

CORRECTED COPY

(R-91-1381) COR.COPY

RESOLUTION NUMBER R-277278

ADOPTED ON JANUARY 29, 1991

WHEREAS, Reynaldo Pisano, Chair, Southeast Development Committee, appealed the decision of the Planning Commission in approving Conditional Use Permit No. 90-0116 submitted by Islah Abdul-Hafeez, Owner/Permittee, for the operation of Al-Basit Academy, a private school and day care facility. The subject property contains two detached single-family residences located at 1705 Winnett Street, between Springfield and Tooley Streets, and is more particularly described as Parcels A and B of Parcel Map No. 2263, in the Southeast San Diego Community Plan area, in the SF-10000 zone; and

WHEREAS, the matter was set for public hearing on January 29, 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. 90-0116:

1. The proposed use and project design meet the purpose and intent of Chapter X, Article 3, Division 17 of the San Diego Municipal Code and the Southeast San Diego Community Plan, and will not adversely affect the Southeast San Diego Community Plan, the Skyline-Paradise Hills Community Plan, the General Plan or other applicable plans adopted by the City Council. The school

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use at the proposed location is compatible with the surrounding single-family residential properties.

2. The proposed development is compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community is achieved as far as practicable. A school use at the proposed site would not be a disruptive element to the neighborhood.

3. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan and the community plan. The community plan designates the subject property for low density single-family residential use and the surrounding existing development and use is single-family residential. The proposed use will not adversely affect other property in the vicinity.

4. The proposed use complies with the relevant regulations in the San Diego Municipal Code.

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

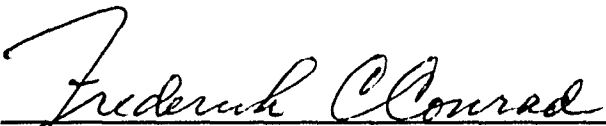
BE IT FURTHER RESOLVED, that the appeal of Reynaldo Pisano, Chair, Southeast Development Committee, is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. 90-0116 is hereby granted to Islah Abdul-Hafeez, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this permit will be granted until December, 1991, at which time the school should be relocated at a more appropriate site.

BE IT FURTHER RESOLVED, that the Council will assist the director of Al-Basit Academy to locate a new site, if possible.

BE IT FURTHER RESOLVED, that if a new site is not located by December, 1991, this item will be redocketed for further Council action.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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COMMUNICATIONS

SOUTHEAST DEVELOPMENT/CONDITIONAL USE PERMIT NO. 90-0116
AL-BASIT ACADEMY

CITY COUNCIL

This Southeast Development/Conditional Use Permit No. 90-0116 is granted by the Council of The City of San Diego to Islah Abdul-Hafeez, Owner/Permittee, under the conditions in Sections 103.1706 and 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Islah Abdul-Hafeez to operate Al-Basit Academy located at 1705 Winnett Street, described as Parcel A, Map No. 2263 in the SF-10000 Zone. The use shall be allowed at the subject site until December 31, 1991. The permittee may pursue an option to use the site for an additional six months through June 30, 1992 with approval by the City Council.
2. The facility shall consist of the following:
 - a. One single-family structure totaling approximately 1,580 square feet in area, to be used for a private school and before and after school care facility;
 - b. Three classrooms, activity area, two restrooms, office and kitchen areas;
 - c. Off-street parking;
 - d. Accessory uses as may be determined incidental and approved by the Planning Commission.
3. Four off-street parking spaces including two enclosed, and one tandem space accessed from Springfield Street.
4. No fewer than four off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 29, 1991, 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.
5. No permit for conversion to a private school 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 Southeast Development/Conditional Use Permit No. 90-0116 is recorded in the office of the County Recorder.
6. No construction or grading is permitted with this permit.
7. A complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Department for approval. Such plans shall meet the requirements of the City-wide Landscape Ordinance and City of San Diego Landscape Technical Manual.
8. 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.
9. This Southeast Development/Conditional Use Permit must be used within 24 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 101.0910 of the Municipal Code.
10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. 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.
12. 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.
13. The total number of students permitted at 1705 Winnett shall be limited to 30.
14. The hours of operation shall be from 6:00 a.m. to 7:00 p.m.
15. Building modifications shall be required to comply with all current fire and building codes for the conversion of single-family residences to school uses.
16. This Southeast Development/Conditional Use Permit is a covenant running with the lands 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.

APPROVED by the Council of The City of San Diego on January 29, 1991.

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r-91-1382

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.

ISLAH ABDUL-HAFEEZ
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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R-277278

Passed and adopted by the Council of The City of San Diego on **JAN 29 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| H. Wes Pratt | <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"/> |
| J. Bruce Henderson | <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:

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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R. 277278** Adopted **JAN 29 1991**