

12. 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.

13. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor

CUP No. 85-0076

or successors, and the interests of any successor shall be subject to each and every condition set out.

14. Prior to the issuance of any building permits in connection with this CUP, the applicant shall assure by permit and bond:

- a. The construction of a fire hydrant adjacent to the project at a location satisfactory to the Fire Department and in a manner satisfactory to the City Engineer.
- b. The construction of full-width alley improvements in the north/south alley adjacent to the property, per Standard Drawing G-21, in a manner satisfactory to the City Engineer.

15. This is an apartment rental project. Any conversion to condominium ownership will require Planning Commission approval.

ADOPTED by the Council of The City of San Diego on April 23, 1985.

R-263018

00809

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 \_\_\_\_\_, 1985, 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.

\_\_\_\_\_  
NORMAN CULLEN

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

Passed and adopted by the Council of The City of San Diego on APR 23 1985,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R 263018</u>	Adopted <u>APR 23 1985</u>