

RESOLUTION NO. 223707 (R.80-1459)

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 67 JUN 12 1979

WHEREAS, K-LINE DEVELOPERS, a California corporation, Owner, hereafter referred to as "Permittee", filed an application to construct and operate a 21,760 square feet commercial facility with parking and landscaping on a 2.66 acre site in the A-1-10 (proposed CN) Zone. The property is located on the northeast side of Beyer Boulevard between Precision Park Lane and Del Sur Boulevard and is more particularly described as a portion of the northwest 1/4, Section 35, Township 18 south, Range 2 West, S.B.B.M., Record of Survey 8025; and

WHEREAS, on April 19, 1979, the Planning Commission of The City of San Diego made its findings of facts, denied said Planned Commercial Development Permit No. 67, and filed said decision in the office of the City Clerk on May 1, 1979; and

WHEREAS, on April 27, 1979, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, K-LINE DEVELOPERS, by Wynn Williams, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 5, 1979, continued to June 12, 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:

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The following findings of fact as submitted by the permittee exist with respect to Planned Commercial Development Permit No. 67:

1. The proposed use at this particular location is necessary or desirable to provide a service or facility contributing to the general well-being of the neighborhood, the community and the City.

The adopted General Plan and San Ysidro Community Plan designate the subject property for industrial park development. The City Council believes that a need exists for neighborhood commercial zoning and development at this location. The project would be a definite asset to the community of San Ysidro because of its immediate proximity to multi-family low income developments (adjacent to the proposed complex are over 600 multi-family units which house over 2000 residents). As this is a low income area, many of the wives and children are housebound because of their lack of autos and the high costs and unavailability of fuel.

2. The proposed development would not be detrimental to the health, safety and general welfare of persons living or working in the vicinity. This area is currently plagued by a high rate of vandalism. This well-lighted project will add to the security and well-being of the neighborhood. The site is naturally separated from the adjacent industrial land by a 6 feet to 20 feet embankment, and would provide the natural buffer zone between industrial zoned land and multi-zoned land. At its completion, this project would provide 30 to 40 much needed jobs.

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3. All design criteria and minimum standards for a planned commercial development would be met.

The permittee will work with the Planning Department to meet all design criteria for planned commercial development. A major revision has already been made. The parking lot area has been reduced and landscaping increased to 30%, where less than 10% was previously shown. Back filling over an enclosed concrete drain pipe to the east will be done to provide a buffer landscape strip of 20 feet between adjacent residential units and the proposed complex.

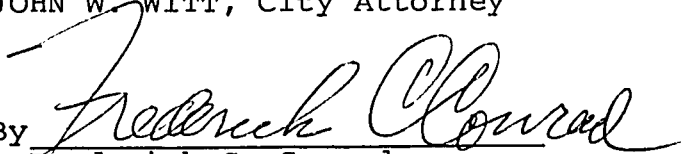
4. The granting of this permit would not adversely effect the General Plan of the City and the San Ysidro Community Plan.

Permittee has obtained full approval from the San Ysidro Planning Committee for the complex and plan.

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 K-LINE DEVELOPERS, by Wynn Williams, is granted, the decision of the Planning Commission is overruled, and this Council does hereby grant to K-LINE DEVELOPERS Planned Commercial Development Permit No. 67, 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

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JUN 12 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>
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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Beridge*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **223707** Adopted JUN 12 1979

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 67
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to K-LINE DEVELOPERS, a California corporation, 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 northeast side of Beyer Boulevard between Precision Park Lane and Virginia Avenue more particularly described as a portion of the Northwest 1/4, Section 35, Township 18 South, Range 2 West, SBBM, Record of Survey 8025 in the A-1-10 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 one-story, 21,760 square foot commercial retail facility.
- b. Off-street 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 CN.

4. Not less than 186 off-street parking spaces shall be

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provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated April 19, 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 off-street 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. 48-79-3. 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 any building permits a final landscape plan shall be submitted for Planning Commission approval. The landscape plan would provide for at least 10% of the site area, not including the parking lot, to be planted and that the area between the building and the easterly property line shall also be landscaped.

7. All signs shall be consistent with the regulations of the CN Zone.

8. The Permittee shall comply with the General Conditions

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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
June 12, 1979.

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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 April 19, 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 April 19, 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 effective date of the concurrent Rezoning Case No. 48-79-3. 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

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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