

(R-88-2493)

RESOLUTION NUMBER R-270950

ADOPTED ON MAY 10, 1988

WHEREAS, O-Mesa Investment Company, by Matthew A. Peterson, Attorney, appealed the decision of the Planning Commission in approving Planned Commercial Development Permit No. 87-0218 submitted by Environmental Development, Inc., Owner/Permittee, for approximately 32.10 acres, a portion of the southeast quarter of Section 24, Township 18 South, Range 2 West, S.B.B.M., located on the east side of Interstate 805, north of Palm Avenue and south of the Otay River Valley and the City of Chula Vista, in the Otay Mesa Community Plan area, in the A-1-10 (HR) Zone (proposed CA (HR) Zone); and

WHEREAS, the matter was set for public hearing on May 10, 1988, 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. 87-0218:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Otay Mesa Community Plan.
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.

3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The project fulfills all requirements of the San Diego Municipal Code relevant to planned commercial developments and conditional use permits and meets the criteria and guidelines of the adopted Otay Mesa Community 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 O-Mesa Investment Company, by Matthew A. Peterson, Attorney, is denied; the decision of the Planning Commission is sustained, and Planned Commercial Development Permit No. 87-0218 is hereby granted to Environmental Development, Inc., 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:ta  
06/07/88  
Or.Dept:Clerk  
R-88-2493  
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 87-0218  
CITY COUNCIL

This Planned Commercial Development Permit is granted by the City Council of the City of San Diego to ENVIRONMENTAL DEVELOPMENT, LTD., a limited partnership, Owner/Permittee, pursuant to Section 101.0910 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Commercial Development located on the east side of I-805, north of Palm Avenue and south of the Otay River Valley and the City of Chula Vista, described as the SE 1/4 of the SE 1/4, Section 24, T18S, R2W, SBM, in the A-1-1 (proposed CA) Zone.

2. The facility shall consist of the following:

a. Grocery Store	45,000 square feet
Drug Store or Similar Use	31,000 square feet
Commercial Retail	91,350 square feet
Motel (150 rooms)	65,000 square feet
Service Station (C.U.P.)	<u>2,400 square feet</u>
Total	234,750 square feet

- b. The grocery store and drug store (or similar use) are required uses and shall not be substituted with other uses or deleted except as follows in Section c, d and e;
- c. The project shall open with a market of not less than 30,000 square feet in size and a drug store, or similar retail use, of not less than 8,000 square feet in size. Should either of these tenants request a subsequent change in use, such change shall be consistent with the CA zone.
- d. The project shall contain a maximum of two drive-through restaurants.
- e. No amendment to delete or change the use of the hotel/motel pad shall be allowed for a period of ten years, except for a change in use to a movie theater complex.
- f. Off-street parking;
- g. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 1,098 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 10, 1988, 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.

4. 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 Planned Commercial Development Permit is recorded in the office of the County Recorder.
- c. A final subdivision map is recorded on the property or evidence of a legal parcel is demonstrated.

5. The applicant shall contribute the sum of \$50,000.00 to be used for the Otay Valley Regional Park study. The contribution shall be made prior to the issuance of a Land Development Permit for the project, but in no case later than August 15, 1988. The City Council directs the City Manager and Planning Director to expedite issuance of the Land Development Permit.

6. 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 10, 1988, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.

7. Before issuance of any grading or building permits, a complete landscape plan, including a revegetation plan and 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 10, 1988, 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 and is to be maintained in a disease, weed and litter free condition at all times.

The revegetation plan shall provide for restoration of the graded slopes with native species to provide erosion control and reduced visual impacts. This plan shall institute the recommendations of Ronald Pecoff, Horticultural Consultant, Pecoff Brothers Nursery and Seed Company as indicated in a letter dated March 17, 1988 and presented before the Planning Commission on March 24, 1988. Manufactured slopes shall be kept to an absolute minimum and variable slope ratios of 2:1 and 3:1 shall be used to provide for an undulating natural appearance along the northern and eastern property boundaries. Daylight grading techniques shall be incorporated along the west and northwest property boundary.

8. 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.

9. The effective date of this permit shall be the date of final action following all appeal dates and proceedings or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0910.M. 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 Planning Director.

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

11. 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.

The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

12. This Planned Commercial Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

13. This Planned Commercial Development 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.

14. A comprehensive signage plan shall be required. The signage plan shall be submitted to the Planning Director for review and approval prior to the issuance of any sign permits. Any revisions thereto shall require the approval of the Planning Director. The signage shall be limited to the following conditions:

- a. One freestanding project sign each on Palm Avenue and on "New Street." These signs may include tenant

identification and shall not exceed 15 feet in height and 150 square feet each.

- b. One low-rise project monument sign located along the Interstate 805 frontage. This sign shall identify no more than four tenants in the center. It shall not exceed 10 feet in height and 200 square feet in area per side.
- c. Four tenant identification ground signs along Palm Avenue and one on "New Street." Each sign may identify one freestanding tenant. These signs shall not exceed five feet in height and 60 square feet in area per side.
- d. One project identification sign located at the northwest corner of the site. This sign shall identify only the project and no tenant identification will be allowed. It shall not exceed five feet in height and 200 square feet in area.
- e. One community identification sign located off-site near the southwest corner of the property. Final design and placement shall be subject to review and approval of the Planning Director and Caltrans.
- f. All shop signs shall be of similar style, size, color and construction as shall be delineated in the sign program, excepting those tenants with corporate identification and/or logos that require such signage as a conditions of occupancy. All ground signs shall be designed to reflect the architectural style and materials of the project.
- g. All other aspects of the project signage shall comply with the requirements of the City of San Diego Sign Ordinance.

15. This Planned Commercial Development may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.

16. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

17. 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 Otay Mesa Community Plan, as set forth in a 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 this project approval.

18. 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.

19. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

20. A Conditional Use Permit shall be required for the development of the service station site. Complete plans shall be submitted to the Planning Director for review and approval prior to the issuance of any building permits.

21. The applicant shall assure half-width dedication with curbs, five-foot-wide sidewalks, paving, and a 14-foot-wide raised center median for Palm Avenue in a manner satisfactory to the City Engineer. Palm Avenue is classified as a six-lane major within a 122-foot-wide right-of-way.

22. The applicant shall provide a half-width dedication and improvements for a north/south street at the easterly subdivision boundary. This street has been designated as a four-lane collector (35 mph speed) but shall provide for a 98-foot right-of-way (78-foot improvement) to provide for standard turn pockets at both the Palm Avenue intersection and the shopping center entrance. The centerline of the street shall be located at the section line to match the alignments of Street "SS" as shown on Tentative Map No. 85-0825 and Tentative Map No. 86-1032.

23. The applicant shall construct a traffic signal system at Palm Avenue and the north/south street in a manner satisfactory to the City Engineer and shall provide a conduit for the interconnection with the future signals at the I-805 ramps.

24. Prior to the issuance of any building permits, the applicant shall pay to the City Treasurer in an amount not to exceed \$52,500 as this applicant's share of the cost of construction of the traffic signal system at the intersection of the project entrance and the north/south street in the future by others.

25. Water and sewer requirements:

- a. Providing water and sewer for this site is dependent upon the prior construction of certain water and sewer mains in previously approved subdivisions in this area. If they have not been constructed when required for this site development, then the construction of certain portions of these previously approved water and sewer mains, as required by the City Engineer, will become off-site improvement requirements for this development.
- b. No structures shall be allowed within the water and sewer easements.
- c. A water and sewer study shall be provided satisfactory to the Water Utilities Director.
- d. Water and sewer facilities shall be installed as recommended by the approved studies.

26. Prior to issuance of any building permits, the developer shall submit a letter report detailing the results of the paleontological resource recovery program for review and approval by the Deputy Director of the Environmental Quality Division.

27. Prior to issuance of any building permits, the developer shall submit a letter report detailing the results of the archaeological monitoring program for the off-site sewer line, for review and approval by the Deputy Director of the Environmental Quality Division.

28. Prior to issuance of any building permits, the City's Noise Abatement Officer shall review and approve mitigation measures that would reduce interior noise levels to three commercial buildings and the west wing of the hotel to a level of 45 decibels CNEL based on future levels.

29. Prior to issuance of a land development permit, a geo-technical investigation shall be conducted which includes subsurface testing. Recommendations of the investigation shall be implemented by the developer.

30. The applicant shall provide a reinforced bus pad along Palm Avenue at a location satisfactory to the Metropolitan Transit Development Board (MTDB).

31. The applicant shall provide a bond for the construction of a bus shelter to be installed in conjunction with the onset of Route 33 service to the satisfaction of the Metropolitan Transit Development Board (MTDB).

APPROVED by the City Council of the City of San Diego on May 10, 1988.



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.

ENVIRONMENTAL DEVELOPMENT, INC.  
(Permittee)

By \_\_\_\_\_

By \_\_\_\_\_

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

R- 270950

**MAY 10 1988**

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-270950 Adopted MAY 10 1988