

(R-91-941)

RESOLUTION NUMBER R-276795

ADOPTED ON OCTOBER 30, 1990

WHEREAS, Saul Haimowitz/Matthew Roth, by Lynne L. Heidel of Peterson and Price, appealed the decision of the Planning Commission in denying Coastal Development Permit No. 89-0525 submitted by Matthew J. Roth for the demolition of an existing two-unit building and the construction of a three-story 11-unit condominium complex located at 302 San Antonio Avenue, said property is more particularly described as portions of Lots 3 and 4, Block 121, Map No. 37, in the Peninsula Community Plan area, in the R-600 zone; and

WHEREAS, the matter was set for public hearing on October 30, 1990, 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 Coastal Development Permit No. 89-0525:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an Peninsula Local Coastal Program Land Use Plan; nor will it obstruct views to and along the ocean nor San Diego Bay from public vantage points.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

5. The proposed development will not be sited adjacent to a park or recreation area, therefore, no adverse environmental impacts to such resources are anticipated.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

7. The proposed development will be visually compatible with the character of surrounding areas. The neighborhood is developed with primarily two, three and four-story, multi-family buildings.


8. The proposed development will conform with the General Plan and the Peninsula Local Coastal Program.

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 appeal of Saul Haimowitz/Matthew Roth, by Lynne L. Heidel of Peterson and Price is granted; the decision of the Planning Commission is overruled;

and Coastal Development Permit No. 89-0525 is hereby granted to Matthew J. Roth, subject to 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
1/5/91
Or.Dept:Clerk
R-91-941
CDP 89-0525
Form=r.tm

COASTAL DEVELOPMENT PERMIT NO. 89-0525
SAN ANTONIO CONDOS

CITY COUNCIL

This coastal development permit is granted by the Council of The City of San Diego to MATTHEW J. ROTH, Owner, an individual, pursuant to Section 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to demolish an existing two-story unit and to construct a three-story, nine-unit condominium project coastal development located at 302 San Antonio, described as a Portion of Lot 3 and all of Lot 4, Block 121, Map No. 37, in the R-600 Zone.
2. The facility shall consist of the following:
 - a. One 3-story building;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than 20 off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated October 30, 1990, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit 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; and
 - b. The coastal development permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 30, 1990, on file

in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications 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 substantial conformity to Exhibit "A," dated October 30, 1990, on file in the office of the Planning Department. 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. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
8. This coastal development permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
9. This coastal development 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.
10. The number of dwelling units should be reduced to a maximum of nine.
11. The public turnaround located at the end of San Antonio Street, adjacent to subject property, should be improved in a manner determined satisfactory by the City Engineer and the Planning Director.
12. The landscaping along the north property line of subject property should be increased in size, quantity and area, in a manner satisfactory to the Planning Director.
13. The amount of current legal on-street parking should not be reduced by red lining of the curb.
14. Prior to the issuance of any building permits, the applicant shall assure the following, in a manner satisfactory to the Water Utilities Director:
 - a. Replace six-inch cast-iron main with eight-inch main.

- b. Install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.
- c. Grant additional easement to increase water easement to 15 feet. No structures shall be built in or over the easement without first obtaining an encroachment removal permit.
- d. Provide a sewer study for the sizing of gravity sewer mains and to show that the grade of the mains will provide adequate capacity and cleansing velocities.
- e. Install all facilities required in the approved study.

Additional conditions may be recommended pending any redesign of this project.

- 15. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
- 16. This proposal shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987; and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.
- 17. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
- 18. All mitigation measures listed in Negative Declaration No. 89-0525 of April 2, 1990 are incorporated as conditions within this permit by reference.
- 19. Unless appealed, this coastal development permit shall become effective on the eleventh day following the decision of the City Council.
- 20. This coastal development permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

21. 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.

APPROVED by the Council of The City of San Diego on October 30, 1990.

FCC:lc
r-91-941

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.

MATTHEW J. ROTH, Owner

By _____

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

R 276795

OCT 3 0 1990

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

(Seal)

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

By *Ellen Roward* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R 276795** Adopted **OCT 3 0 1990**