

R. 75-1814

RESOLUTION NO. 212616
Planned Commercial Development Permit No. 12

FEB 13 1975

WHEREAS, BALBOA PROPERTIES, a partnership, Owner, and GREAT WESTERN SAVINGS & LOAN ASSOCIATION, a California corporation, both hereafter referred to as "Permittee," filed an application for a permit to construct and operate a planned commercial development, located on the north corner of Clairemont Mesa Boulevard and Clairemont Drive adjacent to Cole Street, more particularly described as Lot 4, Block 1, and a portion of Tatum Street closed, C.C.C. Tatum's Bay Hills Mesa, and Lot 557, Clairemont Manor Unit 4, in the R-3 (proposed CO) Zone; and

WHEREAS, on January 8, 1975, the Planning Commission of The City of San Diego made its finding of facts and filed the same in the office of the City Clerk on February 5, 1975; and

WHEREAS, the motion by the Planning Commission to approve said permit failed to receive four affirmative votes and was deemed denied; and

WHEREAS, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, GREAT WESTERN SAVINGS & LOAN ASSOCIATION, by attorney Paul A. Peterson, under date of January 16, 1975, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 13, 1975, and 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, as follows:

That all of the following facts exist with respect to Planned Commercial Development Permit No. 12:

1. The proposed use at the particular location is necessary to provide a service which will contribute to the general well-being of the community.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. All design criteria and minimum standards for a planned commercial development will be met.


4. The granting of this permit will not adversely affect the General Plan of the City, the adopted Clairemont Mesa Community Plan, or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that by a vote of 8 to 0, the appeal of GREAT WESTERN SAVINGS & LOAN ASSOCIATION be, and it is hereby granted and the City Council does hereby grant to BALBOA PROPERTIES and GREAT WESTERN SAVINGS & LOAN ASSOCIATION, Planned Commercial Development Permit No. 12 to construct and

operate said development, in the form and with the terms and conditions as 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:rmb
3-13-75
PCD 12

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 12
CITY COUNCIL

This planned commercial development permit is granted by the Council of The City of San Diego to BALBOA PROPERTIES, a partnership, Owner, and GREAT WESTERN SAVINGS & LOAN ASSOCIATION, a California corporation, both hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0910 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a planned commercial development, located on the north corner of Clairemont Mesa Boulevard and Clairemont Drive adjacent to Cole Street, more particularly described as Lot 4, Block 1, and a portion of Tatum Street closed, C.C.C. Tatum's Bay Hills Mesa, and Lot 557, Clairemont Manor Unit 4, in the R-3 (proposed CO) Zone.

2. The planned commercial development shall include and the term "Project" as used in this planned commercial development permit shall mean the total of the following facilities:

- a. A 4,510 square-foot, one-story savings and loan branch facility.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final parcel map shall be recorded on the subject property for

lot consolidation and the property shall be zoned CO.

4. Not less than 46 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

5. A six-foot high masonry wall shall be located along the northern property line.

6. Ingress and egress from Clairemont Mesa Boulevard and Cole Street only shall be permitted.

7. Signs shall consist of the following:

a. A right turn only sign measuring 3-1/2 by 2-1/4 feet with six-inch letters to be located adjacent to the Clairemont Drive egress.

b. Two parking signs measuring 2-1/2 by 2 feet with four-inch letters located adjacent to the Clairemont Mesa Boulevard and Cole Street entrances.

c. A Great Western Savings logo on the east, west and south elevations of the building, measuring 41 by 2 feet.

8. Delete Condition No. 4 of the General Conditions for Planned Commercial Development Permits, and in its stead substitute the following:

This planned commercial development must be utilized within 18 months after the effective date of the concurrent CO rezoning (Case No. 38-74-2). Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the Municipal Code.

9. Permittee shall comply with the General Conditions for Planned Commercial Developments attached hereto and made a part hereof.

Passed and adopted by the City Council of The City of San Diego on February 13, 1975.

GENERAL CONDITIONS FOR
PLANNED COMMERCIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the Project shall have commenced and shall be proceeding within 18 months after the effective date of this planned commercial development permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0910 of the San Diego Municipal Code.

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

6. The effectiveness of this planned commercial development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this planned commercial development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date the City Council granted this planned commercial development permit.

b. This planned commercial development permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning

Commission, or City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this planned commercial development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be cancelled or revoked. Cancellation or revocation of this permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0910.

10. This planned commercial development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known to me to be the Sole Managing Partner and authorized signatory ~~of the partnership~~ of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____ and _____ known to me to be the _____ of _____

_____ the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

Passed and adopted by the Council of The City of San Diego on **FEB 13 1975**,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By *Patricia Polan*, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **212616** Adopted **FEB 13 1975**