

RESOLUTION NUMBER R-294817

ADOPTED ON MAY 1, 2001

WHEREAS, Piazza Partners, L.P., Owner, and Allen Capital Partners, LLC, a Delaware limited liability company, dba The Allen Group, L.L.C., Permittee, filed an application with the City of San Diego for Coastal Development and Site Development [CD/SD] Permit No. 40-0180 to construct a two-story office building containing 35,610 square feet known as The Allen Group Headquarters project, located at the southeast corner of El Camino Real and Valley Centre Drive, and legally described as Parcel 2 of Parcel Map No. 15957, in the Carmel Valley Community Plan area, in the Commercial Visitor Center zone which is proposed to be rezoned to the Specialized Commercial zone; and

WHEREAS, on March 22, 2001, the Planning Commission of the City of San Diego considered CD/SD Permit No. 40-0180, and pursuant to Resolution No. 3111-1-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on May 1, 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 CD/SD Permit No. 40-0180:

**I. COASTAL DEVELOPMENT PERMIT FINDINGS, SAN DIEGO MUNICIPAL CODE SECTION 126.0708**

**A. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway**

**identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan.**

The subject 1.1 acre site, proposed for the development of a two-story, 35,610 square-foot office building over one level of underground parking, is not identified in the City's adopted Local Coastal Program [LCP] Land Use Plan as a public access way legally utilized by the general public. The project site lies east of Interstate 5, approximately two miles from the ocean; and based on the project features, is not anticipated to significantly obstruct views to and along the ocean (and other scenic coastal areas) from public vantage points.

**B. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The subject 1.1 acre site was previously graded and padded out in accordance with Carmel Valley Planned District Ordinance Permit No. 88-0941 with all adjacent development having been constructed with the exception of this site. Therefore, there are no sensitive biologically sensitive habitat, natural landforms, or other environmentally sensitive lands remaining. This site, proposed for the development of a two-story, 35,610 square-foot office building over one level of underground parking, is located approximately two miles from the Pacific Ocean and contains no marine or sensitive coastal resources.

**C. The proposed coastal development is in conformity with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.**

Approval of the proposed development of a two-story, 35,610 square-foot office building over one level of underground parking on this 1.1 acre site requires approval of Amendments to the Carmel Valley Community Plan, the City's Progress Guide and General Plan, and the Neighborhood Six Precise Plan of the Carmel Valley Planned District. The various plan amendments are required in order to redesignate the site from the existing Commercial Visitor [CV] to Specialized Commercial [SC] (office commercial) land use designation. Project implementation will also require that the State Coastal Commission adopt an amendment to the City's LCP in order to reflect the proposed change in land use for this 1.1 acre portion of the coastal zone. Consistent with the proposed land use designation, the property will be concurrently rezoned from the CV to the SC zone.

With City Council and State Coastal Commission approvals of the proposed land use plan amendments, it is concluded that the proposed land uses, development intensity, building design, and corresponding site improvements would be in general conformance with the applicable land use plans, policies, and programs in effect for the project site (as amended by this development application).

**D. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located**

**within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

This 1.1 acre site, located on the southeast corner of El Camino Real and Valley Centre Drive, is approximately two miles from the Pacific Ocean and east of the Interstate 5 Freeway (separating the site from the Penasquitos Lagoon), and no other bodies of water are adjacent to or between the first public roadway and this site.

**II. SITE DEVELOPMENT PERMIT FINDINGS, SAN DIEGO MUNICIPAL CODE SECTION 126.0504**

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

The proposed development of a two-story, 35,610 square-foot office building on this 1.1 acre site, previously graded and padded out in accordance with prior Carmel Valley Planned District Permit No. 88-0941, will not adversely affect the Carmel Valley Community Plan. The site is surrounded by developed office and commercial uses, and a plan amendment is being concurrently processed to change the land use designation from CV to SC zone.

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

The development of a two-story, 35,610 square-foot office building over one level of underground parking completes the development of this site and the adjoining parcels contemplated by Carmel Valley Planned District Permit No. 88-0941. A hotel site adjacent to the south and office buildings adjacent to the east have been previously constructed with a restaurant originally planned for this subject site. With approvals of all accompanying plan amendments and a rezone, this office building will compliment existing development, sharing common access, and portions of shared parking areas. Pedestrian circulation links the site efficiently to public rights-of-way and to adjoining parcels. The project will not be detrimental to the public health, safety, and general welfare.

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

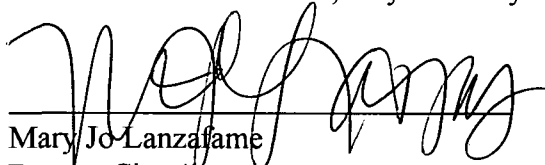
The proposed development of this 1.1 acre site with a two-story, 35,610 square-foot office building over one level of underground parking, will comply with all applicable Land Development Code Regulations. Although Floor Area Ratio (FAR) is being maximized, the project exceeds minimum setbacks and building height. With shared access and parking agreements, the project will exceed minimum parking requirements. Building design and pedestrian access requirements are adequately provided. With conditions of the accompanying permit, the project will meet or exceed all requirements of the San Diego Municipal Code.

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 Coastal Development/Site Development Permit No. 40-0180 is granted to Piazza Partners, L.P., Owner, and Allen Capital Partners, LLC, a Delaware limited liability company, dba The Allen Group, L.L.C., 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

10/18/01 COR.COPY

Or.Dept:Clerk

R-2001-1523

Form=permitr.frm

Reviewed by Robert Korch

**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 AND COASTAL DEVELOPMENT PERMIT NO. 40-0180  
THE ALLEN GROUP HEADQUARTERS  
AMENDMENT TO CARMEL VALLEY PLANNED DISTRICT ORDINANCE  
PERMIT NO. 88-0941**

**CITY COUNCIL**

This Site Development and Coastal Development Permit [SDP/CDP] and Amendment to Carmel Valley Planned District Ordinance Permit No. 88-0941 is granted by the Council of the City of San Diego to Piazza Partners, L.P., Owner, and Allen Capital Partners, LLC, a Delaware limited liability company, dba The Allen Group, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0502, 126.0702, 103.0607 and 112.0509. The 1.1 acre site is located on the southeast corner of El Camino Real and Valley Centre Drive in the Commercial Visitor Center [CV] zone which is proposed to be rezoned to the Specialized Commercial [SC] zone of the Carmel Valley Community Plan. The project site is legally described as Parcel 2, Parcel Map No. 15957.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to construct an amended project consisting of a 35,610 square-foot, two-story office building over one level of underground parking on a 1.1 acre site described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A," dated May 1, 2001, on file in the Development Services Department. The project shall include:

- a. A two-story office building containing 35,610 square feet and covering 18,488 square feet of lot area with one level of underground parking for fifty vehicles;
- b. Landscaping (planting, irrigation, and landscape related improvements);
- c. Off-street parking facilities in addition to the underground garage to consist of thirty-nine on-site surface spaces and forty-six spaces off-site through shared parking and access agreements;
- d. Outdoor seating area, trash enclosure, signage, and pedestrian pathways accessing public streets, adjacent parcels, and developments; 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 SDMC in effect for this site.

1. 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 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 the Development Services Department; 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 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. 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 May 1, 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.

10. Rezoning of the subject property from the existing CV zone to the SC zone, shall become effective with California Coastal Commission approval of the corresponding final actions required for approval of the project.

11. This Coastal Development and Site Development Permit shall become effective with California Coastal Commission approval of the final actions required for approval of the project.

12. Prior to the issuance of the first grading or building permit, a fee shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by the Development Services Department.

#### **ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any building permits, the applicant shall obtain a bonded 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 SDMC in a manner satisfactory to the City Engineer.

14. The drainage system proposed with this development is subject to approval by the City Engineer.

15. This project proposes export 8,500 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.

16. Prior to building occupancy, the applicant shall conform to the SDMC, "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.

#### **PLANNING/DESIGN REQUIREMENTS:**

17. One hundred thirty-five off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated May 1, 2001, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager. Of these 135 parking spaces, eighty-nine spaces shall be on-site within the underground garage and on the ground surface and shall include four handicapped designated spaces, forty-six spaces shall be on the adjacent site and assured by the required shared parking and access agreement and, in addition, three motorcycle parking spaces shall be provided.

Additional space shall be provided for bicycle parking/storage. Carpool parking spaces, calculated at a ratio of 0.3 per 1,000 square-feet of building area, clearly identified and conveniently located near to the employee entrances, shall be provided on-site within the minimum overall parking requirement.

18. Prior to the issuance of any building permits, an irrevocable reciprocal parking and access agreement with the adjoining properties shall be created by separate instrument to the satisfaction of the City Manager.

19. There shall be compliance with the regulations of the underlying zone(s) 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.

20. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of 45-feet of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

21. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the permittee.

22. 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.

23. All signage associated with this development shall be consistent with sign criteria established by the Carmel Valley Signage Guidelines and Criteria.

24. Outdoor lighting of pedestrian walkways, plazas and buildings shall be provided by numerous small fixtures that are low and closely spaced in order to provide a pedestrian scale. All private outdoor lighting shall conform to the lighting guidelines of the CDMPP and shall be shaded and adjusted to fall on the same premises where such lights are located.

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

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

27. 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.

28. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Municipal Code requirements for 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 conceptual site plan marked Exhibit "A," dated May 1, 2001, on file in the Development Services Department. Exterior trash areas shall be screened with a minimum six foot high solid enclosure that is architecturally designed to match the primary building.

29. A clearly identifiable and distinguished pedestrian pathway shall be provided from El Camino Real to the south building entrance with patterned pavement delineating the pathway across paved vehicular areas. A similar pathway from this facility's parking garage and south building entrance shall be provided to the hotel site lying to the south. A clear pedestrian path shall also be provided to Valley Centre Drive to the north.

30. All utilities, such as gas and electrical meters and panels, fire control panels, telephone and cable-television panels and similar devices, shall be screened from public view unless other SDMC regulations require that visibility be maintained. Landscaping may be used as a screening method.

#### **LANDSCAPE REQUIREMENTS:**

31. No change, modification or alteration shall be made to the project unless appropriate application or amendment to this Permit have been granted by the City.

32. In the event that a foundation only permit is requested by the Permittee, or subsequent owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated May 1, 2001, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.

33. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated May 1, 2001, on file in the Development Services Department.

34. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit No. 40-0180 (including environmental conditions) and Exhibit "A," Landscape Concept Plan, dated May 1, 2001, on file in the Development Services Department.

35. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee, or subsequent owner, to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

36. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

37. The Permittee, or subsequent owner, shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the

Landscape Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a landscape maintenance agreement shall be submitted for review by a landscape planner.

38. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or issuance of Certificate of Occupancy.

#### **WASTEWATER REQUIREMENTS:**

39. Prior to the issuance of any building permits, the developer shall grant adequate sewer, water or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department.

40. No structures or landscaping, including medians and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.

41. All proposed on-site sewer facilities will be private.

42. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

43. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

44. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

#### **INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this permit 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 May 1, 2001, by Resolution No. R-294817.

6/29/01; 10/18/01 - Corrected

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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.

**PIAZZA PARTNERS, L.P.**

Owner

By \_\_\_\_\_

**ALLEN CAPITAL PARTNERS, LLC,**  
a Delaware limited liability company,  
dba **THE ALLEN GROUP**

Permittee

By \_\_\_\_\_

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

10/18/01; 10/18/01 - Corrected

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