

(R-92-1151)

RESOLUTION NUMBER R-279287

ADOPTED ON JANUARY 14, 1992

WHEREAS, on April 25, 1991, the Planning Commission recommended approval of Southeast Development Permit and Conditional Use ("SED/CUP") Permit No. 90-0451 submitted by St. Stephen's Retirement Center, Inc., a nonprofit corporation, Owner/Permittee, to construct and operate a four-story, 60-unit senior housing complex on a 1.98-acre site with a variance from the off-setting planes requirements of the Southeast Planned District Ordinance, located 5825 Imperial Avenue, and described as a portion of Lot 16 of Rancho Mission, Map No. 330, in the Southeast Community Plan area, in the CT-2 zone; and

WHEREAS, the matter was set for public hearing on January 14, 1992, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Southeast Development Permit and Conditional Use Permit No. 90-0451:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. There is an overriding need for low-income

senior projects in the Southeast San Diego Community. The Southeast San Diego Community Plan specifies this location for a low-income senior project.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The proposed project will mitigate the locational problems as required by the Locational Criteria, Design and Development Standards and Guidelines for Senior Citizen Housing Projects by providing private transportation so that tenants will have access to community, commercial and social facilities. Conditions contained in the CUP will assure compliance with all relevant regulations of the Municipal Code.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The site is zoned CT-2 which does not allow the proposed use by right, however, the community plan specifies the proposed use through a conditional use permit. Conditions contained in the conditional use permit will ensure compliance with all relevant regulations of the Municipal Code.

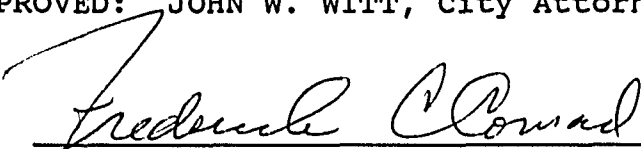
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Southeast Development Permit and Conditional Use Permit No. 90-0451 is hereby granted

to St. Stephen's Retirement Center, Inc., under the terms and conditions 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:lc
02/07/92
Or.Dept:Clerk
R-92-1151
Form=r.permit

SOUTHEAST DEVELOPMENT/CONDITIONAL USE PERMIT NO. 90-0451
CITY COUNCIL

This Southeast Development/Conditional Use Permit is granted by the Council of The City of San Diego to ST. STEPHEN'S RETIREMENT CENTER, INC., a nonprofit corporation, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 60-unit, 45,646-square-foot senior citizen residential complex, located at 5825 Imperial Avenue, described as a portion of Lot 16 of Rancho Mission, Map No. 330, in the CT-2 Zone.
2. The facility shall consist of the following:
 - a. 45,646-square-foot building;
 - b. Off-street parking; and
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 65 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 14, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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 at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit for construction 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.
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 January 14, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless

appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. 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 conformance with the City of San Diego Landscape Ordinance. 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 and is to be maintained in a disease-, weed- and litter-free condition at all times.
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 Southeast Development/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 101.0510(K) of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
9. Construction and operation of the approved use 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 Director; 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 Southeast Development/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 Southeast Development/Conditional Use Permit is a covenant running with the subject property 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 in this permit and all referenced documents.
13. The Owner/Permittee shall provide private transportation to mitigate locational problems.
14. At least one person residing in each unit shall be at least

62 years of age or physically handicapped.

15. The applicant shall provide a copy of the conditional use permit to all prospective tenants prior to occupancy of the premises.
16. The Owner and Permittee are required to provide the 60 bonus units affordable according to the Housing Commission's affordability standard for the Senior Citizen Housing CUP. The following affordability provisions shall be applicable to the Affordable Units. In any event, at least one tenant aged 62 years or older or physically handicapped shall reside in each unit.
 - a. The monthly rent for the Affordable Units (which shall include any permitted utility allowance) shall not exceed 30 percent of the monthly income of a household earning 80 percent of the median income of the area, as adjusted for family size, as defined by the U.S. Department of Housing and Urban Development ("HUD"). Contact the Housing Commission for this information.
 - b. Notwithstanding the foregoing, any rent charged for the Affordable Unit shall not exceed 90 percent of the rent charged for a comparable unit within the project.
 - c. If the project qualifies under a federal, state, or locally assisted housing program for lower income household, the regulations of the applicable program shall apply rather than (1) and (2) above. The aforementioned exclusion for projects operating under a publicly assisted housing program shall not include Section 8 existing or alike rental assistance programs.
 - d. The gross annual income of the household occupying an Affordable Unit shall not exceed 80 percent of the area's median income as referenced above.
 - e. An Affordable Unit shall not be rented to a tenant whose income has not been certified in accordance with the income criteria set forth above. Such certification shall be performed by the owner/representative and submitted to the Commission for approval.
17. The project must register with the San Diego Housing Commission during the initial project lease up, and subsequently on January 1st of each year to certify that at least one tenant in each unit, including all affordable units, is 62 years or older or handicapped.

18. Before issuance of this permit, the applicant shall submit evidence to the Planning Department that the Housing Commission has reviewed the project and prepared an affordability requirement as outlined in paragraph 16D above.
19. A tenant is not in violation of the age and/or handicapped requirement because of the death or hospitalization of the spouse who met the age and/or handicapped requirement.
20. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
21. Prior to the issuance of any building permits, the applicant shall assure that the driveway is located at the west end of the parking lot, not adjacent to Valencia Parkway. The driveway shall be a standard driveway; curb returns are not allowed.
22. Prior to the issuance of any building permits, the applicant shall dedicate additional right-of-way on Imperial Avenue, to provide for a half-width of 49 feet from centerline, and provide curb, gutter, and a five-foot-wide sidewalk, within a ten-foot curb-to-property-line distance, and provide a 30-foot curb radius for the corner, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the applicant shall relinquish access rights onto Valencia Parkway adjacent to this property, satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the applicant shall install curb, gutter, four-foot-wide sidewalk, and a cul-de-sac on Gannet Street west of Valencia Parkway, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code ("UFC") 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
26. Water and Sewer Requirements:
 - a. The applicant shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

- b. The applicant shall install an eight-inch water line in Imperial Avenue connection to the six-inch stub out at 55th Street to the easterly property line, satisfactory to the Water Utilities Director.
 - c. The applicant shall install a system of gravity sewer mains of adequate capacity to serve this development.
- 27. The applicant shall provide vans and regular shuttle service to community facilities, social services, and commercial areas.
 - 28. The applicant shall provide a functional outdoor usable area for the tenants by constructing a patio area with trellis.
 - 29. The applicant shall coordinate with Metropolitan Transit Development Board ("MTDB") to provide, if feasible, a bus stop at the corner of Valencia Parkway and Imperial Avenue to serve both the church as well as the subject project.

Passed and adopted by the Council of The City of San Diego on January 14, 1992, by Resolution No. R-279287.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

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

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 permit and promises to perform each and every obligation of Permittee hereunder.

ST. STEPHEN'S RETIREMENT CENTER, INC.
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

R. 279287

Passed and adopted by the Council of The City of San Diego on
by the following vote: JAN 14 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

By *Linda Legano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-279287* Adopted *JAN 14 1992*