

RESOLUTION NUMBER R-268285

ADOPTED ON MAY 5, 1987

WHEREAS, SUNROAD ENTERPRISES, and related entities, by F. O. Tronboll, appealed the decision of the Planning Commission in approving Planned Commercial Development Permit No. PCD-84-0128, an amendment to PCD-30-117-0, submitted by H. G. FENTON MATERIAL COMPANY, a California corporation, Owner/Permittee, to permit 305,300 square feet of commercial office and restaurant development on a 10.2-acre site on Lots 1 and 3 of Mission Valley Heights, Map No. 11034, located west of Mission Center Road and north of Friars Road, in the Mission Valley Community Plan area, in the CN Zone; and

WHEREAS, the matter was set for public hearing on April 7, 1987 and continued to May 5, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Commercial Development Permit No. PCD-84-0128:

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 proposed project has been found to be consistent with the provisions of the Mission Valley Community Plan and Mission Valley Interim Development Intensity Regulatory District.

2. The proposed use, because of the 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 conditions proposed for this permit will ensure that it does not have an adverse affect on other property in the vicinity.


3. The proposed use will comply with the relevant regulations in the Municipal Code. The project conforms to the requirements of the Planned Commercial Development regulations and the Mission Valley Specific 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 SUNROAD ENTERPRISES, and related entities, is denied; the decision of the Planning Commission is sustained, and Planned Commercial Development Permit No. PCD-84-0128 is hereby granted to H. G. FENTON MATERIAL CO., a California corporation, under the terms and conditions 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:cc:600
05/20/87
Or.Dept:Clerk
R-87-2361
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. PCD-84-0128
(AMENDMENT TO NO. PCD-30-117-0)

CITY COUNCIL

This Planned Commercial Development Permit Amendment No. PCD-84-0128 is granted by the Planning Commission of The City of San Diego to Fenton Material Company, a California corporation, Owner/Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to amend PCD No. 30-117-0 to permit 305,300 square feet of commercial office and restaurant development on a 10.2-acre site located on the west side of Mission Center Road north of Friars Road, described as Lots 1 and 3 of Mission Valley Heights, Map No. 11034, in the CN Zone.
2. The facility shall consist of the following:
 - a. Lot 1 - Four buildings ranging from one to seven stories in height, containing 296,500 square feet of commercial office space and 988 off-street parking spaces;
 - b. Lot 3 - An 8,800-square-foot restaurant and 110 off-street parking spaces;
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. This Planned Commercial Development Permit is subject to approval of the Mission Valley Heights Specific Plan. If the Mission Valley Heights Specific Plan is denied, this permit shall be deemed denied.
4. No fewer than 1,098 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 5, 1987, 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.
5. Medical office and retail uses shall not be permitted within this development.
6. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

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- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

7. 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 May 5, 1987, 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.

8. 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 May 5, 1987, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

9. 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.

10. This Planned Commercial Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510K of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

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

- a. Authorized by the Planning Commission; 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.

13. 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.

14. 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. 01176

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15. Pedestrian Circulation

Prior to the issuance of any building permits the applicant shall sign documents in a manner satisfactory to the City Attorney's office, Planning Director and City Engineer indicating that they agree not to protest the formation and will participate in an assessment district to provide an ABOVE-GRADE PEDESTRIAN WAY across Friars Road.

16. Traffic Circulation

Prior to the issuance of any building permits the applicant shall sign documents in a manner satisfactory to the City Attorney's Office, Planning Director and City Engineer indicating:

- a. Agreement to participate in funding the Murray Ridge Road and Stadium Way Extensions. The Murray Ridge Road extension would require amending the Serra Mesa and Mission Valley Community Plans as referenced in Addendum to the Mission Valley Community Plan, dated June 25, 1985, page 104.
- b. Agreement to participate in a public transit assessment district.
- c. Agreement to participate in funding for the Stadium Way/Friars Road interchange improvements.

17. Air Quality

The applicant shall provide for the following programs and improvements:

- a. Employer organized ridesharing programs for office uses;
- b. Employer sponsored vanpool service for office uses;
- c. Bikeways, parking and bike racks. For office uses, showers and lockers shall be provided for bicyclists;
- d. Safe and accessible walkways for pedestrians;
- e. Preferential parking for employees who carpool;
- f. The institution of staggered or variable work hours;
- g. The provision of transit stops on-site if determined necessary by the San Diego Transit Corporation.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198_____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 permit and promises to perform each and every obligation of Permittee hereunder.

H. G. FENTON MATERIAL COMPANY
a California corporation

(Permittee)

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

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MAY 05 1987

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

| Council Members | Yeas | Nays | Not Present | Ineligible |
|------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Abbe Wolfsheimer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksmma | <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"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Celia Ballesteros | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Naifell L. Peterson*, Deputy.

Office of the City Clerk, San Diego, California

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