

RESOLUTION NUMBER ~~R-2003-815~~ R-297500

ADOPTED ON DECEMBER 10, 2002

WHEREAS, St. Stephen's Retirement Center, Inc., Owner/Permittee, filed an application with the City of San Diego for a planned development permit/conditional use permit/site development permit to construct a 4-story, 50-unit, low-income senior housing project known as the St. Stephen's Senior Apartments project, on a 2.44-acre site located at 5625 Imperial Avenue, at the south side of Imperial Avenue between Valencia Parkway and 55th Street, and legally described as a portion of Lot 16 of Rancho Mission, Map No. 330, in the Southeastern San Diego Planned District in the Encanto Neighborhoods Community Plan area, in the CT-2 zone; and

WHEREAS, there currently exists a 60-unit, low-income senior complex on the site which was permitted by Southeast Development Permit [SEDP]/Conditional Use Permit [CUP] No. 90-0451; and

WHEREAS, while this permit grants the construction of an additional fifty low-income senior units, Southeast Development Permit/Conditional Use Permit No. 90-0451 remains in full force and effect; and

WHEREAS, on November 21, 2002, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 8923/Conditional Use Permit [CUP] No. 8930/Site Development Permit [SDP] No. 8931, and pursuant to Resolution No. 3331-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on December 10, 2002, 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 it adopts the following findings with respect to PDP No. 8923/CUP No. 8930/SDP No. 8931:

**A. PLANNED DEVELOPMENT PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.**

The proposal is to construct a four-story, 50-unit low income senior apartment complex. The 2.44-acre site currently contains a four-story, 60-unit low income senior apartment complex. The Southeast San Diego Community Plan specifies this site for a low-income, senior project. Therefore, the proposed project will implement the applicable land use plan and will fulfill an individual and/or community need by providing low-income senior housing.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

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. Conditions contained in development permit will assure compliance with all relevant regulations of the SDMC and Land Development Code [LDC].

**3. The proposed development will comply with the regulations of the Land**

**Development Code.** The proposed use will comply with the relevant regulations in the LDC. 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 LDC.

**4. The proposed development, when considered as a whole, will be beneficial to the**

**community.** The proposal is to construct a 4-story, 50-unit low income senior apartment complex. The 2.44-acre site currently contains a 4-story, 60-unit low income senior apartment complex. The Southeast San Diego Community Plan specifies this site for a low-income, senior project. The proposed development, when considered as a whole, will be beneficial to the community by providing fifty new low-income senior apartments.

**5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate**

**for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** A reduction from the required front yard setback along Valencia Parkway and the street side yard setback along Imperial Avenue is supported because the deviation will result in a more desirable

project design than would be achieved in strict conformance with the development regulations of the CT-2 Zone.

**B. CONDITIONAL USE PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE SECTION 126.0305**

6. **The proposed development will not adversely affect the applicable land use plan.** *See A.1, above.*

7. **The proposed development will not be detrimental to the public health, safety, and welfare.** *See A.2, above.*

8. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** *See A.3, above.*

9. **The proposed use is appropriate at the proposed location.** The proposal is to construct a 4-story, 50-unit low income senior apartment complex. The 2.44-acre site currently contains a 4-story, 60-unit low income senior apartment complex. The Southeast San Diego Community Plan specifies this site for a low-income, senior project. Therefore, the proposed project is an appropriate use at the proposed location.

**C. SITE DEVELOPMENT PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE SECTION 126.0504**

10. **The proposed development will not adversely affect the applicable land use plan.** *See A.1, above.*

11. **The proposed development will not be detrimental to the public health, safety, and welfare.** *See A.2, above.*

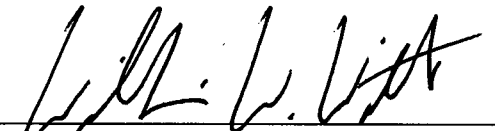
12. **The proposed development will comply with the applicable regulations of the Land Development Code.** *See A.3, above.*

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 Planned Development Permit No. 8923/Conditional Use Permit No. 8930/Site Development Permit No. 8931 is granted to St. Stephen's Retirement Center, Inc., Owner/

Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
William W. Witt  
Deputy City Attorney

WWW:pev  
12/12/02  
Or.Dept:Clerk  
R-2003-815  
Form=permitr.frm  
Reviewed by Patricia Grabski

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**AND WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 8923  
CONDITIONAL USE PERMIT NO. 8930  
SITE DEVELOPMENT PERMIT NO. 8931  
**ST. STEPHEN'S SENIOR APARTMENTS**  
AMENDMENT TO CONDITIONAL USE PERMIT NO. 90-0451

**CITY COUNCIL**

This Permit, an amendment to Conditional Use Permit [CUP] No. 90-0451, is granted by the City Council of the City of San Diego to St. Stephen's Retirement Center, Inc., Owner/Permittee pursuant to San Diego Municipal Code [SDMC]/Land Development Code [LDC] sections 126.0305, 126.0504 and 126.0604. The 2.44-acre site is located at 5625 Imperial Avenue at the south side of Imperial Avenue between Valencia Parkway and 55<sup>th</sup> Street in the CT-2 zone of the Southeastern San Diego Planned District in the Encanto Neighborhoods Community Plan Area. The project site is legally described as a portion of Lot 16 of Rancho Mission, Map No. 330.

There currently exists sixty low-income senior units on the site permitted by South East Development Permit [SEDP]/Conditional Use Permit [CUP] No. 90-0451. This permit, SEDP/ CUP No. 90-0451, remains in full force and effect.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee, St. Stephen's Retirement Center, Inc., to construct a 4-story, 50-unit low-income senior housing project described and identified by size dimension, quantity, type, and location in the approved Exhibit "A," dated December 10, 2002 on file in the Office of the Development Services Department. The facility shall include:

- a. A 4-story, 50-unit low-income senior housing project;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

4. This 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.

5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated December 10, 2002, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) of this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee of the property, which is the subject of this Permit, either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or in the alternative, that the Owner/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this Permit.

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 a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

**PLANNING/DESIGN REQUIREMENTS:**

11. No fewer than 110 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 10, 2002, on file in the Office of the Development Services Department. Parking spaces shall be consistent with the SDMC/LDC, and shall be permanently maintained and not converted for any other use.

12. Parking areas shall be lit for the safety of tenants, with locations and types of lighting as shown on Exhibit "A," dated December 10, 2002, on file in the Office of the Development Services Department. Lighting in parking areas shall be maintained in good condition.
13. At least one person living in each unit shall be at least fifty-five years of age or physically handicapped. A tenant is not in violation of the age and/or handicapped requirement because of the death or hospitalization of the person who met the age and/or handicapped requirement.
14. Conversion of this project to non-senior housing will require revocation of this permit. Upon conversion to non-senior housing, the project must continue to provide one parking space per residential unit.
15. A recreation room with bathroom facilities shall be maintained on the ground floor and not converted to any other use. The recreation room shall not be reduced in size below 400 square feet.
16. Laundry facilities shall be maintained on site and not converted to any other use.
17. Elevator service shall be maintained in good working order.
18. Covered trash bins shall be screened and maintained in the locations shown on Exhibit "A," dated December 10, 2002, on file in the Office of the Development Services Department, at all times.
19. If there is no resident manager, a phone number must be posted in a prominent location so that emergencies or maintenance problems may be easily reported by residents.
20. A copy of this Permit shall be maintained on site and available for review.
21. Chain link fences shall not be installed on site. All fences and walls shall comply with City-wide fence regulations.
22. All signs, including project monument signs, shall comply with City-wide sign regulations.
23. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.



24. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

26. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

27. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Director of the Development Services Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

28. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

29. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

30. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

31. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than 6 feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

32. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

33. No merchandise, material or equipment shall be stored on the roof of any building.

34. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Refuse and Recyclable Materials Storage Regulations (SDMC section 142.0801) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated December 10, 2002, on file in the Office of the Development Services Department.

**LANDSCAPE REQUIREMENTS:**

35. Prior to the recordation of the final map, the subdivider shall submit complete landscape construction documents, (plans, details, and specifications), including a permanent automatic irrigation system, for the required right-of-way improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards Manual and to the satisfaction of the City Manager.

36. The landscape construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated December 10, 2002, on file in the Office of the Development Services Department. The applicant shall assure by permit and bond the installation of landscaping per landscape construction documents.

**ENGINEERING REQUIREMENTS:**

37. Imperial Avenue is classified as a 4-lane major street. The applicant shall dedicate an additional 9 feet of right-of-way, along the project frontage, and shall provide 39 feet half-width pavement, a raised median, curb, gutter, and a 5 foot wide sidewalk within a 10 foot curb to property line distance, satisfactory to the City Engineer.

38. Prior to the issuance of any building permits, the applicant shall vacate two drainage easements and the remaining 2 foot wide street reservation, behind the proposed right-of-way line on Imperial Avenue, satisfactory to the City Engineer.

39. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the construction of a new City standard pedestrian ramp, at the southwest corner of Imperial Avenue and Valencia Parkway, per Standard Drawings G-27 and G-32, satisfactory to the City Engineer.

40. Prior to the issuance of any building permits, the applicant shall assure by permit the closure of the non-utilized driveway with City standard curb, gutter and sidewalk and construct two 25 foot wide City standard driveway, on Imperial Avenue, per Standard Drawings G-14B, G-16 and SDG-100, satisfactory to the City Engineer.

41. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal agreement from the City Engineer for private storm drain, landscaping, irrigation and appurtenances in the City right-of-way.

42. The drainage system for this project shall be private and will be subject to approval by the City Engineer. If the downstream storm drain system is inadequate, the applicant shall either provide onsite detention basin or assure by permit and bond the upgrade of the downstream storm drain system, satisfactory to the City Engineer.

43. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.

44. Prior to the issuance of any building permits, the applicant shall enter into an Agreement to Hold the City Harmless regarding drainage. This agreement shall be recorded at the County. The drainage system proposed for this development is subject to approval by the City Engineer and shall be private.

45. Prior to building occupancy, the applicant shall conform to SDMC section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

46. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within 90 days of the approval of this Permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

#### **TRANSPORTATION PLANNING REQUIREMENTS:**

47. Prior to recordation of the final map, a shared access agreement shall be submitted for the easterly driveway and recorded on Parcel one and two, satisfactory to the City Engineer.

48. Prior to recordation of final map, a shared parking agreement, which requires the project to maintain sixty off-street parking spaces for the senior care facility on Parcel one and fifty parking spaces for the new senior care facility on Parcel two, shall be submitted and recorded on each parcel, satisfactory to the City Engineer.

#### **WASTEWATER REQUIREMENTS:**

49. The developer shall design and construct any proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer

design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

50. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

51. The developer shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.

#### **WATER REQUIREMENTS:**

52. Prior to the issuance of any building or grading permit, the Owner/Permittee shall provide evidence of the actual grade and alignment of the existing 36-inch water transmission pipeline traversing the project site. If proposed grading adversely impacts the existing pipeline, then, prior to the issuance of any building or grading permits, the Owner/Permittee shall design and construct a relocated pipeline into the Imperial Avenue right-of-way in a manner satisfactory to the Director Water Department and the City Engineer.

53. Prior to the issuance of any building permits, the Owner/Permittee shall grant additional water easement to widen existing easement, over the 36-inch water transmission pipeline traversing the project site, to 35-feet wide.

54. It is the sole responsibility of the Owner/Permittee for any damage caused to or by the 36-inch water transmission pipeline traversing the project site, due to the construction activities associated with this development. In the event the pipeline loses integrity, then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct a relocated pipeline into Imperial Avenue right-of-way in a manner satisfactory to the Director of the Water Department and the City Engineer.

55. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services within the Imperial Avenue right-of-way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

56. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate private back flow prevention device on each water service, in a manner satisfactory to the Director of the Water Department and the City Engineer.

57. Prior to the issuance of any certificates of occupancy or engineering permits (except grading), the Owner/Permittee shall process appropriate encroachment maintenance and removal agreements for all acceptable encroachments into the water easement traversing the project site in a manner satisfactory to the Director of the Water Department and the City Engineer.

58. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide keyed access to the Water Operations Division, in a manner satisfactory to the Director of the Water Department and the City Engineer, for all gates prohibiting free access to public water facilities traversing the project site. The City will not be held responsible for any issues that may arise relative to the availability of keys.

59. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve or located within the project site, including services, pipelines and easements, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

60. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved Exhibit "A," dated December 10, 2002, on file in the Office of the Development Services Department, shall be modified at final engineering to comply with standards.

#### INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this Permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego, by Resolution No. <sup>R-</sup>297500 on December 10, 2002.

AUTHENTICATED BY THE CITY MANAGER.

By \_\_\_\_\_

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**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.**

12/16/02  
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