

(R-83-131)

RESOLUTION NUMBER R- 256781

Adopted on JUL 13 1982

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 82-0036

WHEREAS, THE CITY OF SAN DIEGO, a municipal corporation, and SANTA FE LAND IMPROVEMENT COMPANY, a California corporation, Owners, and SUMNER ENTERPRISES, a general partnership, hereafter referred to as "Permittee," filed an application to construct and operate an 86,386 square-foot office complex on 3.49 acres, located at the southwest corner of Morena Boulevard and Balboa Avenue, and within the boundaries of the Clairemont Mesa Community Plan, described as a portion of Blocks 11 and 12, American Park Addition, Map No. 983, and a portion of Block 7, Homeland Villas, Map No. 1010, in the R-1-5 and CS (proposed CO) Zones; and

WHEREAS, on May 13, 1982, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Commercial Development Permit No. 82-0036, and filed said decision in the office of the City Clerk on May 25, 1982; and

WHEREAS, on May 20, 1982, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Mary R. Chipps, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on July 13, 1982; 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:

All of the following facts exist with respect to Planned Commercial Development Permit No. 82-0036:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan. The adopted Clairemont Mesa Community Plan designates the property for right-of-way use. With the reconstruction of Morena Boulevard, this portion of the right-of-way is no longer needed for transportation purposes. Redevelopment of this site to office uses appears to be appropriate.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The project has been designed so that it will be compatible with existing residential development in the neighborhood. Appropriate conditions have been incorporated into the Planned Commercial Development Permit including land use limitations.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed project will comply with all regulations of the Planned Commercial

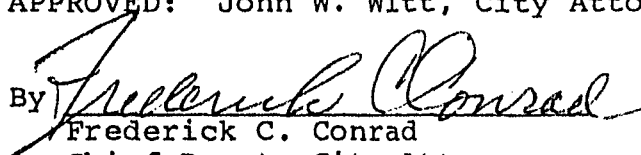
Development Ordinance. Only uses allowed in the underlying proposed CO Zone will be permitted, with the exception of medical/dental uses.

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 CLAIREMONT MESA DEVELOPMENT COMMITTEE, by Mary R. Chipps, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to THE CITY OF SAN DIEGO, a municipal corporation, SANTA FE LAND IMPROVEMENT COMPANY, a California corporation, and SUMNER ENTERPRISES, a general partnership, Owners and Permittee, Planned Commercial Development Permit No. 82-0036, 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
8/10/82
Or.Dept:Clerk
PCD 82-0036
Form=r.none

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 82-0036
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to THE CITY OF SAN DIEGO, a municipal corporation, and SANTA FE LAND IMPROVEMENT COMPANY, a California corporation, Owners, and SUMNER ENTERPRISES, a general partnership, 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 for an 86,386 square-foot office complex, with parking and landscaping, to be constructed on a 3.49-acre site located at the southwest corner of Morena Boulevard and Balboa Avenue, described as a portion of Blocks 11 and 12, American Park Addition, Map No. 983; and a portion of Block 7, Homeland Villas, Map No. 1010, in the R-1-5 and CS (proposed CO) Zones.

2. The facility shall consist of the following:

a. Three three-story buildings encompassing 86,386 square feet, including the following: one 24,912 square-foot structure; two 30,737 square-foot structures;

b. Land uses permitted shall be limited to those allowed by the CO zone, except that medical and dental offices and medical clinics shall not be permitted;

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c. Off-street parking;

d. Accessory uses as may be determined

incidental and approved by the Planning Director.

3. No fewer than 288 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 13, 1982, 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. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. An easement, if needed, shall be granted to the Metropolitan Transit Development Board as required by Tentative Map No. 82-0036.

5. No permit for construction of any facility shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

a. The Permittee signs and returns the permit to the Planning Department;

b. The planned commercial development permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Director decision or within 90 days of a Planning Commission or City Council decision, the permit shall be void.

6. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning

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Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 13, 1982, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

7. Before issuance of any building permits, a revised landscape and irrigation plan shall be approved by the Planning Director.

8. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

9. This planned commercial development permit must be used within 24 months after the effective date of the concurrent Rezoning Case No. 82-0036. Failure to use the subject permit within 24 months will automatically void the same unless an extension of time has been granted by the Planning Director as set forth in Section 101.0910 of the Municipal Code.

10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

11. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

12. This planned commercial development permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

13. This planned commercial development permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

Passed and adopted by the Council of The City of San Diego on
July 13, 1982.

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Passed and adopted by the Council of The City of San Diego on JUL 13 1982,
 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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

By *Barbara Burridge*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-256791 Adopted JUL 13 1982