

RESOLUTION NUMBER R-290591

ADOPTED ON AUGUST 4, 1998

WHEREAS, Buie Commercial Corporation, a California corporation, Owner, and Buie-Torrey Hills, LLC, a limited liability corporation, Permittee, filed an application with The City of San Diego for a Planned Industrial Development/Hillside Review Permit to develop a 13,500 square foot, two-story building, related site improvements, landscaping and parking at 11260 El Camino Real (legally described as Parcel 3 of Parcel Map No. 17376), in the Sorrento Hills Community Plan area, in the M-IP Zone; and

WHEREAS, on July 9, 1998, the Planning Commission of The City of San Diego considered Planned Industrial Development/Hillside Review Permit No. 98-0140, and voted unanimously to recommend City Council approval of the project; and

WHEREAS, the matter was set for public hearing on August 4, 1998, 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 Industrial Development/Hillside Review Permit No. 98-0140:

**PLANNED INDUSTRIAL DEVELOPMENT**

**A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.**

The proposed office use in the Sorrento Hills Community will fulfill a current need for professional office space in the area. Currently very few sites are developed in the Sorrento Hills Community with office uses. The office use in this location will allow for nearby residents to live

and work in their own community and may have the effect of reducing traffic on the congested Interstate freeway system. The proposed project is consistent with the City's Progress Guide and General Plan, and the Sorrento Hills Community Plan as such will not represent an adverse impact to these general policy plans.

**B. The proposed use 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 properties in the vicinity.**

The permit prepared for this project includes a number of conditions of approval relevant to project compliance with applicable regulations of the Municipal Code to assure the health, safety and welfare of persons residing or working in the area.

Proper implementation of the architectural, landscape and access features designed for the project, adherence to the approved sign plans, as well as monthly maintenance and monitoring efforts will assure visual comparability of the project with surrounding areas, with particular emphasis on, and sensitivity to, existing uses to the north, south and east.

Therefore, the proposed development would not adversely affect other property in the vicinity.

**C. The proposed use will fully comply with the relevant regulations of the San Diego Municipal Code in effect for this site.**

Compliance with the conditions of approval require the site to be maintained and operated in a manner consistent with all regulations in effect for this site. Continued compliance with these conditions and regulations will prevent adverse affects to other properties in the vicinity. Conditions of approval require conformance with all Federal, State, County and Regional regulations which apply to the uses proposed for this site.

#### **HILLSIDE REVIEW**

**A. The site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas.**

The site area is 1.27 acres and is zoned for office use. The proposed use is consistent with the land use designations in the community plan for this site. Geologically, the site is suitable for the proposed design. No unique or special design features related to geologic instability are necessary to allow the proposed structure to be constructed. One retaining wall is proposed to be built as an integral feature within the building which will allow the proposed design to be fitted into the site. The design of the proposed structure will be to fit the building to the site with a minimum amount of disturbance to the site as possible.

**B. The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other**

**geological instability which would affect health, safety and general welfare as approved by the City Engineer.**

The proposed grading for the project totals 800 cubic yards of earthwork. A balanced earthwork estimate has been provided indicating 800 cubic yards of fill and cut. One minor fill slope would be created as a result of the grading. The height of this slope would be eight feet. All slopes will be revegetated with plants capable of providing deep rooting characteristics for added slope stability and will be low spreading varieties to provide erosion control and protection. The planting and continued maintenance of these slopes will prevent soil erosion, silting of lower slope areas or geologic instability which would affect health, safety and general welfare by covering the manufactured slopes with living deep rooted low spreading shrubs. Flooding or severe scarring will not occur as a result of grading operation through the imposition of conditions included within Planned Industrial Development/Hillside Review Permit No. 98-0140 requiring the timely planting of all slopes to prevent erosion and to provide additional slope stability.

**C. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.**

The design of the proposed structure is to minimize the disturbance of the site. This architectural sensitivity yields a project which allows for development of the site while retaining the visual quality by the integrated use of the proposed retaining wall which allows the proposed structure to fit the site rather than the site being completely altered to fit the structure. The area is developing with several other industrial office and commercial structures of a similar scale and character. The proposed structure is consistent with the aesthetic qualities of the area by its massing, height, bulk, scale and architectural details which are consistent with the development in the immediate area.

Landscaping proposed for the project is common in the region and immediate area. The plant species are known to be viable for this site and, given minimum necessary irrigation and care, will thrive in their intended locations. All proposed landscape plant species are found throughout the area and have no known diseases or associated pests.

**D. The proposed development is in conformance with the Open Space Element of the City's Progress Guide and General Plan, the Open Space and Sensitive Land Element of the applicable community plan, any other adopted applicable plan in effect for this site, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.**

The proposed project conforms with the City's Open Space Element and is consistent with the Open Space designation found in the Sorrento Hills Community Plan. The site is zoned for commercial office development as indicated by the designation of M-IP. No intrusion will occur in the dedicated City owned open space. Easements or dedications have been determined not necessary and have not been requested by City staff.

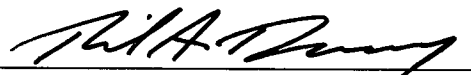
**E. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines."**

By incorporating retaining walls internal to the structure, by stepping the structure on the site, by limiting the impacts associated from grading of the site, by planting the manufactured slopes with the appropriate vegetation capable of preventing erosion, the design of the proposed project does conform to the qualitative guidelines and criteria established in Document No. RR-262129.

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 decision of the Planning Commission is sustained, and Planned Industrial Development/Hillside Review Permit No. 98-0140 is hereby granted to Buie Commercial Corporation, a California corporation, Owner, and Buie-Torrey Hills, LLC, a limited liability corporation, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
10/30/98  
Or.Dept:Clerk  
R-99-316  
Form=permitr.frm  
Reviewed by Patricia Grabski

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED INDUSTRIAL DEVELOPMENT/HILLSIDE REVIEW PERMIT 98-0140  
BUIE OFFICE COMPLEX AT SORRENTO HILLS  
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Buie Commercial Corporation, a California corporation, Owner, and Buie-Torrey Hills, LLC, a limited liability corporation, Permittee, pursuant to Sections 101.0454 and 101.0920 of the Municipal Code of the City of San Diego. The 1.27 acre site is located at 11260 El Camino Real in the M-IP zone of the Sorrento Hills Community Plan area. The project site is legally described as Parcel 3 of Parcel Map No. 17376.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to develop a 1.27 acre site with a thirteen thousand five hundred square foot (13,500), two-story commercial office building, related site improvements, parking and landscaping described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated August 4, 1998, on file in the Office of Development Services. The facility shall include:

- a. One 13,500 square foot, two-story commercial office building;
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. 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 appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

3. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This 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 in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. This project shall conform to the Sorrento Hills Transportation Phasing Plan in the Public Facilities Financing Plan.

9. Prior to the issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 4, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

11. No fewer than forty-five (45) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated August 4, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
12. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements of the San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. Prior to building occupancy, the applicant shall conform to the Municipal Code regulations for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
14. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a standard 30 foot-wide driveway on El Camino Real satisfactory to the City Engineer.
15. Prior to the issuance of any building permits, the applicant shall provide evidence of a recorded lot line adjustment parcel map which accommodates the proposed boundary adjustment, as identified on the site plan, satisfactory to the City Engineer.
16. Prior to the issuance of any building permits, the applicant shall enter into an encroachment removal agreement for the wall in the slope and drainage easement and for the project entry sign in the public right-of-way satisfactory to the City Engineer.
17. Prior to issuance of any permits (grading, public improvements or a building permit) for this project, the applicant shall complete the "as-built" drawing process for Drawing No. 22022-D satisfactory to the City Engineer.
18. Prior to issuance of any grading permits, the geotechnical consultant must review and sign the grading plans. A Final As-Graded Report, prepared in accordance with the City of San Diego's "Technical Guidelines for Geotechnical Reports," shall be submitted at the completion of grading operations.
19. All signage associated with this development shall be consistent with sign criteria established by either of the following:

- a. Citywide sign regulations.
- b. This permit.

20. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned industrial development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight (8) footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may require additional fees as determined by the Development Services Manager.

21. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

22. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

23. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

24. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

25. No merchandise, material or equipment shall be stored on the roof of any building.



26. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials in the Municipal Code to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A," dated August 4, 1998.

27. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated August 4, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

28. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the *Landscape Technical Manual*.

29. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

30. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the *Landscape Technical Manual*.

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the City Council of the City of San Diego on August 4, 1998, by Resolution No. R- 290591.

11/5/98

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

**BUIE COMMERCIAL CORPORATION,**  
a California corporation  
Owner

By \_\_\_\_\_

**BUIE-TORREY HILLS, LLC**  
a limited liability corporation  
Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

11/5/98

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