

RESOLUTION NO. 219214

R.78-606

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 34

AUG 31 1977

WHEREAS, HUSTON GLENN KELLOGG, Owner, and WESTERN HOME LOAN CORPORATION, both hereafter referred to as "Permittee," filed an application to construct and operate a commercial office and restaurant complex of 27,000 square feet with parking and landscaping on 2.8 acres, located on the east side of Texas Street at the junction with Camino del Rio South, more particularly described as a portion of Pueblo Lot 1110, in the R-1-40 (portion in the Hillside Review Overlay) and R-1-40 (proposed CO) Zones; and

WHEREAS, on June 2, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 857, granted said planned commercial development permit to Permittee and filed the decision in the office of the City Clerk on June 13, 1977; and

WHEREAS, on June 23, 1977, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, ARTHUR F. CASEY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 31, 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

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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. 34:

1. The proposed use is desirable and compatible with adjacent properties in the area that are zoned for both office and recreational uses. This project proposes the construction of 27,000 square feet of additional office and restaurant usage in an area that is adequately served with road systems. There is a current need for additional office space in the Mission Valley area, and this addition will not adversely affect the adopted general plan.

2. This development will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity nor will it be injurious to property and improvements existing now or in the future in the vicinity. The building does not intrude into the HR Overlay Zone, and by the location of the building on the hillside it will be covering a previously graded blemish on the landscape that has existed for over 15 years. Additionally, barren areas of the hillside in the HR Overlay Zone will be landscaped and sprinkled in order to blend the entire building and hillscape into a harmonious unit. All parking areas will be designed so as not to create a hazard to automobiles, property or people.

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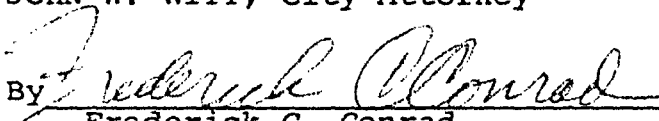
3. All design criteria and standards which are required will be met. The landscaping which is planned for the building and around the building will harmoniously blend with the building architecture.

4. The granting of this permit will not adversely affect the Progress Guide and General Plan of The City of San Diego. A commercial-office-space usage is compatible with the other uses in the area, and this use of approved CR-zoned land for office uses is in keeping with the existing situation in the area.

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 IF FURTHER RESOLVED, that the appeal of ARTHUR F. CASEY is hereby denied and this Council does hereby grant to HUSTON GLENN KELLOGG and WESTERN HOME LOAN CORPORATION, Planned Commercial Development Permit No. 34, 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  
9/14/77  
Or.Dept.:Clerk

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 34

This planned commercial development permit is granted by the Council of The City of San Diego to HUSTON GLENN KELLOGG, Owner, and WESTERN HOME LOAN 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 at the southeast corner of Texas Street and Camino del Rio South, more particularly described as a portion of Pueblo Lot 1110 of the R-1-40 (portion in the Hillside Review Overlay) and R-1-40 (proposed CO) Zones.

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. 27,000 sq. ft. building to contain offices and a 2,000 sq. ft. restaurant.
- b. Offstreet 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 subdivision map shall be recorded on the subject property and the property shall be zoned CR.

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4. No less than 91 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated June 2, 1977, 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 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. 42-75-1/EOT. 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. The restaurant shall not open until 5:00 p.m.

7. 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 2, 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 2, 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, 42-75-1/EOT. 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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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.

WESTERN HOME LOAN CORPORATION,  
a California corporation (SEAL)

\_\_\_\_\_  
HUSTON GLENN KELLOGG

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 the person whose name is subscribed to the within instrument and acknowledged to me that \_\_\_\_\_ executed the within instrument.

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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**AUG 31 1977**

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon E. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd I. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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* Deputy.

Office of the City Clerk, San Diego, California

Resolution  
Number

**219214**

Adopted

**AUG 31 1977**

*ED*

CC-1276 (REV. 8-77)

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