

RESOLUTION NO. \_\_\_\_\_

**221288**

R.79-208

**JUN 28 1978**

Planned Commercial Development Permit No. 50

WHEREAS, JAMES C. MALCOLM, Owner, hereafter referred to as "Permittee," filed an application under Planned Commercial Development Permit No. 50, to construct, use and maintain a 3,684 square foot two-story building containing an accounting office and a residence on a 7,000 square foot parcel with parking and landscaping in the R-3 (proposed CN) Zone. The property is more particularly described as Lots 7 and 8, Block 13, La Jolla Park, Map No. 1361, located on the east side of La Jolla Boulevard, between Pearl and Ravina Streets; and

WHEREAS, on May 4, 1978, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 1303, denied said planned commercial development permit to Permittee and filed the decision in the office of the City Clerk on June 13, 1978; and

WHEREAS, on May 17, 1978, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, JAMES C. MALCOLM appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 20, 1978, continued until June 27, 1978, and testimony having been heard, evidence having been submitted, and the

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01215

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. 50:

1. 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.

2. Such development will not, under the circumstances of the particular case, be detrimental to the 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.

3. All design criteria and minimum standards for a Planned Commercial Development will be met.

4. 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 of any governmental agency.

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221288

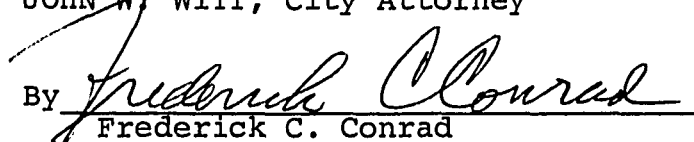
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The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of JAMES C. MALCOM is hereby granted, and this Council does hereby grant to JAMES C. MALCOM Planned Commercial Development Permit No. 50, 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  
7/31/78  
18-78-1  
Or.Dept.:Clerk

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221288

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 50

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to JAMES C. MALCOM, Owner, 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 east side of La Jolla Boulevard, 200 feet northerly of Pearl Street, more particularly described as Lots 7 and 8, Block 13, La Jolla Park, Map #1361, in the R-3 Zone (CN Zone proposed).

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 two-story structure containing a 1,953 square foot accountants' office on the ground floor and a 1,731 square foot residence on the second floor.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. No less than eight off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit A, dated May 4, 1978, on file in the office of the Planning Department.

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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 off-street parking spaces.

4. 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. 18-78-1. 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. Sign identification for the facility shall be consistent with the underlying CN Zone.

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

Adopted by the Council of The City of San Diego on June 27, 1978.

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22/288

01219

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 May 4, 1978, 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 May 4, 1978, 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.

MICROFILMED

22/288

01220

4. This Planned Commercial Development must be utilized within 18 months after the effective date of the concurrent Rezoning Case No. 18-78-1. 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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22 / 288



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 CHARLES G. ABDELNOUR, 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.

JAMES C. MALCOM

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Acknowledgment

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss

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

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JUN 28 1978

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<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"/>
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 checked="" type="checkbox"/>	<input 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 Betty Goedking, Deputy.

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CC-1976 (REV. 11-77)

Office of the City Clerk, San Diego, California

Resolution Number 221288 Adopted JUN 28 1978

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