

(R-88-904)

RESOLUTION NUMBER R-269586

ADOPTED ON OCTOBER 27, 1987

WHEREAS, MRS. HELEN SMITH, by James S. Milch, Esq., and GERALD G. MARANS, appealed the decision of the Planning Commission in approving Planned Commercial Development Permit No. PCD-86-0994 submitted by FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, as Receiver for SAN MARINO SAVINGS AND LOAN ASSOCIATION, an instrumentality of the United States, Owner/Permittee, for a maximum 50,000 square feet of neighborhood-commercial uses on a portion of Parcel 1 of Parcel Map No. 91342, Parcels 2, 3 and 4 of Parcel Map No. 9470, Lot 2 of Reversionary Map No. 11500 and a portion of Pueblo Lot 1307, located east of Towne Centre Drive, south of La Jolla Village Drive, north of the AT&SF right-of-way and west of Interstate 805 in the University Community Plan area, in the R1-5000 (proposed CN) Zone; and

WHEREAS, the matter was set for public hearing on October 26, 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,

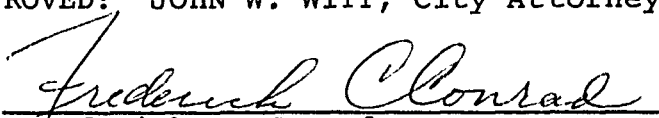
BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts and incorporates herein by reference the findings of the Planning Commission in Planning Commission Resolution No. 0009-PC, adopted August 13, 1987, which are

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

BE IT FURTHER RESOLVED, that the appeals of MRS. HELEN SMITH and GERALD G. MARANS, are denied; the decision of the Planning Commission is sustained, and Planned Commercial Development Permit No. PCD-86-0994 is hereby granted to FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, as Receiver for SAN MARINO SAVINGS AND LOAN ASSOCIATION, under the terms and conditions 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

FCC:cc  
11/17/87  
Or.Dept:Clerk  
R-88-904  
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 86-0994  
CITY COUNCIL

This Planned Commercial Development Permit is granted by the City Council of The City of San Diego to the FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, AS RECEIVER FOR SAN MARION SAVINGS AND LOAN ASSOCIATION, an instrumentality of the United States, 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, the Five Creeks Commercial Project, located east of Towne Centre Drive, south of La Jolla Village Drive, west of Interstate 805 and north of the AT&SF right-of-way, described as a 4.93 net acre portion of Parcel 1 of Parcel Map No. 91342, Parcel 2, 3, and 4 of parcel Map No. 9470, Lot 2 of Reversionary Map No. 11500 and a portion of Pueblo Lot 1307, in the R1-5000 (proposed CN) Zone.

2. The facility shall consist of the following:

- a. A maximum of 50,000 square feet of building area;
- b. Those uses reflected in Condition 4 of this permit subject to this property being zoned CN and the submission of a site specific plan, to be approved as as Planned Commercial Development amendment;
- c. Off-street parking;
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. The specific number of parking spaces required to serve the future neighborhood commercial uses on this site shall be determined at the time site specifies plans are submitted for the site. Parking spaces submitted for the future project shall be consistent with Article 1, Division 8, Section 10 of the Municipal Code and shall be maintained and not converted for any other use. Future parking spaces and aisles shall conform to other use. Future parking spaces and aisles shall conform to other use. Parking areas shall be marked.

4. The future neighborhood commercial project, to total a maximum 50,000 square feet, may contain the following commercial uses subject to the submission of a site specific plan to be approved as a Planned Commercial Development amendment:

Restaurant  
Delicatessen  
Doughnut Shop  
Ice Cream Shop

Yogurt Shop  
Bakery  
Health Food Store  
Cleaners/laundry/laundromat  
Beauty Shop  
Travel Agency  
Optometrist  
Pharmacy  
Print/Copy Shop  
Shoe Repair  
Photo Services/processing-camera  
Tailors  
Real Estate Office  
Florist  
Neighborhood Food Store, (not to exceed 10,000 sq. ft. with  
a minimum of 2,000 sq. ft. of non-prepackaged goods)  
Cards/books/gifts  
Stationers  
Banking (not to exceed 10,000 square feet)  
Video Rental  
Toys/hobbies  
Bicycle Shop  
Interior Design  
Sporting Goods  
Newsstand  
Tobacco Shop  
Medical or Legal Offices (not to exceed a combined total  
of 5,000 sq. ft.)

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

5. The future site specific plan submitted for this lot shall contain a comprehensive sign plan. This plan shall incorporate proposed signs into the architectural design of the structures. The applicant shall be permitted two monument signs, located in landscaped areas, at the two major entrances to the project. These monument signs shall identify the future commercial center only. On site signs for future tenant identification will be determined at the time site specific plans are submitted. Future tenant signage shall be directed away from adjacent residential properties.

6. Parking areas for the future commercial project shall contain a minimum of one planter area for every seven parking spaces. The planter areas shall have a minimum planted dimension, exclusive of curb area, of fifty (50) square feet. Planter areas shall be counted exclusive of required building perimeter landscaping required by the Planned Commercial Development Ordinance.

7. Future Design of the commercial structures on this site shall be compatible with the height, bulk, scale and architectural design of structures located within the perimeters of the Master

Planned Residential Development project encompassing adjacent properties.

8. Landscaping presently shown on the west sides of this commercial lot, exclusive of the future driveway locations (maximum 60 feet width each), shall be installed upon the completion of grading and installation of underground utilities to the site and prior to building permits being issued for this site in conformance with Exhibit "A," dated October 27, 1987.

9. Future commercial service areas shall be clustered and adequately screened from view from adjacent sites.

10. Future structures proposed for this site shall feature building elevations which have similar window, roof and facade articulation for all sides of buildings.

11. No permit for grading or landscaping of this site 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.

12. Before issuance of any building permits, a Planned Commercial Development Permit amendment must be approved for this site by the Planning Director

13. This Planned Commercial Development Permit will become effective with the effective date of the City Council Ordinance that approves rezoning case No. 86-0994 and must be used within 36 months after such date 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 of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the City.

14. All future 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.

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

- a. Authorized by the Planning Director; 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.

16. 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.

17. 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.

18. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: (a) the allocation schedule of the University Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for that project approval.

19. This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987; and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.

Passed and Adopted by the City Council on October 27, 1987.

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 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 this permit and promises to perform each and every obligation of Permittee hereunder.

FEDERAL SAVINGS AND LOAN INSURANCE  
CORPORATION, as Receiver for SAN  
MARINO SAVINGS AND LOAN ASSOCIATION  
(Permittee)

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack

*R-263586*

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OCT 27 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 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"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Charles G. Abdellour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-269586 Adopted OCT 27 1987