

(R-86-2523)

RESOLUTION NUMBER R- 265936

ADOPTED ON JUN 10 1986

WHEREAS, the decision of the Planning Commission in approving Planned Commercial Development Permit No. PCD-85-0783 to GUARANTY SERVICE CORPORATION, a Texas corporation, to construct and operate Costa Verde, a retail center with gross floor area of 178,000 square feet and a 400-room hotel, to be developed at a later date, on property located on the east side of Genesee Avenue, between La Jolla Village Drive and Nobel Drive, in the R1-5000 Zone, in the University Community Plan area was appealed; and

WHEREAS, on March 20, 1986, the Planning Commission voted 7 to 0 to deny the appeal, approve Planned Commercial Development Permit No. PCD-85-0783 and sustain the decision of the Planning Director; and

WHEREAS, on March 28, 1986, pursuant to the provisions of San Diego Municipal Code Section 101.0910, UNIVERSITY AREA RESIDENTS FOR EQUITY (UCARE), by Harry L. Mathis and Mark Glies, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 10, 1986, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

June Gladwell
here are
the ^{revised} permits
w/ changes

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,

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. PCD-85-0783:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the neighborhood, the General Plan or the community plan. The project, in conjunction with the Costa Verde Specific Plan, will provide needed neighborhood-serving commercial uses in this portion of the University Community Planned Area. This will be consistent with the adopted University Community Plan.

2. The proposed use, because of 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 attached to the PCD will assure compatibility with the adjacent residential development. The PCD requires the filing of an amendment to accommodate the proposed 400-room hotel when development plans for that phase are processed.

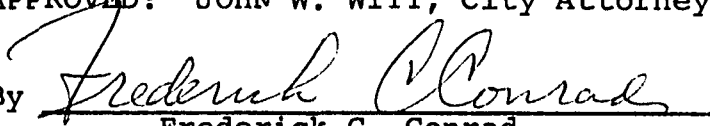
3. The proposed project will comply with relevant regulations in the Municipal Code for such use. The PCD will comply with the proposed Costa Verde Specific Plan-CA Zone equivalent and the requirements of the Planned Commercial Development Permit criteria.

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 appeal of UNIVERSITY AREA RESIDENTS FOR EQUITY (UCARE), by Harry L. Mathis and Mark Glies is denied; the decision of the Planning Commission to deny the appeal is sustained; and this Council does hereby grant to GUARANTY SERVICE CORPORATION, a Texas corporation, Planned Commercial Development Permit No. PCD-85-0873, 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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08/20/86
Or.Dept:Clerk
R-86-2523
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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. PCD-85-0783

CITY COUNCIL

This Planned Commercial Development Permit is granted by the City Council of The City of San Diego to GUARANTY SERVICE CORPORATION, a Texas corporation, 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 Planned Commercial Development, Costa Verde, located on the east side of Genesee Avenue between La Jolla Village Drive and Nobel Drive, described as portion of Pueblo Lots 1301, 1302 and 1308, in the R1-5000 (Proposed Costa Verde Specific Plan).

2. The facility shall consist of the following:

- a. 178,000 square feet (gross floor area) of commercial uses (as specified in Condition No. 3);
- b. A 400-room hotel (to be developed as a later phase);
- c. Off-street parking;
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. The commercial development shall guarantee the following uses as stated in the Costa Verde Specific Plan:

<u>Neighborhood-serving Uses</u>	<u>Minimum total 100,000 sq. ft.</u>
Food Market	35,000 sq. ft.
Drug Store/Pharmacy	7,500 sq. ft.

A minimum of 57,500 square feet taken from the following:

Food Court (Restaurants/Food Oriented Shops)
Service Shops
Retail Shops

The following are acceptable neighborhood uses:

	<u>Max. sq. ft.</u>
Bakeries	
Barber Shops	
Beauty Shops	
Bicycle Shops	
Confectioners	
Curtain, Drapery & Household Goods	
Drug Stores/Pharmacies	
Dry Cleaning Establishments	

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Self-serve Laundries
Recreational Facilities 2,500 sq. ft.
Fitness Centers
Florists
Hobby Shops
Jewelry Stores
Liquor Stores
Health and Specialty Food Shops
Optometrists 1,500 sq. ft.
Fast Photo/Cameras
Photo Studios
Quick Prints (Xerox)
Postal Services
ATMs
Video Rental & Equipment 2,000 sq. ft.
Records & Tapes 2,000 sq. ft.
Deli Restaurant
Gas Stations/Car Wash
Book Stores
Cards & Gifts
Pet Shops
Stationers
Repair shops (shoes, appliance, etc.)

Other uses as determined by the Planning Director to be similar and consistent with those listed above.

The drug store and related neighborhood uses will occupy approximately 16,000 square feet centrally located adjoining the upper parking level near the food court. Neighborhood-serving uses in this area will reinforce its character as the focal point of neighborhood activity.

Community-Serving Uses Maximum Total of 78,000 sq. ft.

Typical uses include street frontage restaurants, travel agents, banks, savings and loan institutions, apparel and shoe shops, paint, wall paper and hardware stores.

Business and Professional uses such as insurance, real estate and medical/dental offices will occupy a maximum of 14,000 square feet of the 78,000 square feet of Community-Serving uses as noted above.

4. The gas station/carwash will require the processing of a Conditional Use Permit.
5. The proposed 400-room hotel shall require an amendment to the PCD, in order to assure complete review for conformance with the proposed Costa Verde Specific Plan.
6. A maximum of two access points off of Genesee Avenue to the commercial development shall be permitted. This is consistent with the Costa Verde Specific Plan. The site plan shall be revised accordingly if required.

7. All equipment, vents, fans and appurtenances shall be shielded from view when visible from adjacent buildings. Equipment and appurtenances not requiring such shielding shall be grouped and organized on building roofs when visible and when possible, shielded from view by parapets and other roof forms.

8. Setbacks for the project shall meet the requirements of the Costa Verde Specific Plan, except that a zero setback may be allowed for an underground parking structure if no more than three feet of the structure is above grade.

9. Landscaping around the border of the project shall be a minimum of 10 feet with an average of 15 feet in width. A minimum of 15 percent of the site (exclusive of parking areas) shall be landscaped. Earth berms will be rounded and natural in character, designed to obscure undesirable views (i.e. automobiles, storage and utility areas, etc.) and add character and interest to the site. All outdoor storage, loading, refuse and utility areas will be visually screened on all sides except at access points.

10. Subdivider shall provide landscaping along the raised median of La Jolla Village Drive between Genesee Avenue and Interstate 5. Said landscaping shall be installed concurrent with first-phase development and shall be maintained by the developer for the first two years. Specimen trees shall be provided in accordance with Exhibit "A," dated June 10, 1986. These trees may be clustered for maximum aesthetic effect.

11. At least 10 percent of the on-grade parking area shall be in landscaping.

12. Minimum median width within parking areas shall be 10 feet.

13. A minimum of two bus stops shall be provided on Genesee Avenue, and one bus stop shall be provided on Nobel Drive.

14. The number, location, design and construction of future bus stops and bus shelters to be built in conjunction with this Planned Commercial Development shall be subject to the review and approval of the Metropolitan Transit Development Board and the Planning Director. Any future bus stops or shelters required to be constructed to serve this project shall be designed and constructed to provide, handicapped accessibility. An encroachment permit and an encroachment removal agreement shall be obtained from the City Engineer for any bus shelters and bus stops located within the right-of-way.

15. The developer(s) shall not oppose and shall participate in the establishment of an assessment district to finance the implementation and operation of a transit loop shuttle service in University City.

16. The applicant shall contribute to the North University Loop Shuttle Engineering Design Study to assess the feasibility of the proposed transit loop. The amount of this contribution shall be determined prior to and incorporated into the development

agreement required as a condition of approval of the tentative map. In addition, the applicant shall demonstrate how the transit loop would be incorporated into the project. The results of the transit loop study may indicate that in order to accommodate required transit right-of-way, the project site design, required parking, landscaping, and/or setbacks may require modification.

17. To minimize noise, visual and traffic impacts between the residential and commercial components of this project, through traffic between these components shall be limited to emergency and pedestrian access only through the installation of landscaping and vehicular barriers. These barriers, whose location and design shall be subject to the approval of the Fire and Engineering and Development Departments, shall also be approved by the Planning Director prior to installation, and shall be consistent with the Costa Verde Specific Plan.

18. This Planned Commercial Development, and the associated Planned Residential Development, shall provide pedestrian bridges traversing La Jolla Village Drive and Genesee Avenue. The financing, phasing and construction of said pedestrian bridges shall be provided as indicated in the Costa Verde Development Agreement.

19. Prior to the issuance of building permits for structures in this project, a development agreement between the developer, or successors, and the City of San Diego shall be executed.

20. Interior noise-attenuating structural techniques shall be incorporated into the proposed hotel. The City's Noise Abatement Office shall review the building plans to ensure that interior noise levels for the hotel shall not exceed 45 decibels CNEL based on future traffic projections. Building permits for the planned commercial development shall be reviewed and approved by the City's Noise Abatement Office prior to final approval by the Planning Department. This condition shall be incorporated into the future PCD amendment for the hotel.

21. The road between the food market and the residential area shall be designed as a private drive with provisions for pedestrian sidewalks and crossings, extensive landscaping, street tree plantings, and lighting.

22. The distance between the market and the nearest residential building shall be a minimum of 75 feet.

23. Commercial service areas such as trash and delivery docks shall be clustered and screened from view.

24. The walls of commercial buildings, including rear walls, shall be enhanced with offsets and landscaping, in accordance with the Costa Verde Specific Plan.

25. Deliveries to the service areas adjacent to the residential buildings shall be during normal delivery hours approved by the Planning Director and Deputy Director of the Environmental Quality Division.

26. Hours of operation for the commercial center shall be between the hours of 6:00 a.m. and 12:00 midnight of each day.

27. No fewer than 1,684 off-street parking spaces shall be provided for the hotel and retail commercial development. The total required parking spaces to be provided initially for the retail commercial component of the project (excluding the hotel) shall be 987 spaces. The total required parking spaces to be provided initially for the hotel (as part of a future PCD amendment) shall be one space per guest room or suite; and if a free-standing restaurant is proposed for the hotel (or the restaurant has a separate entrance or identity), one space would be required per 80 square feet of restaurant floor area. The required parking shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 10, 1986, 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. This parking plan shall be consistent with the Costa Verde Specific Plan. Should the Specific Plan be modified, the parking plan shall be revised accordingly.

28. A five-year monitoring program by a qualified Traffic Engineer of the existing parking and utilization conditions shall be implemented one year after completion of construction of the entire retail/commercial component of the project (excluding the hotel). This monitoring shall include annual reports to the Planning Director and Deputy Director of Transportation and Traffic Engineering.

29. Any future proposal to construct a parking structure on-site, to satisfy the previous condition, shall require subsequent environmental review and amendment to the Specific Plan.

30. Employers shall be prohibited from requiring employees to park off-site or on adjacent streets.

31. 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.

32. 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 June 10, 1986, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

33. Before issuance of any 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 June 10, 1986, 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.

34. 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.

35. 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 must meet all Municipal Code requirements and applicable guidelines in effect of the time the extension is considered.

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

37. 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.

38. 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.

39. This Planned Commercial Development Permit is a covenant running with the lands 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.

40. This Planned Commercial Development Permit is subject to the recordation of the Subdivision map and adoption of the Costa Verde Specific Plan.

41. The access ways within the PCD area, other than Street "C" as shown on the PCD exhibit, shall be unnamed, non-dedicated, privately maintained, private driveways constructed in a manner satisfactory to the Fire Department.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO, JUNE 10, 1986.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198__, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared MAUREEN O'CONNOR, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of Planned Commercial Development Permit No. PCD-85-2523, and promises to perform each and every obligation of Permittee hereunder.

GUARANTY SERVICE CORPORATION,
a Texas corporation

By _____

By _____

NOTE: NOTARY ACKNOWLEDGMENTS MUST BE ATTACHED
PER CIVIL CODE, SEC. 1180, et seq.

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JUN 10 1986

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number *R-265936* Adopted *JUN 10 1986*