

(R-91-1377)

RESOLUTION NUMBER R-277219

ADOPTED ON JANUARY 15, 1991

WHEREAS, Hamid Raissi, appealed the decision of the Planning Commission in denying Conditional Use Permit No. 89-0843 submitted by Hamid Raissi, Owner/Permittee, to demolish a restaurant and a single-family home and construct a mixed-use project consisting of four commercial suites and five residential units with associated off-street parking, located at 2253 Sunset Cliffs Boulevard, and is more particularly described as Lots 1-5 and a portion of Lot 6, Block 22, Map No. 1167, in the Ocean Beach Community Plan area, in the C-1 and R-3000 zones; and

WHEREAS, the matter was set for public hearing on January 15, 1991, 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 Conditional Use Permit No. 89-0843:

1. The proposed use will not adversely affect the neighborhood, the General Plan, or the community plan and will not be detrimental to the health, safety and welfare of persons residing or working in the area. The proposed use will allow vehicular access to the residential garages and required parking for the commercial uses, via the residentially-zoned portions of the lot. A landscape buffer for adjacent residential property

will be provided and the vehicular use areas will be landscaped in accordance with the requirements of the coastal development permit.

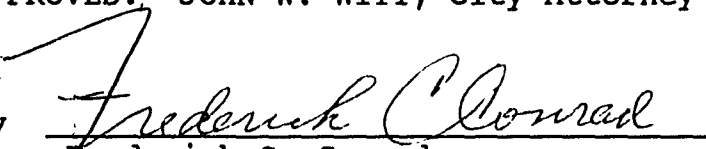
2. The proposed use complies with all the relevant regulations of the Municipal Code.

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 appeal of Hamid Raissi is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. 89-0843 is hereby granted to Hamid Raissi, 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:pev  
02/25/91  
Or.Dept:Clerk  
R-91-1377  
Form=r.permit

RECEIVED  
CITY CLERK'S OFFICE  
91 MAR -7 AM 9:49  
SAN DIEGO, CALIF. *EF*

COASTAL DEVELOPMENT PERMIT NO. 89-0843  
AND CONDITIONAL USE PERMIT NO. 89-0843  
SUNSET CLIFFS PLAZA

CITY COUNCIL

This coastal development permit is granted by the Council of The City of San Diego to HAMID RAISSI, an individual, Owner/Permittee, 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 a restaurant and a single-family home and construct a mixed-use project located at 2253 Sunset Cliffs Boulevard, described as Lots 1-5 and a portion of Lot 6, Block 22, Map No. 1167, in the C-1 and R-3000 zones.
2. The facility shall consist of the following:
  - a. 7,401 square feet of residential floor area and 3,600 square feet of commercial floor area;
  - 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 18 off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated January 15, 1991, 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 January 15, 1991, 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 January 15, 1991, 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. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
8. 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.
9. 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.
10. 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.
11. 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.
12. This coastal development permit and 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 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.
14. 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.
15. Prior to the issuance of any building permits, the applicant shall, in a manner satisfactory to the City Engineer:
  - a. Dedicate to the City additional right-of-way to provide a 49-foot width from the street center line to the property line, for Sunset Cliffs Boulevard, with a 20-foot property line radius at Lotus Street, adjacent to this site.
  - b. Dedicate to the City additional right-of-way to provide a 10-foot width from the alley center line to the property line, adjacent to this site.
16. The applicant shall install City-approved signs in the interior vehicular use area dedicating four parking spaces to the exclusive use of the residential portion of the project between the hours of 5:00 p.m. and 8:00 a.m., Monday through Friday, and all day Saturday and Sunday. In addition, the landscaped area at the southeast portion of the premises shall be reserved for future use as a parking space if necessary. Parking shall conform to Exhibit "A," dated January 15, 1991.
17. Unless appealed this coastal development permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action.
18. This coastal development permit and conditional use 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.
19. This coastal development permit shall become effective on January 25, 1991.
20. This coastal development permit incorporates Conditional Use Permit No. 89-0843. The conditional use permit shall not be valid until the coastal development permit becomes effective.

21. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by The City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.
22. 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 January 15, 1991.

r-91-1376  
r-91-1377

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.

HAMID RAISSI  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

R-277219



Passed and adopted by the Council of The City of San Diego on JAN 15 1991,  
 by the following vote:

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 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 checked="" type="checkbox"/>	<input 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 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:

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 Bovard, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-277219</u>	Adopted <u>JAN 15 1991</u>