

RESOLUTION NUMBER R- 264558

ADOPTED ON NOV 26 1985

WHEREAS, VERA DORSEY, an individual, "Owner," and SEAWIND DEVELOPMENT CO., INC., a California corporation, "Permittee," for permission under Conditional Use Permit No. CUP-85-0522 to construct and operate a senior housing facility; and

WHEREAS, on October 17, 1985, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. CUP-85-0522 and filed said decision in the office of the City Clerk; and

WHEREAS, on October 23, 1985, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, SEAWIND DEVELOPMENT CO., INC., by Stephen Lusk, President, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 26, 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. 83-0417:

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. The proposed project will provide convenient, affordable alternative housing for seniors in the area and the suggested conditions should ensure that it will be consistent with the density designation of the community plan and compatible with other uses in the neighborhood.

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 to approve housing for the elderly in any zone with a conditional use permit, subject to appropriate conditions of approval. The proposed development meets the adopted Locational Criteria Design and Development Standards and Guidelines for Senior 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 hereby grants the appeal of SEAWIND DEVELOPMENT CO., INC., overrules the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. CUP-85-0522, 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  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:cc:632  
01/13/86  
Or.Dept:Clerk  
R-86-1276  
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CONDITIONAL USE PERMIT NO. CUP-85-0522

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to VERA DORSEY, an individual, "Owner," and SEAWIND DEVELOPMENT 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 housing facility located at the southwest corner of National Avenue and 37th Street, described as Lots 12, 13 and 14, in Block 2 of Emerson Heights Addition, Map No. 1851, and a portion of Lot 3, Logan Avenue Addition, Map No. 1116, in the R-1000 Zone of the Southeast San Diego Community Plan area.

2. The facility shall consist of the following:

a. A two-story and three-story residential structure containing 21 one-bedroom 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 21 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 17, 1985, on file in the office of the

Planning Department. At least 11 parking spaces shall be standard size or larger and all parking 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 any building or 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; and

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 October 17, 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.

6. Before issuance of any building permits, a complete landscape plan, including and a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated October 17, 1985, and shall include additional trees of 15-inch gallon or larger size to be located along the eastern and western property lines. 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 as light 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. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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.

13. At least one tenant in each unit shall be 62 years of age or older or physically handicapped.

14. Before issuance of any building permits, a conversion plan shall be submitted to the Planning Director for approval, with sufficient detail to indicate how the complex can be converted to a nonsenior housing project and meet the City-wide parking criteria and the density limitations of the underlying zoning.

15. Before issuance of any building permits the applicant shall submit this project to the Housing Commission for their approval of the low and moderate income housing affordability for the density bonus units in the project.

16. The project must register annually with The City of San Diego Housing Commission.

17. At the time of plan submittal for building permits, the applicant shall also submit a set of detailed drawings for kitchens and bathrooms indicating counter and cabinet heights and depth; type of pulls, faucets, grab-bars, tub and/or shower dimensions, and handicapped turn space where appropriate.

18. Before issuance of any building permits, revised plans shall be submitted to the Planning Director for approval showing the addition of a sliding security gate at the driveway entrance to the parking lot.

19. Prior to the issuance of any building permits in connection with this Conditional Use Permit, Owner/Permittee shall:

a. Dedicate six feet of additional right-of-way adjacent to the project on National Avenue and to also include a 20-foot-radius corner rounding at 37th Street.

b. Enter into an agreement with the City waiving the right to oppose a special assessment initiated for street improvements on National Avenue.

c. Assure by permit and bond the construction of a pedestrian ramp per Standard Drawing SDG-101 at the corner of National Avenue and 37th Street and the replacement of any unused driveway ramps with full-height curb in a manner satisfactory to the City Engineer.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON NOVEMBER 26,  
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.

SEAWIND DEVELOPMENT CO., INC.,  
a California corporation

By \_\_\_\_\_

By \_\_\_\_\_

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

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R-264558

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Passed and adopted by the Council of The City of San Diego on **NOV 26 1985**,  
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

By *Janet A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-264558** Adopted **NOV 26 1985**

RECEIVED  
CITY CLERK'S OFFICE  
1985 DEC 23 PM 4: 57  
SAN DIEGO, CALIF.

NOV 24 1985

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