

RESOLUTION NUMBER R-291204

ADOPTED ON JANUARY 19, 1999

WHEREAS, Hal Pollard, Vice President, National Enterprises, Inc., Owner/Permittee, appealed the decision of the Planning Commission of The City of San Diego [Planning Commission] on October 29, 1998, adopted by Resolution No. 2718-PC, in partially approving Otay Mesa Development Permit No. 96-7653 submitted by Hal Pollard, Owner/Permittee, for implementing various site improvements as necessary to allow the Owner/Permittee to temporarily operate and maintain three commercial truck and tractor trailer parking/storage facilities on various vacant, previously graded lots within the De La Fuente Business Park, generally located south of Airway Road, north of Avenida De La Fuente, west of Avenida Costa Este and east of Avenida Costa Del Sol, and legally described as Lots 4, 5, 6, 25 and 26, Unit 2, Map No. 11621; and Lots 11, 12, and 15, Unit 1, Map No. 11536, in the Otay Mesa Community Plan area, in the OMDD-I (General Industrial Subdistrict) zone; and

WHEREAS, the matter was set for public hearing on January 19, 1999, 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 Permit No. 96-7653:

A. The application is complete and conforms with all city regulations, policies, guidelines, design standards and density.

The temporary land use, site design and intensity comply with all the adopted development regulations, standards and policies in effect for this site per the Otay Mesa Planned District Ordinance [Otay Mesa PDO], the Otay Mesa Community Plan, the underlying industrial (OMDD-I) zone, the City's "Truck Parking Facilities and Development Enforcement Guidelines,

all other City regulations, policies, guidelines, design standards and adopted land use programs applicable to this site.

B. The proposed use and project design meet the purpose and intent of the Otay Mesa Development District and the Otay Mesa Community Plan.

Both the Otay Mesa Development District (Otay Mesa PDO) and the adopted Otay Mesa Community Plan designate the project site for light industrial development consistent with development requirements and standards of the underlying OMDD-I zone. There is currently a demonstrated need in the community to provide commercial vehicle and tractor trailer parking facilities with the growing industrial base in Otay Mesa.

The temporary truck parking and vehicle storage use of this site (and associated improvements and facilities) is consistent with permitted uses in the industrial (OMDD-I) subdistrict of the Otay Mesa Development District. The proposed use, accompanying site plan and associated improvements fully satisfy the general intent of the Otay Mesa Development District (Otay Mesa PDO) and the adopted Otay Mesa Community Plan relevant to land use intensity and site design.

C. 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 permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Municipal Code in effect for this site to assure that the project will not adversely affect the health, safety and general welfare of persons residing or working in the area.

The temporary use of this site is compatible with the existing and planned light industrial character of the surrounding area per land use designations of the Otay Mesa PDO and the adopted Otay Mesa Community Plan and therefore, the project would not adversely affect other property in the vicinity.

D. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

The project design and interim use of this site (i.e., creation of three tractor trailer and truck parking facilities) is consistent with the relevant use and development regulations of the Municipal Code in effect for this site, including various requirements as specified by the existing OMDD-I zone, the adopted Otay Mesa Development District (Otay Mesa PDO), the Community Plan, applicable CEQA guidelines and the City of San Diego Progress Guide and General Plan.

No significant adverse environmental impacts are anticipated to occur as a result of project implementation and therefore, no mitigation will be necessary to implement the use and associated improvements on this site.

E. A plan for the financing of public facilities as provided in San Diego Municipal Code Section 103.1102(B) has been approved by the City Engineer.

A public facilities financing plan was approved by the City Engineer concurrent with previous maps within this area of Otay Mesa. However, to implement the applicant's proposal, certain improvements are required, including perimeter site landscaping, chain-link security fencing, and decomposed granite paving for the property. These improvements comprise development activities for which Development Impact Fees [DIF] may be charged.

The DIF fees for this area are based upon an estimate of project induced impacts to the Otay Mesa Community requiring additional transportation, fire and/or police facilities. The impacts (and therefore the fees) for this specific project have been determined to be equivalent to 30 percent of those per industrial acre for the community. The DIF fees are further prorated to accommodate the length of the permit as a portion of 15 years at which point such uses are considered permanent.

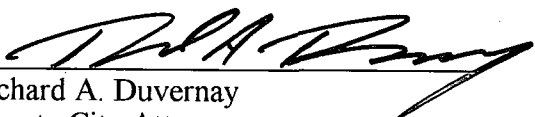
Therefore, in accordance with Resolution Nos. R-284392 and R-284185, adopted by the City Council on August 2, 1994, the project/use has been conditioned in the associated permit (OMD No. 96-7653) to fully comply with the applicable Development Impact Fees in effect for this portion of the Otay Mesa Community.

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 Hal Pollard is denied, the decision of the Planning Commission is sustained, and Otay Mesa Development Permit No. 96-7653 is granted to Hal Pollard, 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
04/06/99
Or.Dept:Clerk
R-99-1091
Form=perapplr.frm
Reviewed by Kevin Sullivan

**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

**OTAY MESA DEVELOPMENT PERMIT NO. 96-7653
DE LA FUENTE BUSINESS PARK TRUCK PARKING
CITY COUNCIL**

This Otay Mesa Development (OMD) Permit is granted by the Council of The City of San Diego to NATIONAL ENTERPRISES, INC., Owner/Permittee, under conditions specified in San Diego Municipal Code [SDMC] section 103.1100.

Permission is granted by the City Council to the referenced Owner/Permittee to implement various site improvements (described in condition No. 1 of this permit) as necessary to temporarily (three years) operate and maintain three commercial truck and tractor trailer parking/storage facilities on various vacant, previously graded lots with the De La Fuente Business Park. The subject 8.39 acre area is generally located south of Airway Road, north of Avenida De La Fuente, west of Avenida Costa Este and east of Avenida Costa Del Sol, within the OMDD-I (General Industrial Subdistrict) zone of the Otay Mesa Community Plan Area (Otay Mesa Planned District). The site is legally described as lots 4, 5, 6, 25 and 26, Unit 2, Map No. 11621; and lots 11, 12, and 15, Unit 1, Map No. 11536.

1. This permit shall consist of the following facilities and site improvements as identified by dimension, quantity and location on the associated approved Exhibit "A," dated January 19, 1999 [Exhibit "A"], on file in the Office of Development Services:

a. Operate and maintain three tractor trailer/commercial truck parking and storage facilities consisting of the following:

Facility Number	Total Acreage (Gross)	Number of Modular Office Trailers	Number of Employee/Guest Parking Stalls	Number of Tractor Trailer/Commercial Truck Parking Stalls
1	2.16	1	3	51
2	3.94	1	4	88
3	2.29	1	3	48
Totals	8.39	3	10	187

b. Perimeter site landscaping, permanent irrigation systems and security pole lighting on each facility; and

c. Decomposed granite paving (minimum 3/4 inch) within the vehicle parking area of each parking facility at a minimum thickness of four inches upon initial dispersement (at 95 percent compaction); and

d. An eight-foot-high chain link security fence along the perimeter of each facility. Dark green shade cloth (minimum 85 percent impervious to light and guaranteed for five years) shall be attached to all portions of the chain link fence surrounding each facility; and

e. Restrooms contained within each modular office trailer and connected to existing public sewer and water facilities in the adjacent public right-of-way for each facility; and

f. A minimum four-foot-wide raised concrete pedestrian walkway adjacent to each modular office trailer consistent with applicable American with Disabilities Act (ADA) standards of the City's Building Code; and

g. A 100-foot-long by 30-foot-wide asphalt-paved driveway entrance to each facility, as measured from the adjacent public right-of-way; and

h. Accessory improvements determined by the City Manager (or designated representative) to be consistent with the land use and development standards in effect for this site per the adopted Otay Mesa Community Plan, the City's Landscape Technical Manual (LTM), State CEQA guidelines, the City's "Truck Parking, Storage and Development Enforcement" guidelines, the Otay Mesa Planned District Ordinance, the underlying OMDD-I (Industrial Subdistrict) Zone, conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

2. All improvement plans for this project (including landscape and permanent irrigation working drawings) shall be fully implemented by the Permittee in accordance with the approved Exhibit "A" for this project. No changes, modifications or alterations of the approved plans for this project shall be made by the Permittee unless appropriate application(s) for either Substantial Conformance Review (SCR) to the approved Exhibit "A" for this project or an amendment(s) of this permit shall have been granted by the appropriate decision maker.

3. If any existing or proposed landscaping on site (including pavement, hardscape, landscape features, etc.) as indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size by the Permittee per the approved plans within 30 days. 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 (or designated representative).

4. All landscape on the site shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered, unless otherwise approved by Development Services. Modifications such as severely pruning or "topping" is not allowed. The Permittee, or subsequent Owner(s) shall be responsible for maintaining all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

5. Prior to the issuance of any building permits, complete landscape construction documents, including plans, details and specifications, shall be submitted to Development Services for approval. The plans shall be in substantial conformance to the approved Exhibit "A" approved for the project as determined by the City Manager.

6. All outdoor lighting on the property shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

7. Operation of the approved temporary use of this site shall comply at all times with the regulations of this or any other governmental agencies.

8. The property described in this permit shall not be used for any other purposes than those described herein, unless:

a. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

b. The permit has been revoked by the City.

9. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit, as determined by the City Attorney and/or the City Manager (or designated representative).

10. Prior to the issuance of any building permits, the Permittee shall record the permit in the office of the County Recorder.

11. This 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.

12. The issuance of this permit by The City of San Diego does not authorize the permittee 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.).

13. Vehicle repairs, service or maintenance activities shall be prohibited on any portion of the site.

14. Upon expiration of and prior to approval of an amendment of this Permit, the Permittee shall pay a subsequent portion of the Otay Mesa Development Impact Fee applicable to this project per Resolution Nos. R-284185 and R-284392, to the satisfaction of Community Planning and Development.

15. The use of this site/facility for any vehicle auction-related use(s) is strictly prohibited. Any auction-related activities on this site shall require the permittee to obtain subsequent Planning Commission approval of a Conditional Use Permit (CUP).

16. Only "operable" vehicles and tractor trailers may be stored on this site.

17. Prior to occupancy of the site for any of the uses and facilities approved in this permit the Permittee shall demonstrate compliance with the following requirements, in a manner satisfactory to Development Services:

a. Provide a surety bond, in the amount equal to the landscaping contract for all of the sites included in this permit (plus ten percent administrative costs), to Development Services. The bond will be released to the Permittee on a date no later than the expiration date of this permit or subsequent to a determination by Development Services (via field inspection) that all landscape and irrigation improvements have been completed in accordance with the approved Exhibit "A."

b. Complete payment to the City's Community Planning Division of all Development Impact Fees, Water and Sewer fees and any other municipal development fees applicable to this project.

c. Complete the dispersement of all decomposed gravel paving within the vehicle use area of each facility at a minimum thickness of four-inches upon initial dispersement;

d. 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.

e. Provide written confirmation indicating that approval has been obtained from the Otay Water District for this project.

f. Install perimeter chain link fencing, landscaping features and permanent irrigation systems on each facility in accordance with the approved Exhibit "A," including all landscape features to be installed adjacent to public streets fronting the property.

g. Obtain all building permits required for this project from Development Services, including building permits for each modular office trailer.

h. Complete the installation of the 100-foot-long by 30-foot-wide asphaltic paved vehicle entry way to each facility and parking spaces designated for visitors and employees as identified on the approved Exhibit "A."

18. Prior to occupancy of the site for any of the uses and facilities approved herein, the Permittee shall demonstrate compliance with the following requirements, in a manner satisfactory to Development Services:

a. Obtain final inspection(s) and approval(s) from the Development Services for all required site landscaping and permanent irrigation improvements (as indicated on the approved Exhibit "A").

b. Obtain final inspection(s) and approval(s) from the City Engineer, as required, to indicate the completion of all construction activities necessary to connect each facility with the existing public sewer system located in the adjacent public right-of-way. Connections to the existing 30-inch sewer line in the public right-of-way must be made at a manhole.

c. Obtain final inspection(s) and approval(s) from Development Services for each modular office trailer as identified on the approved Exhibit "A."

d. Install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. A looped system shall be installed by the developer if more than two fire hydrants are located on a dead-end main.

e. Post the site address for each leased facility along the project frontage and ensure that a sliding security gate to each facility will be provided (including a "Knox" padlock or a non-tempered metal lock capable of being cut with bolt cutters).

f. Install visible pole signage along the project frontage of each facility (within the public right-of-way) indicating the prohibition of truck parking along the street side.

g. Submit proof that the permittee has assured, by permit and bond, the construction of the driveway (maximum 30-foot-wide) and concrete apron along the public right-of-way fronting each facility (in accordance with San Diego Regional Standard drawings G-16 and SDG-114), in a manner satisfactory to the City Engineer.

h. Obtain an Encroachment Removal Agreement (ERA) from the City Engineer for all landscape improvements within the public right-of-way adjoining the project site.

19. If the referenced permittee for this project fails to comply with any one of the conditions contained herein, as determined by the City Manager, then the entire permit shall be

deemed void and the applicant will be instructed to immediately cease all activities on the project site.

20. The Permittee must install a concrete foundation beneath each modular office trailer and observe the structural setback requirements of the underlying OMDD-I Zone.

21. All driveway entrances shall be aligned perpendicular to the adjacent roadway fronting each parcel.

22. Prior to the issuance of any building permits, the Permittee shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for all grading (i.e., decomposed granite fill only) proposed for this project, including sheet No. 2 (lots 11 and 12 of recorded map 11536) and sheet No. 5 (lots 25 and 26 of record map 11621). All grading shall conform to requirements in accordance with the San Diego Municipal Code, in a manner satisfactory to the City Engineer.

23. Providing water and sewer service to this development (and the individual truck storage facilities therein) is dependent upon prior construction of certain water and sewer facilities per approved TM 85-0159. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water and sewer facilities (as required by the City Engineer), will become off-site improvements required for this development.

24. The drainage system proposed for this development, as shown on the plans, is subject to approval by the City Engineer. The final drainage pattern for lots 4, 5 and 6 of Map 11621 and lot 15 of Map 11536 (sheet 3) shall conform to the as built drawings from the original De La Fuente Business Park subdivision, i.e., 22598 17-D and 22630-11, 12-D (for sheet 3), and 22630-11, 12-D (for sheet 4).

25. Prior to the issuance of any building permits, the permittee shall provide proof of mutual access easements for lots 4, 5, 6 and 15, and lots 11 and 12, in a manner satisfactory to the City Engineer.

26. Prior to the issuance of building permits, the Permittee shall enter into an agreement with The City of San Diego waiving the right to oppose a special assessment district initiated for the Otay Mesa regional flood control facilities.

27. Prior to building occupancy, the Permittee shall conform to the Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the permits for work in the public right-of-way, in a manner satisfactory to the permit-issuing authority.

28. Prior to the issuance of any building permits, the Permittee shall complete the payment of school fees, pursuant to California Government Code section 53080. The purpose of

said fees is to assist in the funding of school construction activities in the Sweetwater Union High School District.

29. This project (i.e., all three truck storage facilities described in this permit) is located within the De La Fuente Business Park, an industrial subdivision (TM 85-0159) which, as a whole, is obligated to complete the construction of certain public improvements in and proximate to the business park's boundary (per the corresponding Subdivision Improvement Agreement approved in association with TM 85-0159). These public improvements are the responsibility of the entire business park property ownership and as of the date of approval of this project, certain improvements (per the Subdivision Improvement Agreement) have not been constructed or assured in a manner satisfactory to the City Engineer. A transportation phasing plan, identifying all of the required improvements and timing (phasing) of the completion of such improvements, is necessary to assure the construction/completion of the ultimate public improvements for the business park (per the Subdivision Improvement Agreement). In lieu of denying this Otay Mesa Development (OMD) permit, and because the City acknowledges that all property owners within the business park require time to formulate an acceptable plan for sharing the burden of developing the business park's transportation phasing plan, the temporary land uses, facilities and corresponding site improvements authorized by this permit shall be permitted to operate on the subject properties for a duration of three years from the date of final approval of this OMD permit (i.e., January 19, 2002), pending preparation/approval of the referenced transportation phasing plan.

30. A five-year extension of this OMD permit (to January 19, 2007) shall be automatically granted by the City if a transportation phasing plan has been developed by the business park property owners and approved by the City Engineer prior to the January 19, 2002 expiration date of this permit. However, should a transportation phasing plan not be approved for the business park prior to the expiration period of this permit, then the permittee will be required to either process an amendment of this OMD permit as necessary to allow the land uses and improvements described herein to continue operating on the site for a period of time to be determined by the decision maker (via a noticed public hearing); or, alternatively, terminate the truck storage land uses and remove the various facilities and improvements from the subject properties effective January 19, 2002.

Passed and adopted by the Council of The City of San Diego on January 19, 1999, by Resolution No. R-291204.

04/06/99
L:ADUVERNA\PERMITS\96-7653.WPD

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

NATIONAL ENTERPRISES, INC.
Owner/Permittee

By _____

By _____

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

4/6/99
LADUVERNAY\PERMITS\96-7653.WPD