

(R-86-984)

RESOLUTION NUMBER R- 264247

ADOPTED ON OCT 15 1985

WHEREAS, BANKER HILL ASSOCIATES, a general partnership, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 84-0923 to establish a 37-unit, one-bedroom senior citizen apartment complex; and

WHEREAS, on September 12, 1985, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. 84-0923 and filed said decision in the office of the City Clerk; and

WHEREAS, on September 16, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, BANKER HILL ASSOCIATES, by Daniel M. Whitaker, Managing Agent, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on October 15, 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. 84-0923:

1. The proposed use will not adversely affect the neighborhood, the General Plan nor the Uptown Community Plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The senior housing project will provide alternative housing for the area.

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.14., grants the Planning Commission authority, subject to appropriate conditions, to approve housing for the elderly in any residential or commercial zone with a Conditional Use Permit, subject to appropriate conditions of 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 hereby grants the appeal of BANKER HILL ASSOCIATES, by Daniel M. Whitaker, Managing Agent, overrules the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. 84-0923, 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:cc:632
01/10/86
Or.Dept:Clerk
R-86-984
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CONDITIONAL USE PERMIT NO. 84-0923

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to BANKER HILL ASSOCIATES, a general partnership, "Owner/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 a 37-unit senior citizen housing project located on the west side of Second Avenue, between Grape and Hawthorn Streets, described as Lots I and J, and portions of Lots G and H, Block 239, Horton's Addition, in the R-600 Zone of the Uptown Community plan area.

2. The facility shall consist of the following:

- a. Thirty-seven one-bedroom senior citizen apartment units;
- b. Resident transportation service;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 30 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated September 12, 1985, on file in the office of the Planning Department. Parking spaces shall be consistent with

Chapter X, 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.

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

a. Permittee signs and returns the permit to the Planning Department.

b. The Conditional Use Permit is recorded in the office of the County Recorder.

5. 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 September 12, 1985, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. Before issuance of any building permits, a complete landscape plan, including 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.

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

8. 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 Sections 101.0506 and 101.0507 of the San Diego Municipal Code.

9. Construction and operation of the approved uses 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 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 15, 1985.

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ED STRUIKSMA, 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.

BANKER HILL ASSOCIATES,
a general partnership

By _____

By _____

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

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OCT 15 1985

Passed and adopted by the Council of The City of San Diego on
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 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"/> |
| District 7 - vacant | <input 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 *Raymond L. Pilemore*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R- 264247 Adopted OCT 15 1985