

(R-84-1818)

RESOLUTION NUMBER R-260448

Adopted on APR 10 1984

WHEREAS, OTAY MESA-NESTOR COMMUNITY PLANNING COMMITTEE, by Ruth J. Schneider, Chair, appealed the decision of the Planning Commission in approving the proposed Tentative Map and Planned Industrial Development Permit for a 19.7-acre site, located north of Palm Avenue and south of Loret Avenue, between I-5 and 19th Street, in the M-1B Zone, in the Otay Mesa-Nestor Community Plan area; and

WHEREAS, on February 16, 1984, the Planning Commission voted 6 to 0 to deny the appeals, approve the Tentative Map and the Planned Industrial Development Permit and overrule the decision of the Subdivision Board; and

WHEREAS, on February 22, 1984, pursuant to the provisions of Sections 101.0920 and 102.0308 of the San Diego Municipal Code, OTAY MESA-NESTOR COMMUNITY PLANNING COMMITTEE, by Ruth J. Schneider, Chair, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on March 27, 1984, continued to April 10, 1984, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeals is empowered by the provisions of Municipal Code, Sections 101.0920 and 102.0308, 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:

That the City Council adopts Tentative Map findings of the Planning Commission as follows:

1. The proposed map is consistent with the General Plan and Otay Mesa-Nestor Community Plan which designate the property for industrial and open space use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan, Otay Mesa-Nestor Community Plan, M-1B and FW Zoning/Development Regulations and State Map Act Section 66473.1 regarding solar access.

3. The site is physically suitable for industrial development.

4. The site is suitable for the proposed industrial density of development.

5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 83-0253 and the inclusion of mitigation measures as conditions of the Tentative Map.

6. The design of the subdivision and the types of improvements will not likely cause serious public health problems inasmuch as the map is consistent with M-1B and FW zoning and conforms with City development regulations.

7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

8. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

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

All of the following facts exist with respect to Planned Industrial Development Permit No. 83-0253:

1. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan or the community plan. The rezoning, Tentative Map conditions and Planned Industrial Development Permit with conditions comply with the proposed community plan amendment for this site.

2. The proposed project, 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 vicinity. Conditions and restrictions on the property provide for retention of the open space and wildlife habitat in the floodway. In addition, visual quality of the project is to be insured through design review.


3. The proposed project will comply with relevant regulations in the Municipal Code for such use.

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 appeals of OTAY MESA-NESTOR COMMUNITY PLANNING COMMITTEE, by Ruth J. Schneider,

Chair, are denied; the decision of the Planning Commission to deny the appeals is sustained; said Tentative Map No. 83-0253 is hereby granted, subject to conditions 1 through 17 contained in Planning Commission Resolution No. 4789 adopted February 16, 1984, and this Council does hereby grant to H. G. FENTON MATERIALS CO., a California corporation, Planned Industrial Development Permit No. 83-0253, 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:imb:640
04/20/84
Or.Dept:Clerk
TM and PID 83-0253
Form=r.none

PLANNED
INDUSTRIAL DEVELOPMENT PERMIT
NO. 83-0253
CITY COUNCIL

This Planned Industrial Development Permit is granted by the City Council of The City of San Diego to H. G. FENTON MATERIALS COMPANY, a California corporation, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0920 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Industrial Development on premises located north of Palm Avenue, between Interstate 5 and 19th Street, described as Portions of the Southeast 1/4 of Section 21, Township 18 South, Range West, S.B.B.M., in the M-1B Zone.

2. The project shall consist of the following:

a. A conceptual planned industrial development permit for warehousing and manufacturing, with associated office uses on six industrial lots; and

b. Development criteria conforming with criteria of underlying zone and typical lot criteria designated as Exhibit "A," dated February 16, 1984, on file in the office of the Planning Department.

3. Parking shall conform with the parking requirements of the M-1B Zone and shall be submitted for review, satisfactory to the Planning Director and City Engineer. No reciprocal parking agreements for individual lots will be processed unless adjacent

lots are processed concurrently and agreements are established for reciprocal parking for the two parcels.

4. Prior to issuance of any building permits, building elevations and materials for each project will be submitted for review, satisfactory to the Planning Director.

5. Prior to the issuance of the first building permit for the project, a color palette shall be submitted indicating the theme of the industrial park and building materials, satisfactory to the Planning Director.

6. Prior to the issuance of the first building permit, a comprehensive sign identification program shall be submitted for the industrial park, satisfactory to the Planning Director.

7. Signs on walls facing the freeway shall conform to the allowances of the City-wide sign ordinance and shall be reviewed in total by the Planning Director prior to the issuance of the first sign permit or shall conform with a typical sign program for freeway-facing walls, to be submitted for Planning Director review and acceptance prior to issuance of the first sign permit.

8. Prior to the commencement of grading, the property owner shall submit to the City Environmental Quality Division for review and approval a detailed habitat rehabilitation and maintenance plan for the 12.6-acre portion of the property adjacent to the north within the FW Overlay Zone. Said review and approval shall be conducted in conjunction with the California Department of Fish and Game through the Sections 1601-1603 permit process.

9. Before commencement of the revegetation plan, weedy

species in the wetlands area would be identified by a biologist and approved by the Deputy Director of the Environmental Quality Division.

10. As part of the landscape plan, weedy plants would be removed and replaced by the varieties of native species identified in the landscape plan.

11. A condition of this planned industrial development permit is the recordation of a final subdivision map.

12. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 16, 1984, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

13. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated February 16, 1984, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

14. 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.

15. This Planned Industrial Development Permit must be

used within 24 months after the effective date of Rezoning Case No. 83-0253 or the permit shall be void. An extension of time may be granted, as set forth in Section 101.0920 of the Municipal Code.

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

17. 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.

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

19. No permit for construction or operation 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 industrial development permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 30 days of the City Council decision, the permit shall be void.

20. This planned industrial 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.

21. The adjacent 9.9-acre parcel to the north of this planned industrial development, in the FW Zone, shall remain in the same ownership or ownerships as the parcels covered in this permit.

22. This permit is conditionally granted contingent upon the proposed Otay Mesa-Nestor Community Plan amendment to allow the proposed industrial-type uses and Rezoning Case No. 83-0253. If the community plan amendment and the rezoning are approved, this permit shall become effective on the effective date of the rezoning. If the plan amendment and the rezoning are denied, this permit is also deemed denied.

Adopted by the Council of The City of San Diego on April 19, 1984.

AUTHENTICATED BY:

Roger Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, 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 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 Industrial Development Permit and promises to perform each and every obligation of Permittee hereunder.

H. G. FENTON MATERIALS COMPANY, a California corporation
By _____

By _____

NOTE: NOTARY ACKNOWLEDGEMENTS MUST
BE ATTACHED PER CIVIL CODE,
SEC. 1180 et seq.

Form=ACK

R-260448

APR 10 1984

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"/> |
| Bill Cleator | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Board Deputy.

Office of the City Clerk, San Diego, California

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