

RESOLUTION NUMBER R- 264620

ADOPTED ON DEC 3 1985

WHEREAS, L. C. SMULL, an individual, "Owner/Permittee," filed an application for permission under Planned Commercial Development Permit No. 85-0218 for construction of 42,000 square feet of commercial building area and 148 apartment units; and

WHEREAS, on August 29, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Planned Commercial Development Permit No. 85-0218 and filed said decision in the office of the City Clerk; and

WHEREAS, on September 12, 1983, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, SKYLINE/PARADISE HILLS PLANNING COMMITTEE, by Cathy Alegria, Chairperson, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 12 and continued to December 3, 1985, testimony having been heard, evidence having been submitted, and the City Council having fully considered the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0910 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Planned Commercial Development Permit No. 85-0218:

1. The proposed use will fulfill an individual and/or community need and will adversely not affect the General Plan or the Community Plan. The adopted South Bay Terraces Community Plan designates the property for community commercial use. The CA-RR Zone has been applied to the site to implement this land use designation. The proposed development does meet this intent.

2. The proposed use 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 proposed project is a mixed-use development consisting of residential and commercial activity. Plans indicate sufficient buffering of residential uses from proposed commercial activity. Proposed parking is for 526 spaces, 30 fewer than that recommended by the Engineering and Development Department. However, on a shared basis, the proposed parking is adequate. Conditions approved by the Planning Commission require that access and the driveway system meet engineering requirements.

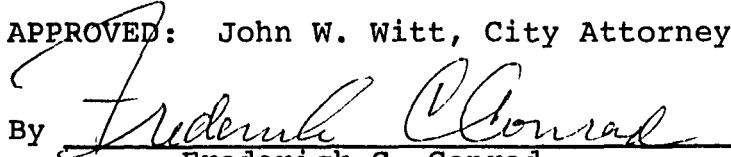
3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed Planned Commercial Development for a mixed-use commercial/residential development in the CA-RR Zone meets the requirements of the Code. The Planned Commercial Development ordinance requires that at

least 50% of the ground floor area or pedestrian level area of a project within a Planned Commercial Development must be devoted to commercial activity. The subject project proposes that approximately 50% of the ground floor area would be devoted to commercial uses. The City Council finds that this amount of commercial use meets the intent of the Planned Commercial Development Ordinance commensurate with the shopping needs of the neighborhood.

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

BE IT FURTHER RESOLVED, that this Council hereby denies the appeal of SKYLINE/PARADISE HILLS PLANNING COMMITTEE, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Planned Commercial Development Permit No. PCD-85-0218, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

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01/14/86  
02/11/86 Rev. 1  
Or.Dept:Clerk  
R-86-1258  
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**PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. PCD-85-0218  
CITY COUNCIL**

**This Planned Commercial Development Permit is granted by the Planning Commission of The City of San Diego to L. C. Smull, an individual, Owner/Permittee, under the conditions in Section 101.0910 of the Municipal Code of The City of San Diego.**

- 1. Permission is granted to Owner/Permittee to develop a 13.66-acre site with a 42,000-square-foot commercial center, and 148 apartment units located on the southeast corner of Paradise Valley Road and Woodman Street, described as Lots 806-808, Bay Terraces Unit No. 8, Map No. 6971, in the CA-RR Zone.**
- 2. The facility shall consist of the following:**
  - a. 42,000 square feet of retail commercial uses in six one-story buildings;**
  - b. 148 apartment units;**
  - c. Off-street parking;**
  - d. Accessory uses as may be determined incidental and approved by the Planning Commission.**
- 3. In order to mitigate impacts associated with adverse noise levels generated by traffic on Paradise Valley Road and Woodman Street, the following conditions shall be implemented.**
  - a. A six-foot-high noise barrier consisting of three feet of berm and three feet of masonry wall shall be placed along the southwesternmost corner of the property in order to mitigate adverse exterior noise levels resulting from current and projected traffic volumes. The barrier shall be placed as shown on the Planned Commercial Development Site Plan.**
  - b. Residential units shall include structural insulation such that interior noise levels do not exceed 45 dB(A) based on future (year 2005) traffic projections on Paradise Valley Road and Woodman Street. In addition, building permit applications for the site must be reviewed by the Noise Abatement and Control Officer.**

4. The applicant shall revegetate the southern hillside with containerized species and a hydroseed mix in order to avoid erosion problems associated with the steep hillside. In addition, maintenance of the landscaped slope located on the southern boundary of the site shall be provided by the developer for a period of two years. This maintenance program will include temporary irrigation, plant removal and replacement, and periodic fertilization. The different elements of this program are described below.

- a. Irrigation. Temporary irrigation shall be provided for both container stock planting and hydroseeded areas for a two-year period. The purpose of this irrigation is to promote the establishment of the plants, which will ultimately survive under only natural rainfall conditions. Every effort shall be made to prevent the overwatering of these drought-tolerant species, which if overwatered could develop an unnatural dependency on permanent irrigation. There shall be no set irrigation requirements, as the need for irrigation will vary according to climatic conditions. Irrigation shall be carried out in a manner that will not promote localized erosion of the hillside.
- b. Plant Replacement. Any container stock plants that die within the two-year period shall be replaced immediately with plants comparable to the original size and quality of the initial plantings. In reference to hydroseeded areas, the bare spots shall be replanted or rehydroseeded prior to the rainy season in order to avoid adverse erosion or visual impacts. The materials and methods to be used in the rehydroseeding process shall be similar to those required in the initial planting.
- c. Fertilization. Plant species shall be chosen for their compatibility with the area's soils and climate conditions. Plants will therefore not require a long-term fertilization program. A short-term program (two years) shall be instituted to promote rapid establishment of initial plantings.

The Planning Department shall be informed in writing of the date in which revegetation of the slope has been completed. Once a year for two years following the date of that letter, the Planning Director shall review the revegetation program to verify that the slope has been properly revegetated and that the initial plantings have been adequately established. If the initial plantings have not been adequately established, this agreement shall remain in effect for an additional year.

5. The applicant shall provide on-site fire hydrants at locations satisfactory to the City Engineer.

6. No break will be allowed in the existing median on Woodman Street. One median break may be constructed in the existing median on Paradise Valley Road at the middle entrance driveway if requested by the developer. This median break, if requested, shall be constructed in a manner satisfactory to the City Engineer with 250-foot-long left-turn pockets.

7. No fewer than 526 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 3, 1985, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

8. No permit for construction or operation of any facility 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 Planning Department;
- b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

9. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated December 3, 1985, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

10. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated December 3, 1985, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended. The landscape plan shall provide container sizes and number of plant materials and shall include landscaping of the graded slope referred to in Condition No. 4.

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

12. This Planned Commercial Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0910 of the Municipal Code. Any such extension shall meet all Municipal Code requirements and applicable guidelines in effect at the time the extension is considered.

13. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

14. After establishment of the project; the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director and
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

15. This Planned Commercial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

16. This Planned Commercial Development Permit is a covenant running with the lands use and shall be binding upon a permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

17. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require eight a license or franchise with the City prior to such installation.

18. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

19. The applicant shall post a copy of the approved permit in the residential sales office for consideration by each prospective buyer.

20. Any sales office or temporary sales signs advertising the residences shall be approved by the Planning Director.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON  
DECEMBER 3, 1985.





3361

DEC 3 1985

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-264620* Adopted *DEC 3 1985*