

RESOLUTION NO. 223754 (R.80-1758)

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 57

JUN 19 1979

WHEREAS, FARGO INDUSTRIES, INC., Owner, hereafter referred to as "Permittee", filed an application to construct and operate five buildings with a total floor area of 112,140 square feet for office space on a 7.84 acre site with parking and landscaping in the R-1-15 (proposed CO) (portion in Hillside Review Overlay) Zone. The property is located on the north side of Carmel Valley Road between I-5 and Portofino Drive and is more particularly described as a portion of the Northeast 1/4 of Section 25, Township 14 South, Range 4 West, S.B.B.M.; and

WHEREAS, on February 8, 1979, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Commercial Development Permit No. 57, and filed said decision in the office of the City Clerk on March 22, 1979; and

WHEREAS, on February 16, 1979, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, TORREY PINES COMMUNITY PLANNING BOARD and TORREY PINES PROTECTIVE ASSOCIATION, by Deanna Rich, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 27, 1979, continued to May 22, 1979, June 12, 1979, and June 19, 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,

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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. 57:

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

The subject PCD proposes the development of 112,140 sq. ft.
of office uses. The applicant indicates that the development
meets the needs of the area for facilities of this type and that
the office floor area would be consistent with the Community
Plan.

2. The proposed development would not be detrimental to
the health, safety and general welfare of persons living or
working in the vicinity and injurious to property or improve-
ments in the area.

By virtue of landscaping and conditions of development and
operation, the facility would not be detrimental to surrounding
properties or persons.

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

The project would meet development regulations of the under-
lying CO Zone.

The development, however, does not fully meet the intent of
the PCD ordinance for an integrated, imaginative site plan.

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The development has a uniform appearance with buildings and parking positioned in a straight line, running the full length of the property. Topography and the configuration of the property, however, appear to preclude a more imaginative site plan. The property is long and narrow and slopes upward from south to north. The clustering or realignment of buildings would result in substantial grading on site and parking far removed from the buildings. The 30 ft. coastal high limit also prohibits a centralized, high rise development.

4. The granting of this permit would not adversely affect the General Plan of the City or the Torrey Pines Community Plan.

The proposed development would be consistent with the Torrey Pines Community Plan which designates this property for office development utilizing the Planned Commercial Development Ordinance. The applicant indicates that the motel-restaurant would be consistent with recommendations of the Coastal Commission for tourist oriented facilities in the area.

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 TORREY PINES COMMUNITY PLANNING BOARD and TORREY PINES PROTECTIVE ASSOCIATION, by Deanna Rich, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to FARGO INDUSTRIES, INC. Planned Commercial Development Permit No. 57, with the condition of inclusion of a traffic signal at the

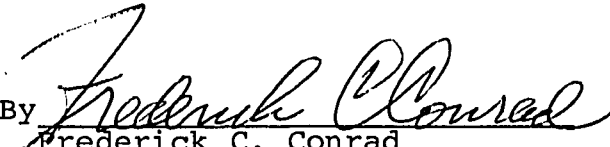
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intersection of Sorrento Valley and Carmel Valley Roads,
in the form and with the terms and conditions as set forth
in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
3/4/80
Or.Dept. Clerk

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 57
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to FARGO INDUSTRIES, INC., 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 at the northwest intersection of Carmel Valley Road and Interstate 5 freeway, more particularly described as a portion of the NE 1/4, Section 25, T14S, R4W, SBBM in the R-1-15 Zone (CO 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. 112,140 sq. ft. of professional offices
- 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 CO.

4. Not less than 365 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated January 11, 1979, on file in the office of the Planning Department. Parking

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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.

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. 60-78-16. 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. To minimize sedimentation into the Penasquitos Lagoon, the developer shall provide drainage systems which discharge through siltation basins (to remove sand and silt) before runoff reaches the wetlands; sandbag dikes along gutters to collect sand and silt until erosion is fully controlled; and special matting to cover and control erosion on all slope banks over a 3:1 gradient.

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

8. Prior to issuance of Land Development Permits, evidence shall be submitted to the Planning Director that the mitigation plan prepared by Dr. Moriarty on file in the Office of Environmental Quality has been satisfactorily executed.

9. A representative of the Native American Indian Tribes shall be allowed to observe the archaeological testing and reporting of the project. Any violation of State or Federal laws regarding Indian Heritage protection may be brought to the attention of the Planning Director.

10. A traffic signal shall be provided at the intersection of Sorrento Valley and Carmel Valley Roads.

Passed and adopted by the Council of The City of San Diego on June 19, 1979.

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3/4/80
Or.Dept. Clerk

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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 February 8, 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 February 8, 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.

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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. 60-78-16. 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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Passed and adopted by the Council of The City of San Diego on
by the following vote:

JUN 19 1979

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 Bevard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 223754 Adopted JUN 19 1979