

(R-91-1044)

RESOLUTION NUMBER R-276934

ADOPTED ON NOVEMBER 27, 1990

WHEREAS, on October 25, 1990, the Planning Commission recommended for approval Planned Commercial Development Permit No. 90-0100 submitted by Carmel Mountain Ranch, a general partnership, Owner; and Watt Industries, Inc., a California corporation, Permittee; for the construction of a 535,000 square-foot retail shopping center and a 27-lot subdivision, located on the west side of Carmel Mountain Road between Rancho Carmel Drive and Conference Way; said property is more particularly described as a portion of Pompeii Subdivision, Map-1738 (Parcels 1, 2 and 3 of Parcel Map No. 15107); in the Carmel Mountain Ranch Community Plan area, in the A-1-10 (proposed CA) zone; and

WHEREAS, the matter was set for public hearing on November 27, 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 Planned Commercial Development Permit No. 90-0100:

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 subject property is designated as Regional Commercial in the Carmel Mountain Ranch Community Plan. The Carmel Village Plaza project conforms to this designation by

proposing a retail shopping center with a multitude of uses. The variety of retail, restaurant and recreational uses proposed are a much needed element in this primarily residential community. The project incorporates many plazas, gathering areas, and pedestrian corridors, thereby conforming to the "campus" setting recommended in the 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. The subject property is a portion of a large area designated for commercial uses. The Carmel Village Plaza abuts the property that is the future site of a regional post office. The project, as proposed, wraps around the loading area of the postal facility, thereby screening it from view. The project will be architecturally interesting with festive colors proposed on the building facades and awnings. It is designed so that service areas will not be visible from any street. A landscape and signage plan have been incorporated that will complement the buildings. A circulation system has been devised to minimize pedestrian and vehicular conflicts and a park-and-ride facility is included in the project.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The subject property is currently zoned A-1-10, which does not permit this type of development. However, a rezone to CA was previously approved by the City Council and is concurrently being requested for an

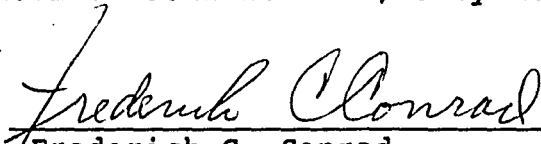
extension of time. The Carmel Village Plaza conforms to the CA Zone. Conditions have been included in the permit which will ensure compliance with all regulations of the Municipal Code.

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 recommended approval by the Planning Commission of Planned Commercial Development Permit No. 90-0100 is hereby sustained; that said permit is hereby granted to Carmel Mountain Ranch, a general partnership, Owner; and Watt Industries, Inc., a California corporation, Permittee; 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  
12/24/90  
Or.Dept:Clerk  
R-91-1044  
PCD 90-0100  
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 90-0100

CITY COUNCIL

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to CARMEL MOUNTAIN RANCH, a general partnership, Owner; and WATT INDUSTRIES, INC., a California corporation, Permittee, pursuant to in 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 west side of Carmel Mountain Road between Rancho Carmel Drive and Conference Way, described as a Portion of Parcels 1, 2 and 3 of Parcel Map NO. 15107, in the A-1-10 (proposed CA) Zone.
2. The facility shall consist of the following:
  - a. A multi-building retail shopping center with a total of 535,000 square feet;
  - b. A 125-space park-and-ride facility;
  - c. Off-street parking;
  - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Rezoning of the subject property shall be approved by the City Council and become effective with the recordation of the subdivision map.
4. No fewer than 2,727 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated November 27, 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 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 November 27, 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 November 27, 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.
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 canceled 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. All signs shall be consistent with the criteria established by the sign plan, part of Exhibit "A", dated November 27, 1990. Final locations of all signs are subject to the approval of the Planning Director as well as the letter height of all Major Tenant signage.
15. This Planned Commercial Development may be developed in phases. Each phase shall be constructed 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 as illustrated on Exhibit "A", dated November 27, 1990, 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. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
18. 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.
19. Phased construction of this project is subject to approval by the Planning Director. Any portion of the project that is not developed concurrently shall be provided with temporary landscaping and irrigation or hardscape and maintained until construction commences. Said landscaping or hardscape shall be installed prior to occupancy of the constructed buildings unless building permits are in process.
20. Final landscape plans shall include adequate screening of parking along all streets and driveways.

21. All rooftop equipment and ground mechanical equipment shall be screened to the satisfaction of the Planning Director.
22. Architectural design of the individual pad buildings are subject to the approval of the Planning Director and shall be oriented as shown on Exhibit "A", dated November 27, 1990. Said buildings shall be architecturally compatible with the design of the shopping center.
23. Precise color samples shall be provided for all building materials prior to the issuance of building permits.
24. Shopping cart storage shall be located in the vicinity of Major Tenant "G" if determined to be necessary by the Planning Director.
25. A 125-space park-and-ride facility shall be provided as shown on the site plan stamped Exhibit "A", dated November 27, 1990, and is subject to the appropriate agreements with the California Department of Transportation.
26. Prior to the recordation of the final map, a Transportation Demand Management (TDM) plan shall be provided to the satisfaction of the City Engineer.
27. Fire access shall be provided which conforms to Fire Department Policy No. A-89-1, and shall be verified prior to the issuance of any building permits.
28. Prior to the recordation of the final map, the applicant shall provide a pedestrian, non-vehicular easement for all areas where sidewalks are not located in the public right-of-way, to the satisfaction of the City Engineer and consistent with the Tentative Map Resolution.
29. Prior to the issuance of any building permits, the applicant shall provide a reciprocal access easement to the satisfaction of the City Engineer.
30. Prior to the issuance of any building permits, the applicant shall provide signal modifications at Conference Way, Highland Ranch Road, and Stoney Peak Way, satisfactory to the City Engineer.
31. A separate Conditional Use Permit shall be required for the service station indicated on the site plan prior to the issuance of any building permits for the service station.
32. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and

ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

33. 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. However, in the event that a challenge pertaining to future growth management requirements, as discussed in Condition No. 32, is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on November 27, 1990.

FCC:lc  
12/19/90  
r-91-1044





300

NOV 27 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| John Hartley           | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| H. Wes Pratt           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Linda Bernhardt        | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-276934* Adopted *NOV 27 1990*