

Planned Commercial Development Permit No. 26

FEB 1 1977

WHEREAS, CLAIREMONT RENTAL PROPERTIES, a partnership, Owner, and HACKBARTH-JAMESON, a California corporation, both hereafter referred to as "Permittee," filed an application to construct and operate a 1,792 square foot fast-food restaurant, including drive-thru service, located on the west side of Clairemont Drive between Balboa Avenue and Ute Drive, more particularly described as Lots 1185-1187, Clairemont Unit 7, in the CN Zone; and

WHEREAS, on December 16, 1976, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 666, granted said planned commercial development permit to Permittee and filed the decision in the office of the City Clerk on December 30, 1976; and

WHEREAS, on December 30, 1976, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, the CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Marian R. Bear, Chairman, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 1, 1977, 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; and

WHEREAS, the City Council, in considering said appeal is empowered by the provisions of Municipal Code Section 101.0910 to affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code;

NOW, THEREFORE,

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BE IT RESOLVED, by the Council of The City of San Diego,
as follows:

All of the following facts exist with respect to
Planned Commercial Development Permit No. 26:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood, the community and the City. As a neighborhood convenience restaurant, the project is planned to serve the immediate needs of the Clairemont residents and adjacent commercial areas. No similar facilities exist within the immediate vicinity.

2. That such development will not under the circumstances of the particular case be detrimental to health, safety or general welfare of persons residing or working in the vicinity and injurious to property or improvements (existing or future) in the vicinity.

3. That all design criteria and minimum standards for a planned commercial development will be met. This plan does conform with minimum criteria. It provides 18 percent landscaping where 10 percent is required and is of a design which is compatible with the neighborhood. Excess parking is being provided over that which is required by the underlying CN zone which could minimize any possible parking problems.

4. That the granting of this permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or any adopted community plan or precise plan or

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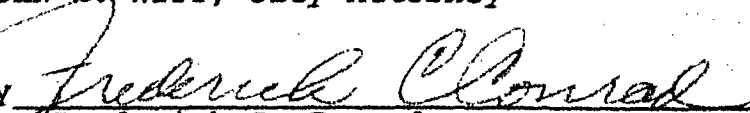
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the adopted plan of any governmental agency. The adopted Clairemont Mesa Community Plan designates the subject property for commercial office use and designates the area to the east for neighborhood commercial. The Planning Department believes that based upon the existing CN zoning, this neighborhood commercial-type use is justifiable.

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

BE IT FURTHER RESOLVED, that the appeal of the CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Marian R. Bear, Chairman, is hereby denied and this Council does hereby grant to CLAIREMONT RENTAL PROPERTIES and HACKBARTH-JAMESON, Planned Commercial Development Permit No. 26, 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:clh
2/23/77
Or.Dept.:Clerk

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 26

This planned commercial development permit is granted by the Council of The City of San Diego to CLAIREMONT RENTAL PROPERTIES, Owner, and HACKBARTH-JAMESON, 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 west side of Clairemont Drive between Balboa Avenue and Ute Drive, more particularly described as Lots 1185, 1186 and 1187 of Clairemont Unit No. 7, Map No. 2872, in the CN Zone.

2. The Planned Commercial Development shall include, and the term "Project" as used in the Planned Commercial Development shall mean the total of the following facilities:

a. A 1,792 square foot fast-food restaurant with drive-thru lane.

b. Signs, to include the following:

Two 5-foot diameter circular wall signs bearing the "Del Taco" logo, located on the north and east building walls.

One 2 foot by 8 foot wall sign on the north elevation.

A freestanding sign, double-faced, measuring 9 feet high by 6 feet wide. This sign is to be constructed of wood with plastic implants bearing the "Del Taco" logo.

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c. Offstreet parking.

d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 16 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated December 16, 1976, 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 an 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 offstreet parking spaces.

4. The property shall be maintained in a litter-free condition.

5. A concrete block wall shall be constructed on the south property line. The maximum height shall be three feet within the 10-foot setback and six feet along the remainder of the property line.

6. Building elevation shall not include 22-inch diameter acrylic orange spheres on 8" by 8" resawn posts.

7. Prior to the issuance of any building permits, a final landscape plan shall be approved by the Planning Director.

8. The Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on February 1, 1977.

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 December 16, 1976, 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 December 16, 1976, 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.

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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

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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.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said
County and State, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and EDWARD NIELSEN, 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
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

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 stamp)

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 Planned Commercial Development Permit and
promises to perform each and every obligation of Permittee hereunder.

CLAIREMONT RENTAL PROPERTIES,
a partnership

HACKBARTH-JAMESON,
a California corporation

By _____

By _____

By _____

By _____

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Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

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 _____ of the partners 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) ss
COUNTY OF SAN DIEGO)

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

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Passed and adopted by the Council of The City of San Diego on _____, 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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 *Kathleen Martiney*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number **217599** Adopted **FEB 1 1977**

CC-1276 (REV. 12-76)

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