

RESOLUTION NO. 218815

R.78-196

Planned Commercial Development Permit No. 31

JUL 19 1977

WHEREAS, PETER A. and MARY LaRUE JAEGER, Owners, and CARROW'S RESTAURANTS, INC., hereafter referred to as "Permittee," filed an application under Planned Commercial Development Permit No. 31, to construct and operate a 24-hour restaurant of 4,375 square feet with parking and landscaping on a 33,800 square-foot parcel in the R-1-5 (proposed CA) Zone. The property is more particularly described as a portion of Pueblo Lot 1234, located at the northwest corner of Clairemont Mesa Boulevard and Limerick Avenue; and

WHEREAS, on May 5, 1977, the Planning Commission of The City of San Diego made its findings of fact, denied said Planned Commercial Development Permit No. 31 to Permittee, and filed said decision in the office of the City Clerk on May 12, 1977; and

WHEREAS, on May 23, 1977, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, PETER A. and MARY LaRUE JAEGER, Owners, and CARROW'S RESTAURANTS, INC., Permittee, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 29, 1977, continued to July 19, 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,

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. 31:

1. That the proposed use at the particular location is not necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood, the community, or the city. The proposed Carrow's Restaurant is not providing a service which is unavailable in the community. In fact, many dining facilities exist along Clairemont Mesa Boulevard. The commercial use of this site would preclude its use for multi-family residential development as proposed on the adopted community plan and would add additional commercial in an area where existing commercial land is sometimes vacant.

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 or injurious to property or improvements (existing or future) in the vicinity. The design of the proposed

restaurant and its landscaping will not detract from the visual amenities of this area. Requirements of the planned commercial development such as the proposed street widening will insure adequate traffic access and safety. Traffic generated by the parking lot and its exit onto the proposed alley is probably not greater than that which would be generated by residential development of this site.

3. That all design criteria and minimum standards for a planned commercial development will not be met. Although design of the building and its surrounding landscaping meet planned commercial development criteria, the parking lot landscaping does not meet the criteria. The underlying proposed CA zone would require a 10-foot landscaped strip adjacent to public rights of way. The applicant is providing only 3 feet of landscaping on private property adjacent to Clairemont Mesa Boulevard.

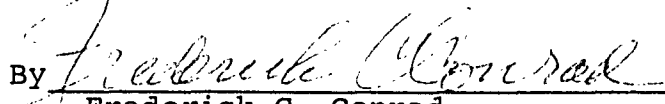
4. That the granting of this permit will adversely affect the Progress Guide and General Plan for the City of San Diego, the adopted Community Plan, or the adopted plan of any governmental agency. The Clairemont Mesa Community Plan designates this site for medium density residential development within the range of 15 to 45 dwelling units per acre. The plan also speaks out against proliferation of strip-type commercial development.

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

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

That the appeal of Peter A. and Mary LaRue Jaeger,  
Owners, and Carrow's Restaurants, Inc., Permittee, is denied,  
Planned Commercial Development Permit No. 31 is also  
denied, and the decision of the Planning Commission is  
hereby upheld.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
8/3/77  
38-77-4  
Or.Dept.:Clerk

Passed and adopted by the Council of The City of San Diego on JUL 19 1977,  
 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

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

(Seal)

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

By *Allyn D. Nevitt*, Deputy.

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 CITY CLERK'S OFFICE  
 1977 AUG -8 AM 10:29  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 218815 Adopted JUL 19 1977 *ED*