

RESOLUTION NUMBER R- 264491

ADOPTED ON NOV 19 1985

WHEREAS, DORSIE R. DAVIS, an individual, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 85-0629 (an amendment to Conditional Use Permit No. 10-597-0) to maintain and operate an elderly housing project; and

WHEREAS, on October 17, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 85-0629, and filed said decision in the office of the City Clerk; and

WHEREAS, on October 22, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE, by Verna M. Quinn, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 19, 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. 85-0629:

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.

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

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 the SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE, by Verna M. Quinn, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. 85-0629, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof; provided, however:

1. The property shall be in compliance with the conditions in the Conditional Use Permit attached hereto within a period of 60 days.

2. The Planning Department shall report back to the Council within 60 days on compliance or noncompliance.

3. If noncompliance, a revocation hearing shall be set and notice of the revocation hearing is to begin in 60 days.

4. Permittee will convert the studio unit back to a recreation center.

APPROVED: John W. Witt, City Attorney

By Frederick C. Conrad  
Frederick C. Conrad  
Chief Deputy City Attorney

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01/10/86  
05/01/86 Rev. 1  
Or.Dept:Clerk  
R-86-1260  
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CONDITIONAL USE PERMIT NO. 85-0629  
(AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 10-597-0)

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to "Owner/Permittee" INTO BO CHAMNONGPHANIJ, an individual who acquired the property from DORSIE R. DAVIS, an individual and applicant herein, 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 maintain and operate an elderly housing project located at the northeast terminus of 50th Street, between Market Street and Imperial Avenue, described as a portion of Lot 42, Horton's Purchase, in the R-1500 Zone, in the Southeast San Diego Community Plan area.

2. The elderly housing project shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. Nineteen (19) units within a two-story structure;
- b. Off-street parking; and
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

R-264491

3. Not less than six (6) off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated May 29, 1980, 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. Areas and driveways shall be surfaced with not less than two-inch A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

4. At least one resident of each unit shall be sixty-two (62) years of age or physically handicapped.

5. A complete landscaping improvement plan shall be submitted to the Planning Director for approval within 60 days of the approval of this permit. Approved landscaping shall be installed within 30 days of approval by the Planning Director.

6. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

7. Operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

8. The effectiveness of this Conditional Use Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until, the following events shall have occurred: This Conditional Use Permit, executed as

indicated, shall have been recorded in the office of the County Recorder.

9. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.

10. The property included within this Conditional Use Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless the permit shall have been revoked by the City.

11. In addition to any other remedy provided by law, and breach in any of the terms or conditions of this permit or any default on the party of the Permittee, or its successors in interest, shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use Permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission, giving the same notice as provided in Section 101.0506 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set this matter for public hearing before the City Council, giving the same notice as provided in Section 101.0506 or 101.0507.

12. This Conditional Use Permit shall inure to the benefit of and shall constitute 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.

13. Each 90 days, until the occupancy violation is corrected, Permittee shall provide the Planning Director with a status report on the occupancy conversion of violating units.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON November 19, 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.

INTO BO CHAMNONGPHANIJ, an individual

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

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R- 264491



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NOV 19 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 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"/>
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 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.

By *Charles G. Abdelnour*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number **R- 264491** Adopted **NOV 19 1985**