

RESOLUTION NO. 219887

R.78-1677

Planned Commercial Development Permit No. 38

DEC 14 1977

WHEREAS, ALL SAINTS LUTHERAN CHURCH, Owner, and VILLA NORTE DEVELOPMENT COMPANY, both hereafter referred to as "Permittee," filed an application under Planned Commercial Development Permit No. 38, to construct and operate five office/retail commercial buildings, totaling 27,300 square feet of office and commercial floor area on 2.36 acres in the R-1-5 (proposed CN) Zone, located on the west side of Genesee Avenue between Radcliffe Lane and Governor Drive, in the University Community Plan area, more particularly described as a portion of Lot 1, All Saints Lutheran Church; and

WHEREAS, on September 8, 1977, the Planning Commission of The City of San Diego made its findings of fact, denied Planned Commercial Development Permit No. 38, and filed said decision in the office of the City Clerk on November 25, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, the VILLA NORTE DEVELOPMENT COMPANY, by Robert Nightingale, Jr., appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 30, 1977, continued to December 14, 1977; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; NOW, THEREFORE,

**MICROFILMED**

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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. 38:

1. The proposed use at this location would not be necessary  
or desirable to provide a service or facility contributing to  
the general well-being of the neighborhood or community.

The proposed shopping center is not necessary to provide  
a service that is unavailable in the community. A large  
neighborhood shopping center exists across Genesee Avenue  
approximately 130 feet to the east of the subject property,  
and another center is situated approximately 3/4 of a mile to  
the west at Genesee Avenue and Regents Road. These two centers  
can adequately serve the convenience needs of the area. In  
addition, 10.6 acres of existing CN zoning located across  
Genesee Avenue from the subject property has been developed  
with residential uses. This would indicate that a need  
does not exist for additional commercial acreage in the area.

2. The proposed development would not be detrimental  
to the health, safety or general welfare of persons residing  
or working in the area, nor injurious to property or improvements,  
either existing or future, in the vicinity.

The design of the proposed shopping center, its location  
on a major street, and its landscaping would not be detrimental  
to the health, safety or general welfare of persons living or  
working in the area, nor injurious to property or improvements.

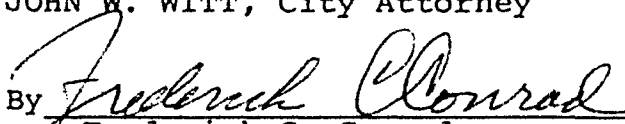
3. All design criteria and minimum standards for a planned commercial development would be met. However, the Department would point out that the developer is proposing the utilization of compact-size parking spaces on site, which, to date, are still under study by the Department. The requested CN zoning requires that the developer provide one parking space for every 200 square feet of gross floor area, or 137 spaces total for this development. 125 spaces are proposed, 12 less than required, and 30 percent of the parking spaces to be provided would be substandard-size compact spaces. The Planning Department would point out that 125 parking spaces would meet the minimum if calculated on retail and office use.

4. The granting of this permit would be contrary to the adopted Progress Guide and General Plan for the City of San Diego and the adopted University Community Plan.

The adopted University Community Plan and General Plan designate the subject property for low density residential development. The proposed commercial development would be contrary to these adopted plans.

BE IT FURTHER RESOLVED, that the appeal of VILLA NORTE DEVELOPMENT COMPANY, by Robert Nightingale, Jr., is denied, and this Council does hereby deny to ALL SAINTS LUTHERAN CHURCH and VILLA NORTE DEVELOPMENT COMPANY, Planned Commercial Development Permit No. 38.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
3/3/78  
Or.Dept.:Clerk

DEC 14 1977

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Allyn D. Newitt, Deputy.

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Office of the City Clerk, San Diego, California	
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