

(R-85-2201)

RESOLUTION NUMBER R- 263181

ADOPTED ON MAY 14 1985

WHEREAS, THE ESSEX REGENCY, a limited partnership, Owner/Permittee, filed an application for permission under Conditional Use Permit No. 84-0760 to construct and operate a 46-unit senior citizen housing project on property situate on the north side of Essex Street, between Tenth Avenue and Vermont Street, further described as Lots 8 through 14, Block 213, University Heights, Map No. 526, in the R-600 Zone of the Uptown Community Plan area; and

WHEREAS, on March 14, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 84-0760 and filed said decision in the office of the City Clerk; and

WHEREAS, on March 25, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, WILLIAM McCLELLAND, CARL T. BUETTNER, JR. and F. STANLEY BERRY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on May 14, 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. 84-0760:

1. The proposed use will not adversely affect the
neighborhood, General Plan nor Uptown Community Plan and will not
be detrimental to the safety, health and general welfare of
persons residing or working in the area. A 46-unit senior
citizen housing project will provide alternative housing for the
area. Architectural plans and landscaping proposed with the
project will assure construction of an attractive senior citizen
complex, compatible with the neighborhood. The site is
relatively well located with respect to services frequented by
the elderly.

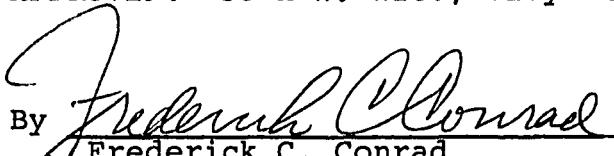
2. The proposed use will comply with all the relevant
regulations in the Municipal Code. The Municipal Code of San
Diego grants the Planning Commission authority, subject to
appropriate conditions, to approve senior citizen housing
development by a Conditional Use Permit. The development will be
consistent with the adopted criteria and standards for senior
citizen housing projects.

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 WILLIAM McCLELLAND, CARL T. BUETTNER, JR. and F.

STANLEY BERRY, sustains the decision of the Planning Commission and does hereby grant to THE ESSEX REGENCY, a limited partnership, Owner/Permittee, Conditional Use Permit No. 84-0760, 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
05/20/85
Or.Dept:Clerk
CUP-84-0760
R-85-2201
Form=r.none

CONDITIONAL USE PERMIT NO. 84-0760
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to THE ESSEX REGENCY, a limited partnership, 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 46-unit senior citizen housing project located on the north side of Essex Street between 10th Avenue and Vermont Street, described as Lots 8-14, Block 213, University Heights, Map No. 526, in the R-600 Zone.

2. The facility shall consist of the following:

- a. Forty-six senior citizen apartment units, consisting of eight two-bedroom units, 37 one-bedroom units, and one studio unit;
- b. Off-street parking; and
- c. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 46 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 14, 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 resident in each unit shall be a minimum of 62 years of age.

5. The subject development is an apartment project and shall not be converted to condominium use, unless authorized by the Planning Commission.

6. No permit for 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.

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 May 14, 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.

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 May 14, 1985, on file in the office of the Planning Department. This landscape plan shall show vertical accent trees along the east and west property lines to buffer the development from adjacent residences. 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 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 such extension must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered.

11. Additional insulation such as R-19 or its equivalent shall be installed in the ceiling of the laundry room, satisfactory to the Planning Director.

12. Prior to the issuance of any building permits, the applicant shall assure by permit and bond:

- a. The construction of a fire hydrant at a location satisfactory to the Fire Department.
- b. The replacement of unused driveway ramps with full-height curb.

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

CUP No. 84-0760

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

- a. Authorized by the Planning Commission; and
- 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.

15. 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.

16. 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 MAY 14, 1985.

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.

ESSEX REGENCY, a limited partnership

By _____

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

334b

Passed and adopted by the Council of The City of San Diego on MAY 14 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 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.

(Seal)

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

By *Raymond L. Portocarrero*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R- 263181 Adopted MAY 14 1985