

RESOLUTION NUMBER R-292327

ADOPTED ON OCTOBER 19, 1999

WHEREAS, Raphael and Kitty Silverman, Trustees, of the Silverman Family Trust, Owner/Permittee, filed an application with The City of San Diego for a permit to subdivide a site into two lots for development of 116,344 total square feet of warehouse, light manufacturing, showroom, and office uses in two two-story structures, located westerly of Camino Ruiz and easterly of Cabot Drive at 8806 Miramar Road, and legally described as portion of the southeast quarter southeast quarter of Section 1, Township 15 South, Range 3 West, San Bernardino Meridian, in the Mira Mesa Community Plan area, in the A-1-10 (proposed M-1B) zone; and

WHEREAS, on September 16, 1999, the Planning Commission of The City of San Diego considered Planned Industrial Development [PID] Permit No. 98-0283, and pursuant to Resolution No. 2845-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on October 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 Planned Industrial Development Permit No. 98-0283:

1. **The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Plan.** The proposed subdivision and development of this property through a Tentative Parcel Map and Planned

Industrial Development permit will fulfill a community need by providing availability of warehouse, light manufacturing, showroom, and office space in an area designated for such uses. The proposed uses are consistent with the land use policy documents, as well as the existing development in the area, and will not adversely affect the community or City.

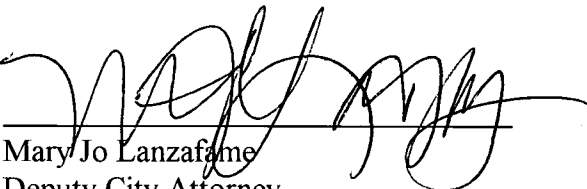
**2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.** Conditions of approval found within the Tentative Parcel Map Resolution and Planned Industrial Development Permit No. 98-0283 address the health, safety, and general welfare of persons residing or working in the area and to properties within the vicinity to preclude any detrimental effects from the development. Compliance with all building, electrical, plumbing, and zoning regulations as allowed through a Planned Industrial Development, will be achieved by the proposed development of this site.

**3. The proposed use will comply with the relevant regulations in the Municipal Code.** The project fulfills all requirements of the Municipal Code relevant to Planned Industrial Developments and tentative maps and meets the criteria and guidelines of the adopted Mira Mesa Community Plan. The proposed development and subdivision will comply with all relevant regulations of the Municipal Code. Through the shared access agreement and shared parking agreements, all requirements of the Municipal Code have been met as allowed by a discretionary decision through a Planned Industrial Development.

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 Permit No. 98-0283 is hereby granted to Raphael and Kitty Silverman, Trustees, of the Silverman Family Trust, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Mary Jo Lanzafame  
Deputy City Attorney

MJL:pev  
10/25/99  
Or.Dept:Clerk  
R-2000-489  
Form=permitr.frm

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
PLANNING AND DEVELOPMENT REVIEW  
PERMIT INTAKE, MAIL STATION 501

**AND WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. 98-0283**  
**RAPHAEL'S PARTY RENTALS**

**CITY COUNCIL**

This permit is granted by the Council of The City of San Diego to RAPHAEL AND KITTY SILVERMAN, TRUSTEES, OF THE SILVERMAN FAMILY TRUST, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 101.0920. The 5.76-acre site is located at 8606 Miramar Road in the A-1-10 (proposed M1-B) zone of the Mira Mesa Community Plan area. The project site is legally described as that portion of the southeast quarter southeast quarter, Section 1, Township 15 South, Range 3 West, San Bernardino Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide a site into two lots for development of 116,344 total square feet of warehouse, light manufacturing, showroom, and office uses in two two-story structures described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 19, 1999, on file in the Office of Planning and Development Review. The facility shall include:

- a. One two-story structure (Building A) on Parcel 1 consisting of 49,616 square feet of showroom, warehouse, and office uses; and
  - b. One two-story structure (Building B) on Parcel 2 consisting of 66,728 square feet of showroom, warehouse, and light manufacturing uses; and
  - c. Landscaping (planting, irrigation and landscape related improvements); and
  - d. Off-street parking facilities to be provided through a shared parking agreement between the parcels; and
  - e. 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 decisionmaker.

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 Planning and Development Review; 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.

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. The Planned Industrial Development Permit shall comply with the conditions of the final map for Tentative Parcel Map No. 98-0283.

9. Before 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 October 19, 1999, on file in the Office of Planning and Development Review. 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. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

12. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

**ENGINEERING REQUIREMENTS:**

13. 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 the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

14. The drainage system proposed for this development, as shown on the approved Tentative Parcel Map, is subject to approval by the City Engineer.

15. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with The City of San Diego when received; further a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with The City of San Diego when received.

16. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

17. Prior to building occupancy, the Permittee shall conform to the "Public Improvement Subject to Desuetude or Damage" section of the Municipal Code. 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.

18. Prior to the issuance of any Certificates of Occupancy, all non-utilized driveways along Miramar Road shall be replaced with full height curb, gutter, and sidewalk to the satisfaction of the City Engineer.

19. Prior to the issuance any certificates of occupancy, applicant shall relocate a portion of the existing 18-inch drainage pipe and replace with 24-inch R.C.P. as shown on the approved Exhibit "A," dated October 19, 1999, on file in the Office of Planning and Development Review.

**PLANNING/DESIGN REQUIREMENTS:**

20. No fewer than 212 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated October 19, 1999, on file in the Office of Planning and Development Review. 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.

21. Prior to the recordation of the final map, a shared parking agreement and shared access agreement shall be submitted to the satisfaction of the City Engineer.

22. The regulations of the underlying zone(s) shall apply unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

23. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

24. All signage associated with this development shall be consistent with sign criteria established by the approved project sign plan (Exhibit "A," dated October 19, 1999, on file in the Office of Planning and Development Review).

25. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to Planning and Development Review 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 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 be required additional fees as determined by the City Manager.

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

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

28. 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.

29. 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.

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

31. The building address number, visible and legible from the street fronting the property, shall be provided per the Uniform Fire Code (UFC) 901.4.4.

32. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials 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 approved Exhibit "A," dated October 19, 1999, on file in the Office of Planning and Development Review.

#### **LANDSCAPE REQUIREMENTS:**

33. Prior to issuance of any 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 October 19, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this permit shall have been granted.

34. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated October 19, 1999, on file in the Office of Planning and Development Review, and all other applicable conditions of related permits.





35. 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.

36. Prior to issuance of any Certificate of Occupancy, the Permittee shall install all required landscape, obtain all required landscape inspections, and 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.

37. 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.

38. 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 Council of The City of San Diego on October 19, 1999, by Resolution No. R-292327.

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.

**RAPHAEL AND KITTY SILVERMAN,  
TRUSTEES**  
Owner/Permittee


By \_\_\_\_\_

By \_\_\_\_\_

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

10/29/99

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