

RESOLUTION NO. R-250704 (R80-1439)

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 72

NOV 20 1979

WHEREAS, BAYCLAIRE DEVELOPMENT CORPORATION, a California corporation, Owner, hereafter referred to as "Permittee", filed an application to construct 48 condominium dwelling units in conjunction with an existing medical-dental office building complex with parking and landscaping on a five-acre site in the CO (portion in HR) Zone. The subject property is located on the west side of Clairemont Drive between Ute Drive and Rappahannock Avenue and is more particularly described as Lot 1203 of Clairemont Unit No. 7, Map No. 2872; and

WHEREAS, on September 20, 1979, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Commercial Development Permit No. 72, and filed said decision in the office of the City Clerk on October 4, 1979; and

WHEREAS, on September 27, 1979, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, BETTY PETERSON, MR. and MRS. EUGENE PLOCKLEMAN, MARY LOU DILLION, EVE NICOL, MR. and MRS. ALLEN LINEHAN, MR. and MRS. J.M. WALLACE, MR. and MRS. D.B. MCFADDEN and DOROTHY MOSSIDES, by David W. Pies, attorney, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 20, 1979; 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,

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

The following findings of fact as submitted by the permittee exist with respect to Planned Commercial Development Permit No. 72:

1. The proposed development 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.

The housing project would provide for moderate income family housing in an already established neighborhood within the community. Community facilities such as schools, shopping, recreation, and other community facilities are already in existence.

2. Such development will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The proposed housing facility would be compatible with the existing housing development in the area by virtue of site design and landscaping.

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

The development would be consistent with the standards of the Planned Commercial Development Ordinance and the regulations

of the underlying CO Zone for such use.

4. That the granting of this permit will not adversely affect the Progress Guide and General Plan for The City of San Diego or the adopted Clairemont Community Plan or the adopted plan of any governmental agency.

The Clairemont Mesa Community Plan designates the subject property for professional office use. The proposed development would not adversely affect that designation.

The Council further advises that:

1. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises.

The proposed grading is the minimum necessary to create building sites and provide for the necessary fill.

2. Grading and excavation proposed in connection with the development will not result in soil erosion, silting or lower slopes, slide damage, flooding problems, or severe cutting or scarring.

The proposed grading is of a less slope that now exists and would not result in erosion, silting, sliding, flooding or severe cutting or scarring.


3. The proposed development will serve to preserve and enhance the natural environment and the aesthetic qualities of the site.

The site has been previously disturbed by grading and partially denuded of natural landscaping. The proposed grading and landscaping would enhance and improve the aesthetic quality of the site.

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

BE IT FURTHER RESOLVED, that the appeal of BETTY PETERSON, MR. and MRS. EUGENE PLOCKLEMAN, MARY LOU DILLION, EVE NICOL, MR. and MRS. ALLEN LINEHAN, MR. and MRS. J.M. WALLACE, MR. and MRS. D.B. MCFADDEN and DOROTHY MOSSIDES, by David W. Pies, attorney, is denied, the decision of the Planning Commission is sustained, and this Council does hereby grant to BAYCLAIRE DEVELOPMENT CORPORATION, a California corporation, Planned Commercial Development Permit No. 72, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
2/7/80
Or.Dept. Clerk

R-250704

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 72
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to BAYCLAIRE DEVELOPMENT CORPORATION, a California corporation, Owner, hereafter referred to as "Permittee", for the purpose and under 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 west side of Clairemont Drive between Ute Drive and Rappahannock Avenue, more particularly described as Lot 1203 of Clairemont Unit No.7, Map No. 2872, in the 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. 48 condominium units located within four buildings.
- b. The maintenance of existing three medical/dental office building complex.
- c. Off-street 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 subdivision map shall be recorded on the subject property.

4. Not less than 215 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated September 6,

1979, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not 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 date of approval. 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 any building permit, the applicant shall submit to the Planning Director for approval a condition or covenant which shall restrict and assure that parking will be available at all times for the tenants, clients, occupants and their guests of the housing project for that portion of the property proposed for parking as a separate lot.

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
November 20, 1979.

FCC:ps
2/7/80
Or.Dept. Clerk

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 September 20, 1979 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 September 20, 1979, 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.

4. This Planned Commercial Development must be utilized within 18 months after the date of approval. 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

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.

NOV 20 1979

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

Councilmen	Yeas	Nays	Not Present	Ineligible
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 checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

(Seal)

By *Ellen Bovard*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-250704 Adopted NOV 20 1979