

(R-90-1432)

RESOLUTION NUMBER R-274968

ADOPTED ON JANUARY 9, 1990

WHEREAS, Patricia Paz, Don M. Paz, Lawrence D. Tomlinson, Joyce Dunne, Aubrey C. Dunne, Sandra Wexler and Helen F. Smith, appealed the decision of the Planning Commission in approving Conditional Use Permit No. 88-0494 submitted by Navajo Lake Murray Partners, Owner/Permittee, to demolish an existing office complex and construct a 19,020-square-foot retail/office center with associated parking and landscaping, located on the north side of Navajo Road at the corner of Lake Murray Boulevard, said property is described at Lot 1 of San Carlos Commercial Site No. 1, Resubdivision No. 1, Map No. 5298 and portions of Lots 12, 13 and 19 of Map No. 4396, in the Navajo Community Plan area, in the CO, CP and R1-5000 zones; and

WHEREAS, the matter was set for public hearing on January 9, 1990, 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 Conditional Use Permit No. 88-0494:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Navajo Community Plan. The subject property is designated

for office/commercial and professional office. The use will be limited to fifty percent retail. The proposal is thereby consistent with the community plan. The General Plan also specifies a commercial use for this property. Parking in the adjacent residential zone will fulfill additional parking needs for those using the center.

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. This development represents a significant upgrade from that which exists on site currently. The site is heavily landscaped and provides quality architectural features. The project fits with adjacent residential uses by orienting away from neighboring houses. Parking and traffic circulation will be improved from that which currently exists. Additional parking provided in the adjacent residential zone will eliminate externalities on the surrounding neighborhood due to this development.

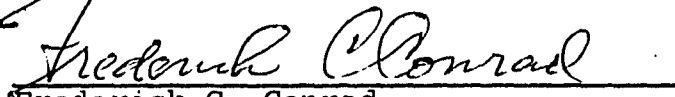
3. The proposed use will comply with the relevant regulations in the Municipal Code. Upon the granting of the requested rezone, the proposed development will meet or exceed the development criteria of the applicable zones and those established by Section 101.0910 of the Municipal Code. To satisfy the City's parking requirement, the applicant has requested a conditional use permit allowing parking in the adjacent residential zone. The findings for granting the conditional use permit can be made.

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 Patricia Paz, et al., is denied; the decision of the Planning Commission is sustained and Conditional Use Permit No. 88-0494 is hereby granted to Navajo Lake Murray Partners, 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:lc  
03/12/90  
Or.Dept:Clerk  
R-90-1432  
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT/  
CONDITIONAL USE PERMIT NO. 88-0494

CITY COUNCIL

This Planned Commercial Development/Conditional Use Permit is granted by the Council of The City of San Diego to NAVAJO LAKE MURRAY PARTNERS, a General Partnership; HAO T. AND KHAHN N. NGUYEN; JACK M. AND EDITH M. TAUF; and MARK A. ANDERSON, private individuals, Owners; and to NAVAJO LAKE MURRAY PARTNERS, Permittee, under the conditions in Sections 101.0510 and 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 north side of Navajo Road at the corner of Lake Murray Boulevard, described as Lot No. 1 of San Carlos Commercial Site No. 1; Resubdivision No. 1 and portions of Lots 12, 13 and 19 of Map No. 4396 in the City of San Diego, in the CO, CP and R1-5000 zones.
2. The facility shall consist of the following:
  - a. Demolition of an existing office complex;
  - b. Construction of a 19,020-square-foot, two-story retail/office center;
  - c. A variance for a 12-foot rear yard setback where 15 feet is required;
  - d. Off-street parking; and
  - e. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Prior to the issuance of any building permits, rezoning of the subject property shall be approved by the City Council.
4. No fewer than 83 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 9, 1990, 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.
5. 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/Conditional Use Permit is recorded in the office of the County Recorder.
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 January 9, 1990, 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 permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated January 9, 1990, 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. Existing trees that are damaged or removed during demolition or construction shall be replaced at a 2:1 ratio.
  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. This Planned Commercial Development/Conditional Use Permit must be used 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 101.0910M 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.
12. The property included within this Planned Commercial Development/Conditional Use Permit 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.
  13. This Planned Commercial Development/Conditional Use Permit may be cancelled or revoked by the City if there is a 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.
  14. This Planned Commercial Development/Conditional Use 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.
  15. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated January 9, 1990. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
  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. 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.
  18. No more than one-half (9,510 square feet) of the structure may be used as retail commercial. Of the 9,510 square feet used for retail, a maximum of 4,755 square feet may be used for restaurants. The balance of the area shall be used as commercial office. Drive-thru restaurants are prohibited in this planned commercial development.

19. Odor and smoke abatement equipment shall be installed at the applicant's expense in a fashion to be approved by the Planning Director prior to any restaurant use. Said abatement equipment shall meet or exceed the performance criteria of the Vent Master System or Garland Ecolo Automatic Odor Control System. Abatement equipment shall not cause a material change in roofline, elevation or footprint of the approved plans marked Exhibit "A," dated January 9, 1990, on file in the office of the Planning Department.
20. Prior to the issuance of occupancy permits, the applicant shall ensure screening of north-facing windows so as to preclude visual intrusion into adjacent properties. Screening material shall be subject to approval of the Planning Director.
21. The Navajo Lake Murray Plaza shall not commence operation prior to 6:00 a.m. nor continue operation later than 11:00 p.m. Signs and area lighting shall not be lighted between the hours of 11:00 p.m. and 6:00 a.m.
22. Prior to the issuance of the building permits, the applicant shall offer a fence allowance not to exceed \$20.00 per linear foot to the four property owners located 8613, 8623, 8633, and 8643 Tommy Drive. Fences shall be constructed of wood and shall not exceed six feet in height.
23. The second floor of the approved structure shall be set back a minimum of fifteen feet from the rear property line.
24. No vehicular access shall be permitted in the rear setback area as illustrated by Exhibit "A," dated January 9, 1990. Access to the 12-foot setback area shall be secured satisfactory to the City Fire Department.
25. Applicant shall modify, if necessary, existing drainage configuration for real property owners to ensure appropriate runoff over/through the subject property connecting to the City sewer system satisfactory to the City Engineer.
26. Trash pick-up for restaurant tenants shall occur a minimum of two (2) times per week.
27. Prior to the issuance of any building permits, the applicant shall assure the installation of a five-foot-wide sidewalk along Navajo Road from the western property line continuing to Lake Bisby Avenue satisfactory to the Planning Director and to the City Engineer.

28. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

Passed and adopted by the Council of The City of San Diego on January 9, 1990.

FCC:lc  
03/12/90  
r-90-1431





338d

JAN 9 1990

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"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-274968* Adopted *JAN 9 1990*

*[Handwritten signature]*

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