

RESOLUTION NUMBER R-268283

ADOPTED ON MAY 5, 1987

WHEREAS, SUNROAD ENTERPRISES, and related entities, by F. O. Tronboll, appealed the decision of the Planning Commission in approving Planned Commercial Development Permit No. PCD-83-0393 submitted by H. G. FENTON MATERIAL COMPANY, a California corporation, Owner/Permittee, to construct and operate a commercial/retail shopping center on a partition of portions of Pueblo Lots 1173 and 1174, and portions of Lots 3 and 4 of Licensed Survey Map No. 170, located north of Friars Road, between Frazee Road and Mission Center Road, in the Mission Valley Community Plan area, in the CA Zone; and

WHEREAS, the matter was set for public hearing on April 7, 1987 and continued to May 5, 1987, 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 Planned Commercial Development Permit No. PCD-83-0393:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan. The proposed project will include a supermarket where one is not currently provided in the Mission Valley Community. The project has been found to be consistent

with the adopted Mission Valley Community Plan and with the provisions of the Mission Valley Interim Development Intensity Regulatory District.

2. The proposed use, because of the 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. The conditions proposed in connection with this permit will ensure that it does not adversely affect other property in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project conforms to the requirements of the Planned Commercial Development regulations, the CA Zoning and the Mission Valley Specific Plan.

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 SUNROAD ENTERPRISES, and related entities, is denied; the decision of the Planning Commission is sustained, and Planned Commercial Development Permit No. PCD-83-0393 is hereby granted to H. G. FENTON MATERIAL CO., under the terms and conditions set forth in the permit attached hereto and made a part hereof.

01156

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

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05/20/87
Or.Dept:Clerk
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R-268283

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. PCD-83-0393
CITY COUNCIL

This Planned Commercial Development Permit No. PCD-83-0393 is granted by the Planning Commission of The City of San Diego to H.G. Fenton Material Company, a California corporation, Owner/Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

- 1. Permission is granted to Owner/Permittee to construct and operate a commercial/retail shopping center on a 14.6-acre site located on the north side of Friars Road between Frazee Road and Mission Center Road, described as partition of portion of Pueblo Lots 1173 and 1174, Portion of Lots 3 and 4 of Licensed Survey Map No. 170, in the CA Zone.**
- 2. The facility shall consist of the following:**
 - a. Retail - 126,500 square feet including a market of about 40,000 square feet;**
 - b. Freestanding Restaurant - 12,000 square feet;**
 - c. Financial Institutions - 11,500 square feet;**
 - d. Off-street parking; and**
 - e. Accessory uses as may be determined incidental and approved by the Planning Director.**
- 3. No permit for the construction and operation of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until the rezoning of the site from R1-5000 to CA becomes effective and a Final Map is recorded for the site.**
- 4. This Planned Commercial Development Permit is subject to approval of the Mission Valley Heights Specific Plan. If the specific plan is denied, this permit shall also be deemed denied.**
- 5. No fewer than 750 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 5, 1987, 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.**

6. No permit for construction 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 Conditional Use Permit is recorded in the office of the County Recorder.

7. 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 May 5, 1987, on file in the office of the Planning Department. This site plan shall be revised to incorporate the location and preliminary design of a pedestrian overpass across Friars Road should it be called for by the City. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

8. 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 May 5, 1987, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

9. 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.

10. 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 101.0510K of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

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

- a. Authorized by the Planning Commission; or
- 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.

13. Pedestrian Circulation

Prior to the issuance of any building permits the applicant shall sign documents in a manner satisfactory to the City Attorney's office, Planning Director and City Engineer, indicating that:

- a. they agree not to protest the formation of and will participate in an assessment district to provide an ABOVE-GRADE PEDESTRIAN WAY across Friars Road at a point determined by Engineering and Planning Department staff.
- b. They agree to grant to the City of San Diego whatever easements are deemed necessary by the City Engineer for construction of the pedestrian facility.

14. Traffic Circulation

Prior to the issuance of any building permits the applicant shall sign documents in a manner satisfactory to the City Attorney's office, Planning Director and City Engineer indicating:

- a. Agreement to participate in funding the Murray Ridge Road and Stadium Way extensions. The Murray Ridge Road extension would require amending the Serra Mesa and Mission Valley Community Plans, as referenced in the Addendum to the Mission Valley Community Plan dated June 25, 1985, page 104.
- b. Agreement to participate in a public transit assessment district.
- c. Agreement to participate in funding in the Stadium Way/Friars Road interchange improvements.

15. Air Quality

- a. The applicant shall provide bikeways, parking and bike racks on the site.
- b. The applicant shall provide safe and accessible walkways for pedestrians.
- c. The applicant shall provide transit stops on-site if determined necessary by the San Diego Transit Corporation.

16. Prior to the issuance of any building permits the applicant shall submit to the Planning Department a roof plan showing all proposed rooftop equipment for all structures on the site. If visible from an adjacent street or adjacent structures rooftop equipment shall be screened by an enclosed structures the top and sides of which may include grillwork, louvers and lattice work or suitable landscaping screening.

17. A six-foot-high decorative masonry screening wall shall be provided along the rear property line in a manner satisfactory to the Planning Director.

18. Prior to the issuance of any sign permits a comprehensive sign plan shall be submitted to the Planning Director for approval. The signs plan shall be in substantial conformance to Exhibit "A", dated May 5, 1987.

19. If construction of the proposed shopping center has not been initiated within 180 days of the effective date of the rezoning of the site to CA, the applicant shall be required to submit to the Planning Department a reclamation plan for the site as required by Municipal Code Section 101.0511. Zoning will go into effect on the property upon recordation of a final map over the site.

20. 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.

21. 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.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO, MAY 5, 1987.

MAY 05 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
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 **R-268283** MAY 05 1987
Number Adopted