

Planned Commercial Development Permit No. 30

AUG 31 1977

WHEREAS, ALL SAINTS LUTHERAN CHURCH, Owner, and LA JOLLA BANK AND TRUST COMPANY, both hereafter referred to as "Permittee," filed an application to construct and operate a two-story bank with drive-thru service, parking and landscaping, located on the south side of Governor Drive between Radcliffe Drive and Genesee Avenue, more particularly described as Lot 1, All Saints Lutheran Subdivision, in the R-1-5 (proposed CO) Zone; and

WHEREAS, on June 16, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 869, granted said planned commercial development permit to Permittee and filed the decision in the office of the City Clerk on June 30, 1977; and

WHEREAS, on June 29, 1977, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, South University City Planners, by Melissa L. Griffin, Chairman, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 16, 1977, continued to September 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. 30:

1. The proposed use at the particular location is necessary  
and desirable to provide a service which will contribute to the  
general well-being of the neighborhood and the City. A new  
banking facility at this location will provide a service which  
will be of benefit and convenience to the residents of this  
community.

2. The development will not, under the circumstances of  
this case, be detrimental to the health, safety, or general  
welfare of persons residing or working in the vicinity, or  
injurious to property or improvements, either existing or future.  
The predominant use of the property most nearly contiguous to  
the subject property is nonresidential in character, and the  
proposed use will complement existing permitted uses rather  
than conflict with them. No major traffic problem will be  
created.

3. All design criteria and minimum standards for the  
development will be met. Any minor deviation from setback  
requirements is wholly justified as contributing to a significantly  
improved building appearance and design, and orientation on the lot.

4. The granting of the permit will not adversely affect  
the Progress Guide and General Plan for the City or the adopted  
University Community Plan. The proposed use is generally consistent

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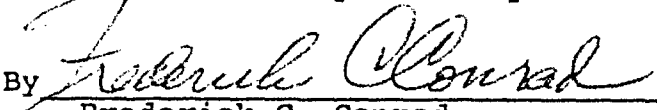
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with permitted uses on contiguous and nearby property, and is adequately separated by other improvements or by major streets from the nearest residentially developed property.

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 SOUTH UNIVERSITY CITY PLANNERS, by Melissa L. Griffin, Chairman, is hereby denied and this Council does hereby grant to ALL SAINTS LUTHERAN CHURCH and LA JOLLA BANK AND TRUST COMPANY, Planned Commercial Development Permit No. 30, 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  
9/12/77  
38-77-3  
Or.Dept.:Clerk

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 30

This planned commercial development permit is granted by the Council of The City of San Diego to ALL SAINTS LUTHERAN CHURCH, Owner, and LA JOLLA BANK AND TRUST COMPANY, 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 south side of Governor Drive between Radcliffe Drive and Genesee Avenue, more particularly described as Portion Lot 1, All Saints Lutheran, Map 5941, in the R-1-5 (proposed CO) 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 5,626 square foot two-story bank.
- b. Four drive-thru covered teller lanes.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

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

4. No less than 26 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit A, dated June 16, 1977, on file in

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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 offstreet parking spaces.

5. 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 Rezoning Case No. 38-77-3. 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.

6. Prior to the issuance of a building permit, a center island in Governor Drive from Genesee Avenue to Radcliffe Drive shall be assured subject to the approval of the City Engineer, in order to prohibit left turns by vehicles exiting the property on Governor Drive.

7. All signs shall be consistent with the CO Zone and approved by the Planning Director prior to the issuance of permits.

8. Prior to the issuance of building permits the Zoning Administrator shall approve a revised parking plan for the church, joint access driveway, and reciprocal easement agreement.

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9. 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 August 31, 1977.

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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 June 16, 1977, 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 June 16, 1977, 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. This Planned Commercial Development must be utilized within 18 months after the effective date of the concurrent Rezoning Case No. 38-77-3. 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.

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.

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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 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

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 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:

**AUG 31 1977**

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 F. 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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

By

*Kathleen Martinez*

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SAN DIEGO, CALIF. 918

Office of the City Clerk, San Diego, California	
Resolution Number <b>219178</b>	Adopted <b>AUG 31 1977</b>

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