

(R-93-78)

RESOLUTION NUMBER R-280308

ADOPTED ON JULY 7, 1992

WHEREAS, William R. Knight appealed the decision of the Planning Commission in approving Planned Commercial Development ("PCD") Permit No. 91-0244 amending PCD Permit No. 88-0136 for Tierrasanta Gateway submitted by Tierrasanta Gateway Associates, a partnership, Owner/Permittee, to allow 24,000 square-feet of nursery retail use on the portion of the site which was originally approved for 20,000 square-feet of office space. The property is located at 5850 Santo Road and is described as Lots 1 through 7 of Tierrasanta Gateway Map No. 12678, in the Tierrasanta Community Plan area, in the CC zone; and

WHEREAS, the matter was set for public hearing on July 7, 1992, 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. 91-0244 amending PCD Permit No. 88-1036:

1. The proposed use will fulfill a community need by providing services to the community which are currently not

located in that area. In addition, the addition of these services will bring new business into the area. The proposed development complies with the General Plan and would not have an adverse affect on it or the Tierrasanta Community Plan.

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 proposed development, by virtue of site design, landscape design, architectural design and signage controls is consistent and compatible with existing development in the surrounding area.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project is consistent with the standards of the planned commercial development regulations and the regulations of the CC zone. The proposed use also complies with Tierrasanta Community Plan.

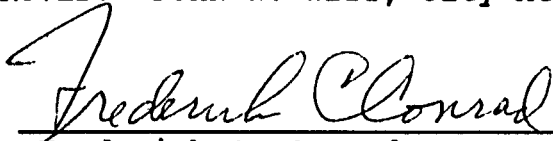
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of William R. Knight is denied; the decision of the Planning Commission is sustained, and Planned Commercial Development Permit No. 91-0244 amending PCD No. 88-1036 is hereby granted to Tierrasanta Gateway

Associates, a partnership, 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
07/22/92
Or.Dept:Clerk
R-93-78
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 91-0244
AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 88-1036
TIERRASANTA GATEWAY PROJECT

CITY COUNCIL

This planned commercial development permit is granted by the Council of The City of San Diego to TIERRASANTA GATEWAY ASSOCIATES, a partnership, Owner/Permittee, pursuant to Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to amend a planned commercial development located at 5850 Santo Road, described as Lots 1 through 7 of Tierrasanta Gateway Map No. 12678, in the CC zone.
2. The facility shall consist of the following:
 - a. One (1) office building (Pad "G") a maximum of 32,000 square-feet;
 - b. Five (5) one-story retail buildings totaling 49,750 square feet, and 18,040 square-feet of outdoor nursery display area, as follows:
 - * Building "A," 12,550 square-feet;
 - * Building "B," 4,600 square-feet;
 - * Building "E," 23,000 square-feet;
 - * Building "F," 3,600 square-feet;
 - * Building "J," 6,000 square-feet;
 - c. One (1) restaurant building, Building "C," 4,000 square-feet;
 - d. One gas station, Building "D," totalling 1,200 square-feet;
 - e. One 17,250 square-foot church, Building "H";
 - f. Off-street parking; and
 - g. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 474 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated July 7, 1992, on file in the office of the Planning Department. Fourteen (14) of the parking spaces shall be located on the gas station and car wash site as shown on Exhibit "A," dated July 7, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8 of the

R. 280308

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. 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.
5. 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 July 7, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.
6. 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 July 7, 1992, 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 and is to be maintained in a disease, weed and litter free condition at all times.
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. The effective date of this permit shall be the date of final action following all appeal dates and proceedings or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0910(M) of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
10. 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;
 - c. The permit has been revoked by the City.

The property included within this planned commercial development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

11. This planned commercial development permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
12. This planned commercial development permit is a covenant running with the subject property 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.
13. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated July 7, 1992. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to City-wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
14. This planned commercial development may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
15. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

16. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
17. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated July 7, 1992, on file in the office of the Planned Department, shall be permitted by an Encroachment Permit obtained from the City Engineer.
18. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
19. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
20. The developer shall extend the 12-inch water main in Santo Road to the northern subdivision boundary, satisfactory to the Water Utilities Director.
21. The developer shall provide a sewer study of the existing eight-inch sewer mains that serve this development, satisfactory to the Water Utilities Director, to show that the size and grade of the mains will provide adequate capacity and cleansing velocities.
22. The developer shall install all facilities as required by the approved study.
23. The developer shall provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The developer shall provide private easements for the private mains or show easement locations in the CC&R's.
24. The applicant shall provide improved building elevations for the retail nursery (Nurseryland), satisfactory to the Planning Director, prior to final stamped approval by the Planning Director and prior to issuance of building permits.
25. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
26. 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.

APPROVED by the Council of The City of San Diego on July 7, 1992, by Resolution No. R-280308.

586

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

JUL 07 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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"/>
George Stevens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR

Clerk of The City of San Diego, California.

(Seal)

By *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *PC* 280308 JUL 07 1992
Number Adopted