

(R-92-871)

RESOLUTION NUMBER R-278813

ADOPTED ON OCTOBER 8, 1991

WHEREAS, on October 3, 1991, the Planning Commission recommended approval of Planned Commercial Development (PCD) Permit No. 91-0251 submitted by Pardee Construction Company, a California corporation, Owner/Permittee, for the construction of a planned commercial development located on the northwest side of Evening Creek Drive North and Sabre Springs Parkway, described as a portion of Rancho Los Penasquitos according to map accompanying the patent to said Rancho, Book 2, Page 385 of Patents, in the Sabre Springs Community Plan area, in the A1-10 and CA-RR zones; and

WHEREAS, the matter was set for public hearing on October 8, 1991, 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. 91-0251:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Sabre Springs Community Plan. The proposed land uses will provide a valuable and necessary complement to the surrounding residential development. The provision of these complementary uses helps achieve the overall goal of the Sabre Springs

Community Plan for a balanced community. Additionally, the design of the site including building size, form and finishing material, as well as the landscape theme combines to create an attractive and functional project.

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 project site is easily accessed from Interstate 15 and is at the gateway to the northerly portion of the Sabre Springs Community. The 1.3-acre park and ride site will be integrated into the project allowing for safe and efficient access from Sabre Springs Parkway and Evening Creek Drive. Because of the close proximity to the Interstate I-15 and State Route 56 Interchange, there is a need for a park and ride facility in the area. The project will also provide a stairway from Sabre Springs Parkway to the park and ride site.

3. The proposed use will comply with the relevant regulations in the Municipal Code. A concurrent plan amendment was recently approved to allow for the park and ride site bringing the project into conformance with the Sabre Springs Community Plan. Additionally, the project meets or exceeds the landscape requirements of the Landscape Technical Manual.

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 recommendation of the Planning Commission is sustained and Planned Commercial

Development Permit No. 91-0251 is hereby granted to Pardee
Construction Company, 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 Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
01/08/92
Or.Dept:Clerk
R-92-871
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT (PCD) PERMIT NO. 91-0251

CITY COUNCIL

This planned commercial development permit is granted by the Council of The City of San Diego to PARDEE CONSTRUCTION COMPANY, a California corporation, Owner/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 northwest side of Evening Creek Drive North and Sabre Springs Parkway, described as a portion of Rancho Los Penasquitos according to map accompanying the patent to said Rancho, Book 2, Page 385 of Patents, in the A-1-10 and CA-RR Zone.
2. The facility shall consist of the following:
 - a. 31,450 square feet of commercial retail use; a 4,000-square-foot restaurant, a 4,000-square-foot service station which requires a future conditional use permit;
 - b. A 1.3-acre park and ride site;
 - 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.
4. No fewer than 200 parking spaces and an additional 117 spaces for the park and ride site shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 8, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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 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 October 8, 1991, 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 October 8, 1991, 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;
 - 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. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan identified in the booklet titled "Specialty Commercial Center," dated July 11, 1991 stamped Exhibit A.
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. 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. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
19. Mitigation, Monitoring and Reporting Program:

The project drains to Chicarita Creek, a sensitive wetlands resource. The threat of contamination to water quality exists on the site. In order to avoid any adverse environmental impacts the applicant has agreed to implement the following mitigation monitoring and reporting program:

- a. Grease skimmers, to process all run-off from impervious surfaces, and traps, to collect heavy metals such as lead, shall be installed on the premises in the locations specified on the Grading Plan for the PCD permit. The grease skimmers shall be capable of trapping all grease and oil residues. Design of these traps/skimmers shall be to the satisfaction of the Principal Planner, Environmental Analysis Section, Planning Department. Prior to issuance of a building permit, a site inspection of trap/skimmers shall occur.
 - b. The grease traps/skimmers shall be cleaned and maintained every four months. An annual letter report prepared by the applicant identifying the quarterly clean-out dates, trap/skimmer conditions and required maintenance shall be provided to the Principal Planner, Environmental Analysis Section, Planning Department. Spot checks of traps/skimmers may be made by City staff, especially during the rainy season, to ensure proper clean-out and maintenance.
 - c. All driveway and parking lot areas within the subject property shall be swept or vacuumed in a manner maximizing the removal of fine-grained particles at least once a month.
 - d. All materials removed from the traps/skimmers and collected by sweeping or vacuuming shall be removed from the premises.
20. A future conditional use permit shall be obtained for the proposed service station.
 21. Prior to the issuance of building permits, the applicant shall provide a site plan illustrating stairway access from Sabre Springs Parkway to the proposed park and ride site.
 22. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
 23. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures to that same elevation.

24. The PCD permit shall conform to the provisions of the final map (Tentative Map (TM) 91-0251).
25. Prior to the issuance of any building permits, the applicant shall provide walkways from the park and ride facility to the bus stop.
26. The driveways shall be standard City driveways; curb returns are not allowed.
27. Prior to the issuance of any building permits, the applicant shall provide a Transportation Demand Management Plan, satisfactory to the City Engineer.
28. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
29. The proposed park and ride site is subject to the approval of the Sabre Springs Community Plan amendment. If the Sabre Springs Community Plan is denied, this permit shall be deemed denied.
30. Prior to the issuance of building permits, the applicant shall address the following items to the satisfaction of the Deputy Director of the Parks and Recreation/Open Space Division. These items are required to allow the construction of the park and ride facility in an area designated open space.
 - a. Irrigation Retrofit - Overhead spray irrigation system on Sabre Springs Parkway within Sabre Springs Landscape Maintenance District will be retrofitted with drip irrigation systems.
 - b. Street Furniture Supplement - Benches and trash receptacles shall be added to the Chicarita Creek open space system.
 - c. Drought-Tolerant Plantings - \$5,000 shall be provided for additional drought-tolerant plants and mulch within the planted areas of the Sabre Springs Landscape Maintenance District.
 - d. Sabre Springs Neighborhood Park - Trees affected by the frost of the winter of 1990/91 will be examined and treated or replaced.
 - e. South Creek Area Restoration - Prepare a concept plan, construction drawings, install and setup maintenance for South Creek area.

- f. Financial Contribution - A donation of \$10,000 shall be made by Pardee Construction Company to the Peñasquitos Canyon Preserve Park Fund, #10582.
 - g. The applicant shall pay approximately \$25,000 for improvements for items a, b and c in cooperation with the Sabre Springs LMD Maintenance Inspector.
31. 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 is found by a 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 October 8, 1991, by Resolution No. R-267713.

3400

OCT 0 8 1991

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<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 *Blanda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-278813* Adopted *OCT 0 8 1991*