

(R-2001-1515)

RESOLUTION NUMBER R-294601

ADOPTED ON FEBRUARY 27, 2001

WHEREAS, Champions of the West Tower, L.L.C., and Carmel Mountain Land Company, Owners; and All Star Equities, Permittee, filed an application with the City of San Diego for Site Development Permit [SDP] No. 40-0372 and amendment to Carmel Valley Development Permit No. 99-0299 to allow medical offices on Lot 27, where the San Diego Municipal Code currently only allows medical offices on Lot 33. The project known as the All Star Equities project, is located at 12264 El Camino Real, and is legally described as Lot 27, San Diego Corporate Center 2C, Map No. 11460, in the Carmel Valley Community Plan area; and

WHEREAS, on December 14, 2000, the Planning Commission of the City of San Diego considered SDP No. 40-0372, and pursuant to Resolution No. 3069-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 27, 2001, 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 SDP No. 40-0372:

A. The proposed development will not adversely affect the applicable land use plan.

The subject project is requesting an amendment to a previously approved permit to add medical office use to the approved permit and is amending the San Diego Municipal Code [SDMC] which exclusively allows medical office use only on Lot 33 (adjacent to the north of the subject lot). There is a need for additional medical services as the Scripps Clinic located on the adjacent lot (Lot 33) has reached 100 percent occupancy. Neither the Carmel Valley Precise Plan or the Carmel Valley Community Plan prohibit medical office use. This proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted Carmel Valley Planned District Ordinance.

B. The proposed development will not be detrimental to the public health, safety and welfare.

The proposed use will occur in a previously approved multi-story office building currently under construction. The provision of a circulation system that accommodates appropriate fire and safety vehicle access, the provision of proper landscaping and the provisions of architectural features to the proposed building, assure that proper health, safety and welfare issues have been addressed by the original and amended project design. Additionally, an addendum to Mitigated Negative Declaration [MND] No. 99-0299 has been prepared. The previously approved MND contains mitigation measures and a Mitigation Monitoring and Reporting Program. As conditions of approval, the applicant will be required to mitigate potential adverse impacts to paleontological resources, noise and hydrology/water quality as previously identified.

C. The proposed development will comply with the applicable regulations to the San Diego Municipal Code.

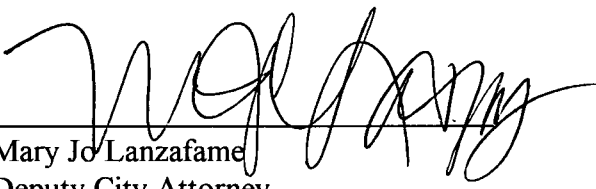
The proposal is to amend Carmel Valley Development Permit No. 99-0299, to include medical office use on the subject lot (Lot No. 27), where the San Diego Municipal Code currently only allows medical offices on the adjacent lot (Lot No. 33). This use, once amended, will comply with the applicable regulations of the SDMC. In addition, all other aspects of the project comply with provisions of the SDMC.

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 recommendation of the Planning Commission is sustained, and Site Development Permit No. 40-0372 is granted to Champions of the West

Tower, L.L.C., and Carmel Mountain Land Company, Owners; and All Star Equities, 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:mdw:lc
06/29/01
Or.Dept:Clerk
R-2001-1515
Form=permitr.frm
Reviewed by Judy Johnson

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Site Development Permit No. 40-0372
Amendment to Carmel Valley Development Permit No. 99-0299
ALL STAR EQUITIES

City Council

This Site Development Permit [SDP] No. 40-0372 and Amendment to Carmel Valley Development Permit No. 99-0299 is granted by the Council of the City of San Diego to Champions of the West Tower, L.L.C., and Carmel Mountain Land Company, Owners; and All Star Equities, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0113, 126.0502 and 103.0607. The 3.04 acre site is located at 12264 El Camino Real of the Employment Center [EC] Carmel Valley Planned District, Carmel Valley Community Plan. The project site is legally described as Lot 27, San Diego Corporate Center 2C, Map No. 11460.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to amend Carmel Valley Development Permit No. 99-0299 to allow 25 percent of floor space for medical office use, described and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated February 27, 2001 on file in the Development Services Department. The project shall include:

- a. Twenty-five percent of floor space reserved for Medical Office Use on Lot 27, on site with the construction of a multi-level building;
- b. Landscaping (planting, irrigation and landscape related improvements);
- 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 SDMC in effect for this site.

1. This amendment is subject to all of the following conditions in addition to the conditions contained in Carmel Valley Development Permit No. 99-0299.
2. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
3. 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 the Development Services Department; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
4. 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.
5. 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.
6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
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. 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 February 27 , 2001, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment to this permit have been granted.
9. 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 entitled 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 proposed 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.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within ninety days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on February 27, 2001, by Resolution No. R-294601.

6/29/01
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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.

CHAMPIONS OF THE WEST TOWER, L.L.C.
Owner

By _____

CARMEL MOUNTAIN LAND COMPANY
Owner

By _____

ALL STAR EQUITIES
Permittee

By _____

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

6/29/01
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