

(R-97-609)

RESOLUTION NUMBER R- 288217

ADOPTED ON DEC 10 1996

WHEREAS, on February 8, 1996, CCBA Senior Garden, L.P., Permittee, and the Redevelopment Agency of The City of San Diego, Owner, filed an application for a Conditional Use Permit to construct a 45-unit low-income senior housing project on a parcel located at 438 Third Avenue, described as Lot "J" and the north one-half of Lot "I" of Block 116 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to the map made by L. L. Lockling on file in the Office of the County Recorder of San Diego County, located within the Marina Planned District of the Centre City Community Plan area; and

WHEREAS, on December 10, 1996, the Council of The City of San Diego (the "Council") considered Conditional Use Permit No. 95-0095, along with the plans and materials submitted prior to and at the time of the public hearing, pursuant to San Diego Municipal Code Sections 101.0510 and 103.1904(G)(2); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit No. 95-0095:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Centre City Community Plan.
2. The proposed use, because of the 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.

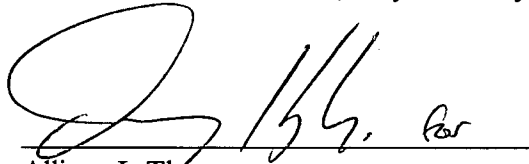
3. The proposed use will comply with the relevant regulations in the Municipal Code.

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

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the Council, Conditional Use Permit No. 95-0095 is hereby granted to CCBA Senior Garden, L.P., Permittee, and the Redevelopment Agency of The City of San Diego, Owner, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

CASEY G. GWINN
APPROVED: ~~JOHN W. WITT~~, City Attorney

By



Allisyn L. Thomas
Deputy City Attorney

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Or.Dept:CCDC
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CONDITIONAL USE PERMIT NO. 95-0095
CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION (CCBA)
SENIOR GARDEN

CITY COUNCIL OF THE CITY OF SAN DIEGO

This conditional use permit is granted by the City Council of the City of San Diego to the CCBA Senior Garden, L.P., Permittee, and the Redevelopment Agency of the City of San Diego, Owner, pursuant to Sections 101.0510 and 103.1904.G.2 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 45-unit low-income senior housing project to be located at 438 Third Avenue, San Diego, California, described as Lot "J" and the north one-half of Lot "I" of Block 116 of Horton's Addition, City of San Diego, County of San Diego, State of California, in the Marina Planned District of the Centre City Community Plan Area.
2. The facility shall consist of the following:
 - a. Construction of a 43,768 square foot, four-story building for low-income senior's residential use; and
 - b. Accessory uses including laundry facilities, a community room/recreation room with a kitchen, restrooms and storage areas, and a lobby and mailroom.
 - c. Approximately 1,628 square feet of common open space.
3. No fewer than seven (7) parking spaces for the facility shall be provided on site as shown on the Basic Concept/Schematic Drawings dated October 9, 1996, on file in the office of Centre City Development Corporation (CCDC). 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 City Standards. Parking areas shall be marked at all times. Parking spaces shall be provided only for the residents of the building. No payment shall be made for this parking.
4. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public

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improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

5. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the installation of a City Standard driveway (twelve-foot (12') minimum) satisfactory to the City Engineer.

6. All off-site improvement work shall be the responsibility of the Redevelopment Agency of the City of San Diego. Such improvements shall be subject to the standards of the City of San Diego and the Redevelopment Agency of the City of San Diego.

7. The proposed development, including its architectural design concepts, landscape features and off-site improvements, shall be subject to design review by CCDC in accordance with adopted procedures. The Developer shall conform to the Centre City Redevelopment Plan, Marina Planned District Ordinance and Urban Design Plan and Development Guidelines, the Asian Pacific Thematic Historic District Master Plan and the Centre City Streetscape Manual.

8. No permit for operation and occupancy 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 Centre City Development Corporation;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

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. The address of the facility shall be visible from the street both during and after construction at the site.

11. A colors and materials palette for the improvements to the

exterior of the structure shall be submitted to and approved by CCDC prior to issuance of a building permit.

12. All air conditioning and heating units located on the eastern elevation of the building shall be mounted flush with the surface of the building's exterior. Internal devices shall be provided for such units to prevent them from staining or streaking the building's facade.

13. All roof areas shall be architecturally treated with surface material approved by CCDC. All roof-top mechanical equipment shall be grouped and completely architecturally screened or enclosed from view of surrounding buildings.

14. The Developer shall comply with procedures established by the City of San Diego Airport Approach Overlay Zone (and any successor or amendment thereto) for structures which exceed thirty (30) feet in height, and shall be required to obtain and submit to CCDC and the City a Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation prior to issuance of a building permit.

15. This Conditional Use Permit must be used within 36 months after the date of approval by CCDC or the permit shall be void. An Extension of Time may be granted as set forth in the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

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

- a. Authorized by the City or the President of CCDC; 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 or CCDC.

18. This Conditional Use Permit may be revoked by the City or CCDC if there is a material breach or default in any of the conditions of this permit.

19. This 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.

Passed and adopted by the City Council of the City of San Diego on December 10, 1996.

Applicant shall have agreed to each and every condition hereof by having this permit signed and notarized within thirty (30) days of receipt of this resolution.

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.

CCBA Senior Garden, Representative

State of California
County of _____ss

On this _____ day of _____, in the year _____,
before me, the undersigned, a Notary Public in and for said State,
personally appeared _____

personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person that executed this
instrument, on behalf of the partnership and acknowledged to me
that the partnership executed it.

WITNESS my hand and official seal.

Signature