

(R-2002-850)

RESOLUTION NUMBER R-295560

ADOPTED ON OCTOBER 9, 2001

WHEREAS, Coca Cola Bottling Company of Southern California, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a delivery truck parking lot to serve the existing Coca Cola Bottling facility on a 3.085 acre site located at 1348 47th Street, and legally described as Lot 1, Fairmount Gardens, Map 3048, and Lot 3, Broadcast City Resubdivision No. 1, Map 4853, in the Mid-City Communities Plan area, in the RM-1-2 zone, which is proposed to be rezoned to the IL-3-1; and

WHEREAS, on June 28, 2001, the Planning Commission of the City of San Diego considered Site Development [SD] Permit No. 40-0158, and pursuant to Resolution No. 3156-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on October 9, 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 it adopts the following findings with respect to SD Permit No. 40-0158:

SITE DEVELOPMENT PERMIT FINDINGS:

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

The proposed development consists of a parking lot that will serve an adjacent soft drink bottling and distribution plant. The parking lot site is included within the Industrial Element of

the Mid-City Communities Plan [Plan] and is consistent with the Plan's recommendation that the site should be used by businesses, including beverage bottlers, which need larger parcels and immediate freeway access.

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

The proposed parking lot is an accessory use to an already existing industrial use. The proposed parking lot is consistent with the surrounding industrial land uses and proposes no conditions or activities that are detrimental to public health, safety, or welfare. The proposed development also includes the construction of an 11-foot-high noise attenuation wall that will mitigate truck noise to acceptable levels. The bulk and scale of the noise attenuation wall is softened by scoring and texturing, and is separated from the street by a minimum 20-foot one-inch wide, heavily landscaped parkway.

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

The proposed development complies with all of the development regulations of the proposed IL-3-1 zone. An existing office building included within the re-zoned area complies with the development regulations of the IL-3-1 zone but is considered previously conforming with respect to a 25-foot established setback along 47th Street.

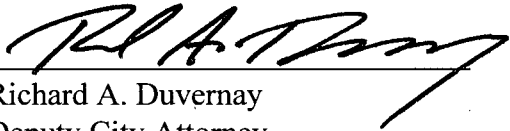
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 40-0158 is granted to Coca Cola Bottling Company of Southern California, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof, subject to the following additional conditions:

1. The 11-foot wall will incorporate some form of geometric design at the top of the wall to soften its appearance; and

2. Trees will be planted along the wall to soften the appearance of the 11-foot wall.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc

04/20/02

Or.Dept:Clerk

R-2002-850

Form=permitr.frm

Reviewed by Patricia Grabski

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. 40-0158

COCA COLA
CITY COUNCIL

This Site Development Permit is granted by the Council of the City of San Diego to Coca Cola Bottling Company of Southern California, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.501. The 3.085-acre site is located at 1348 47th Street in the proposed IL-3-1 of the Mid-City Communities Plan area. The project site is legally described as Lot 1, Fairmount Gardens, Map 3048 and Lot 3, Broadcast City Resubdivision No. 1, Map 4853.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 9, 2001, on file in the office of the Development Services Department. The facility shall include:

- a. A 75 space delivery truck parking lot;
- 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 standard 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 Land Development 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/Land Development 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 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. 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 9, 2001, on file in the office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall 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 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration, LDR No. 40-0158, satisfactory to the City Manager and the City Engineer. Prior to release of the grading bond all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issues: Noise and Water Quality.

ENGINEERING REQUIREMENTS:

11. Prior to any future development activity on this site, the applicant shall dedicate 2 feet of right-of-way for 47th Street along the entire property frontage, satisfactory to the City Engineer.

12. The drainage system proposed for this development, as shown on the approved plans, is subject to approval by the City Engineer.

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 the requirements of the SDMC in a manner satisfactory to the City Engineer. Also, the applicant shall assure, by permit and bond, the installation of curb, gutter, sidewalk, pedestrian ramp drainage mains and appurtenances in 47th

Street, satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit. An Encroachment Removal Agreement for a private main connecting to the City drainage system shall be obtained by the applicant, satisfactory to the City Engineer.

14. An access easement to the City of San Diego is required which provides access to the drainage facility at the boundary between this site and the adjoining property, and construction of a cleanout at that location.

PLANNING/DESIGN REQUIREMENTS:

15. No fewer than 75 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated October 9, 2001, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

16. Any future site development that generates new daily trip must be processed for discretionary review for further traffic analysis. A traffic Study may be required at such time.

17. 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.

18. A topographical survey conforming to the provisions of the Land Development Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

19. 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.

20. All signage associated with this development shall be consistent with sign criteria established by either of the plan (Exhibit "A," dated October 9, 2001, on file in the Development Services Department) or Citywide sign regulations.

21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
22. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
24. The 11-foot wall will incorporate some form of geometric design at the top of the wall to soften the appearance.
25. Trees will be planted along the 11-foot wall to soften its appearance.

LANDSCAPE REQUIREMENTS:

26. No change, modification or alternation shall be made to the project unless appropriate application or amendment of this Permit shall have been granted to the City.
27. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.
28. 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.
29. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements consistent with the Landscape Standards.
30. If any required landscape (including existing or new plantings, hardscape, landscape, features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

WATER AND SEWER REQUIREMENTS:

31. Prior to the recordation of the Beech Street vacation or the issuance of any building permits or grading permits, the developer shall cut and plug the existing water facilities within the 47th Street right-of-way and abandon the facilities, including the fire hydrant located within the vacated portion of Beech Street in a manner satisfactory to the Water Department Director and the City Engineer.

32. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Prior grading permits, the developer shall cut the plug the existing water facilities within the 47th Street right-of-way and abandon the facilities, including the fire hydrant located within the vacated portion of Beech Street in a manner satisfactory to the Water Department Director and the City Engineer.
33. All proposed private sewer facilities located within a single lot will be designed to meet the requirements of the California Uniform Plumbing Code.
34. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
35. The developer shall abandon the existing 6 inch sewer main located in Beech Street.

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 90 days of the approval of this development 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 October 9, 2001, by Resolution No. R-295560.

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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.

**COCA COLA BOTTLING COMPANY
OF SOUTHERN CALIFORNIA**
Owner/Permittee

By _____

By _____

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

4/29/02
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