

(R-92-991)

RESOLUTION NUMBER R-279170

ADOPTED ON DECEMBER 10, 1991

WHEREAS, on May 10, 1988, the City Council approved Planned Commercial Development ("PCD") Permit 87-0218 submitted by Gateway Plaza Partners, Owner/Permittee, for the purpose of constructing 167,350 square feet of commercial and retail space, a 65,000 square foot motel and a 2,400 square foot service station on a 31.5 acre site, located on the northeast side of Palm Avenue between Interstate 805 and Denney Road, and described as the southeast quarter of the southeast quarter of Section 24, Township 18 South, Range 2 West, SBM, in the Otay Mesa Community Plan area, in the A1-1 zone; and

WHEREAS, on March 11, 1991, the Subdivision Board approved Tentative Map No. 90-0242 which was a condition of the original rezone ordinance for this project; and

WHEREAS, while the developer was in the process of obtaining the land development permit and building permits for the project, the permit and rezone all expired on June 30, 1991; and

WHEREAS, Gateway Plaza Partners requested an extension of time on the project under Planned Commercial Development Permit No. 91-0455; and

WHEREAS, there have been no material change of circumstances since the PCD and rezone were originally granted; and

WHEREAS, on October 17, 1991, the Planning Commission voted unanimously to recommend approval of the request for extension of time under Planned Commercial Development Permit No. 91-0455; and

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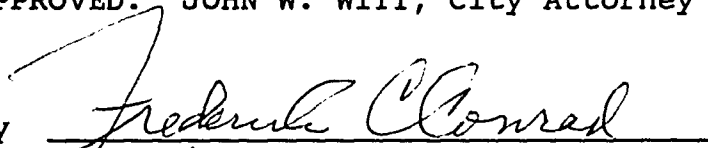
SAN DIEGO, CALIF. *W*

WHEREAS, the matter was set for public hearing on December 10, 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 the recommendation of the Planning Commission is sustained, and Planned Commercial Development Permit No. 91-0455 is hereby granted to Gateway Plaza 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
02/14/92
Or.Dept:Clerk
R-92-991
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT ("PCD") PERMIT NO. 91-0455
EXTENSION OF TIME REQUEST FOR PCD 87-0218

GATEWAY PLAZA

CITY COUNCIL

This planned commercial development permit is granted by the Council of The City of San Diego on December 10, 1991 to Gateway Plaza Partners, 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 southeast quarter of the southeast quarter, Section 24, Township 18 South, Range 2 West, 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 sections 2c, 2d and 2e.
- 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. 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 1,098 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 10, 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 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 (Final Map No. 90-0242) is recorded on the property or evidence of a legal parcel is demonstrated.
6. The applicant shall contribute the sum of \$50,000 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. Proof of this contribution being paid as a condition of PCD 87-0218 will satisfy this requirement. The City Council directs the City Manager and Planning Director to expedite issuance of the land development permit.
7. 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 December 10, 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.

8. 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 December 10, 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.

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, Horticulture 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.

9. 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.
10. 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.
11. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
12. After establishment of the project, the property shall not be used for any other purpose 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.

13. 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.
14. 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.
15. 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.
16. 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 in area 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 condition 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.
17. 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 insure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
 18. 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.
 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. Palm Avenue is classified as a six-lane major street within a 122-foot right-of-way and a 132-foot right-of-way where dual-left-turn lanes are required. The subdivider shall dedicate a minimum half-width of 61 feet, and a minimum 66 feet where dual-left-turn lanes are required, and provide half-width improvements of curb, gutter, a five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and half of the median, satisfactory to the City Engineer.
 21. Dennery Road is classified as a four-lane major street within a 98-foot right-of-way and a 108-foot-wide right-of-way where dual-left-turn lanes are required. The subdivider shall dedicate a minimum half-width of 49 feet, and 54 feet where dual-left-turn lanes are required, and provide half-width improvements of pavement, curb, gutter, a five-foot-wide sidewalk within a ten-foot curb-to-property-line distance, and a temporary cul-de-sac at the north end, satisfactory to the City Engineer.
 22. The applicant shall construct or bond for 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.

23. Prior to the issuance of any building permits, the applicant shall pay to the City Treasurer 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.
24. Water Requirements:
- a. The developer shall install fire hydrants at locations satisfactory to the City Engineer.
 - b. The developer shall replace the existing 33-inch and 15-inch pipelines, on-site, with new 33-inch and 16-inch pipelines to be located in an easement, satisfactory to the Water Utilities Director.
 - c. The developer shall install a 36-inch pipeline in Dennery Road from Palm Avenue to the northern end of the cul-de-sac, satisfactory to the Water Utilities Director, as required in the "Water System Analysis of Two Transmission Alternatives for the South San Diego/Otay Mesa Service Areas," by Boyle Engineering, dated September, 1990.
 - d. The City and other developers will participate in a reimbursement agreement with this developer for the cost of design and construction of item 25c above, in accordance with City regulations and practices pertaining thereto.
 - e. The Developer shall install a 16-inch water main, located in an easement, satisfactory to the Water Utilities Director.
 - f. The developer shall install 12-inch water mains to complete the on-site loop(s), including a connection to the 33-inch line, satisfactory to the Water Utilities Director.
25. Sewer Requirements:
- a. The developer shall provide a sewer study, satisfactory to the Water Utilities Director, for the sizing of gravity sewer mains and to show that the grade of the mains will provide adequate capacity and cleansing velocities.
 - b. The developer shall install all facilities as required by the approved sewer study.

- c. The subdivider shall grant a 25-foot-wide water and sewer easement adjacent to the easterly property line, from the northern end of Dennery Road to the northern property line, satisfactory to the Water Utilities Director.
 - d. The City and other developers will participate in a reimbursement with this developer for the cost of design and construction of items 26a and 26b above, in accordance with City regulations and practices pertaining thereto.
26. Water and Sewer Requirements:
- a. All common areas and/or open spaces that require irrigation shall be irrigated with reclaimed water, as specified in City Council Ordinance O-17327. The subdivider shall design and install a reclaimed water distribution system within the subdivision in accordance with "Rules and Regulations for Reclaimed Water Use and Distribution Within the City of San Diego." The irrigation system shall initially be supplied from the potable water system until reclaimed water is available. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connections between the two systems.
 - b. The developer shall provide evidence, satisfactory to the Water Utilities Director, showing that each parcel will have its own water service and sewer lateral.
 - c. The developer shall provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The developer shall provide private easements for the private mains or show easement locations in the CC&R's.
27. 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 Development and Environmental Planning ("DEP") Division of the Planning Department.
28. 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 DEP.

29. 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.
30. Prior to the issuance of a land development permit, a geotechnical investigation shall be conducted which includes subsurface testing. Recommendations of the investigation shall be implemented by the developer.
31. The applicant shall provide a reinforced bus pad along Palm Avenue at a location satisfactory to the Metropolitan Transit Development Board (MTDB).

APPROVED by the Council of The City of San Diego on December 10, 1991, by Resolution No. 279170.

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DEC 10 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

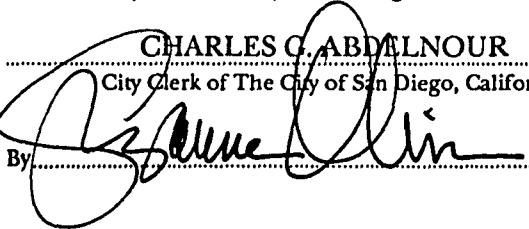
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 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. ABDILNOUR
City Clerk of The City of San Diego, California.

By  , Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-279170** Adopted **DEC 10 1991**
 Number.....