

(R-92-883)

RESOLUTION NUMBER R-279049

ADOPTED ON NOVEMBER 26, 1991

WHEREAS, Otay Mesa Acquisition and Development, Limited, by Richard Alvord of Otay Mesa Development Company, Owner/Permittee, appealed the decision of the Planning Director in approving with conditions Otay Mesa Development and Conditional Use Permit (OMD/CUP) No. 90-1016 submitted by Richard Alvord, Owner/Permittee, for the development of a truck park on a site of approximately two acres located on the east side of Otay Center Drive and the north side of Customhouse Plaza, in the Commercial Component Zone of the Otay Mesa International Center Precise Plan, in the Otay Mesa Community Plan area; and

WHEREAS, on September 12, 1991, the Planning Commission voted 3-3 to approve the project with modifications; however, due to a lack of affirmative votes, the decision of the Planning Director to approve the project with conditions is sustained; and

WHEREAS, the matter was set for public hearing on November 26, 1991, 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 Otay Mesa Development and Conditional Use Permits No. 90-1016:

1. The proposed project, because of conditions specifying an OMD/CUP No. 90-1016 permit expiration date of December 31, 1993, will fulfill a need and will not adversely affect the neighborhood, General Plan or the Otay Mesa Community Plan.

2. The proposed project, 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.

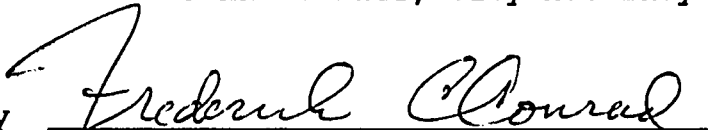
3. The proposed project, because of the conditions applied to it, will comply with all the relevant regulations in the Municipal Code, the adopted Otay Mesa Community Plan, the Otay Mesa Planned District Ordinance and the Otay Mesa International Center Precise Plan.

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 Otay Mesa Acquisition and Development, Limited, by Richard Alvord of Otay Mesa Development Company, is granted; the decision of the Planning Director is overruled, and Otay Mesa Development/ Conditional Use Permit No. 90-1016 is hereby granted to Otay Mesa

Acquisition and Development, Limited, by Richard Alvord, 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:lc
01/10/92
Or.Dept:Clerk
R-92-883
Form=r.permit

OTAY MESA DEVELOPMENT/
CONDITIONAL USE PERMIT (OMD/CUP) NO. 90-1016

OTAY MESA TRUCK PARK

CITY COUNCIL

This Conditional Use/Otay Mesa Development Permit is granted by the Council of The City of San Diego to OTAY MESA ACQUISITION & DEVELOPMENT LTD., Owner/Permittee, under conditions in Section 103.1100 and Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a temporary truck parking and storage yard located at the northeast corner of Customhouse Plaza and Otay Center Drive, adjacent to and northwest of the Otay International Border Crossing, described as Lots No. 10 and 11, as shown on the Map of Otay International Center Lot 2A, Map No. 12299, in the Commercial Component Zone of the Otay Mesa International Center Precise Plan.
2. The project shall consist of the following:
 - a. A two-acre site to be used as a temporary tractor-trailer vehicle parking and storage yard;
 - b. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Before issuance of any encroachment or building permits, or the commencement of any activity permitted by this permit, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A", dated November 26, 1991, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
4. Storage on this site shall be strictly limited to vehicles and truck trailers. No dismantling of any vehicle shall be permitted on this site.
5. This Conditional Use/Otay Mesa Development Permit shall expire concurrently with Otay Mesa Development Permit No. 89-0941, a previously approved and currently valid development permit for the same site allowing for the

development of a 45,000 square-foot office building, both permits expiring December 31, 1993. Upon the December 31, 1993, expiration of this permit, the project site shall cease to be utilized as a truck park and storage yard unless an extension of time is granted and landscaping requirements of Condition No. 6 of this permit are met.

6. An extension of time may be granted as set forth in Section 101.0920 of the Municipal Code. If the permit is extended, complete landscaping and irrigation shall be installed to comply with all standards and criteria in effect at the time the extension of time is granted.
7. 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.
8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
9. 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.
10. This Conditional Use/Otay Mesa Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
11. As a condition of this permit, the applicant shall provide two 25-foot-long paved driveways, one at each exit along Customhouse Plaza and Otay Center Drive, to reduce dirt and gravel from tracking onto adjacent streets, satisfactory to the City Engineer.
12. As a condition of this permit, the proposed driveway widths shall be 30'-0", per Standard Drawing G-26, satisfactory to the City Engineer.
13. Prior to the issuance of this Conditional Use/Otay Mesa Development Permit, the applicant shall:
 - a. Ensure that building/site address numbers are visible and legible from the street (Uniform Fire Code (UFC) 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

14. As a condition of this permit, the applicant shall observe all Fire Code requirements.
15. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
16. No permit for the development 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 Conditional Use/Otay Mesa Development Permit is recorded in the office of the County Recorder.
17. If the signed permit is not received by the Planning Department within 90 days of the City Council's decision, the permit shall be void.
18. This Conditional Use/Otay Mesa 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 November 26, 1991, by Resolution No. R-279049.

01/10/92
[LAC]PERMITS#3047

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 _____, 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.

OTAY MESA ACQUISITION
AND DEVELOPMENT, LIMITED
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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NOV 26 1991

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 type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Blonda L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-279049** Adopted **NOV 26 1991**