

(R-94-620)

RESOLUTION NUMBER R-282807

ADOPTED ON OCTOBER 12, 1993

WHEREAS, GATLIN DEVELOPMENT COMPANY, Owner/Permittee, filed an application to construct, operate and maintain a Planned, Commercial Development, Stonecrest Square, located south of Aero Drive and west of Interstate 15, in the Kearny Mesa Community Plan area, in the CA zone; and

WHEREAS, on October 12, 1993, the Council of The City of San Diego considered Planned Commercial Development Permit No. 92-0738 pursuant to Section 101.0910 of the Municipal Code of The City of San Diego; 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. 92-0738:

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

Community Need. The need for a regional retail facility is evidenced by the fact that, according to the Market Analysis and Tax Revenue Study prepared for the project by The London Group Realty Advisors, Inc. (consultant to the applicant), the City stands to recapture over \$700,000 dollars of retail sales tax dollars from residents that currently shop outside of the City. This information has been generally corroborated by an independent study conducted by the Economic Development Division of the City of San Diego. The London Group study specifically

concluded that the project would "add significantly to the quality of retailing" in the community, which would inure to the benefit of the residents of the community. Further evidence of the demand for a regional retail facility can be gleaned from the willingness of national retail entities to commit to the project after having completed market studies of the Community Plan area. Additionally, the project has received the support of the Kearny Mesa Planning Group, the Tierrasanta Planning Group and the Mission Valley Planning Group.

General Plan and Community Plan. The project site currently is located in an area designated for urban and industrial uses in the General Plan. The Community Plan, as updated on October 6, 1992, described as its main purpose the preservation and enhancement of the area as an employment center. The Community Plan advances this purpose by designating the majority of the land for industrial, office, and retail commercial uses. The Land Use Element of the Community Plan also addresses issues associated with conservation and open space, urban design, airport, and transportation. The Specific Plan, which controls the project site, provides for a mix of office, light industrial, retail, hotel, and community uses. The Specific Plan also provides for flexibility of uses and density transfers provided the final number of automobile trips generated by all of the uses does not exceed that assumed by the traffic study prepared for the Specific Plan.

The project would comply with the elements of the Community Plan, particularly in light of the Specific Plan. The

project would alter existing boundaries and land uses in the Specific Plan by replacing 950,000 square feet of office, R&D/ light industrial, and support commercial with 436,439 square feet of regional commercial use. Traffic associated with the project would be greater than that anticipated in the original Specific Plan, but traffic in critical peak direction would be reduced.

The project would deviate slightly from several of the environmental goals of the Community Plan but the impact would not be significant. The project would represent a change in land use but such change is not deemed significant because the Specific Plan is intended for use to be flexible and market driven. In addition, the project will result in amendments to the General Plan and the Specific Plan, thus eliminating any conflict with the land use designations within each document.

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.

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Health, Safety, and General Welfare. The project is located 1,700 feet from the San Diego Petroleum Storage and Distribution Center (SDPS&D Center), which would present no threat to the project. Even assuming that there were a subsurface or surface leak or spill from the SDPS&D Center.

Commercial retail operations do not utilize significant quantities of hazardous materials or substances. Adequate federal and state regulations exist to ensure that what little hazardous materials or substances are located on the project site will be appropriately handled, stored, and disposed of when they are deemed a waste.

The draft permit prepared for this project includes a number of conditions of approval relevant to project compliance with applicable regulations of the Municipal Code to assure the health, safety, and general welfare of persons residing or working in the area. The proposed use is compatible with the existing and planned character of the surrounding area and therefore would not adversely affect other property in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code.

The proposed use will fully comply with the relevant regulations of the Municipal Code.

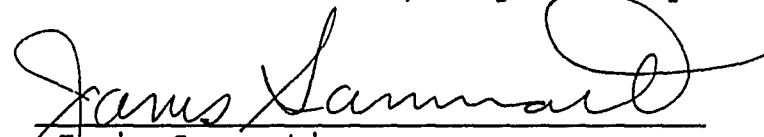
The proposed development and use of this site is consistent with relevant regulations of the Municipal Code, including requirements for building setbacks, floor area ratios, building height, various site coverages, structural and site design guidelines as specified and/or recommended by the proposed zone, community plan, CEQA guidelines and the City of San Diego *Progress Guide and General Plan*.

4. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the City Council, Planned Commercial Development Permit No. 92-0738, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Commercial Development Permit No. 92-0738, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Janis Sammartino
Senior Chief Deputy City Attorney

JS:pev
10/20/93
Or.Dept:Clerk
R-94-620
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 92-0738

STONECREST SQUARE

CITY COUNCIL

This planned commercial development permit is granted by the Council of The City of San Diego to GATLIN DEVELOPMENT COMPANY, Owner/Permittee, pursuant to in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted by the Council to the Owner/Permittee, to construct, operate and maintain a commercial retail center and related public and private improvements and facilities as described herein by this planned commercial development located south of Aero Drive and west of Interstate 15, within the Kearny Mesa Community Plan area, in the CA Zone.
2. The facility shall consist of the following:
 - a. Construction, operation and maintenance of a regional retail commercial center not to exceed 436,000 square feet of gross floor area, including site landscaping and public and private improvements necessary to serve the development, as identified on approved Exhibit "A", dated October 12, 1993, on file in the Planning Department;
 - b. Off-street parking;
 - c. 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 (92-0738) shall be recorded on the subject property. Rezoning of the subject property from M-1B zone to CA zone shall be approved by the Council and become effective with the recordation of the Subdivision Map.
4. Parking spaces shall be maintained on the property in the approximate number and location shown on the site plan as part of Exhibit "A," dated October 12, 1993, 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 the construction or occupancy 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 October 12, 1993, 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 12, 1993, 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(K), 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.
12. 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.
 13. 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.
 14. 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.
 15. All 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 October 12, 1993, or the applicant shall obtain approval of a Comprehensive Sign Plan by the Sign Code Administration Division of the Neighborhood Code Compliance Department for all signage proposed for the project site. Sign permits shall be obtained from Sign Permit Services prior to the installation of any signs on these premises.
 16. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
 17. 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.
 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. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated October 12, 1993, shall be permitted by an Encroachment Permit obtained from the City Engineer.

20. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
21. In accordance with Condition No. 4 of this permit, the applicant shall provide and maintain at all times the following off-street parking ratios and requirements of the CA zone:
- * one space per 200 square feet of gross floor area for retail uses; and
 - * One space per 80 square feet of gross floor area for restaurant uses.
22. Prior to the issuance of building permits for the pad buildings (lots 64, 65, 66, and 67), the applicant shall submit an application for Substantial Conformance review through the Planning Department. The design of the pad buildings shall be consistent with those of the main portion of the commercial center (Wal-Mart). Size and location of the pad buildings shall be generally consistent with the approved site plan. Individual building square footage may change provided that the aggregate square footage does not exceed the maximum allowed by the planned commercial development permit and that the parking requirements as stated in Condition No. 21 of this permit is met for each building. Buildings which are determined not to be in substantial conformity with the approved permit shall require an amendment to the approved planned commercial development permit.
23. The pad buildings shall incorporate guidelines which are intended to establish criteria for the review of subsequent development proposals within Planned Commercial Development Permit No. 92-0738, particularly relating to development of free-standing pads. The proposed development shall be required to meet the following criteria for a finding of substantial conformity or cause the planned commercial development permit to be amended:

Building Placement

- Buildings shall be located in general conformance to the layouts shown on the approved site plan.
- Service areas and equipment shall be screened from view by landscaping and/or screen walls.
- Building size may vary within individual development areas but in no case shall the aggregate square footage exceed the maximum allowed by the planned commercial development permit.

Roof Forms

- A variation in floor form is required; large flat roof areas are to be accented by either sloping roof areas, stepped parapets or trellis forms.
- Roof-mounted equipment is to be screened from immediate public view by sloping roof forms, parapets or roof screens.
- Roof materials on visible roof forms shall be concrete or clay tiles or prefinished metal. The use of asphalt shingles will not be allowed without prior approval.

Signage and Graphics

- Primary signage, as addressed, shall conform to the project's approved sign plan criteria. Secondary signage not specifically addressed in the sign plan shall comply with the relevant sections of Chapter X, Article 1, Division 11 of the Municipal Code.

Building Materials

- Materials and colors shall be complimentary to the material palette established for the overall project. Refer to material and color selections attached.
- Wall finishes shall consist of cement plaster articulated with either dimensional trim shapes or ceramic tile accents, wood siding or split-face concrete block.
- Storefronts shall be aluminum or wood; wood shall be painted with full body stain and aluminum shall be provided in either anodized finish or painted accent colors.

Landscape

- Landscape shall comply with the requirements of the Land Development Ordinance, City of San Diego Landscape Ordinance, the City of San Diego Landscape Technical Manual and the approved planned commercial development.
- Plant material for pad buildings shall be similar in character, size, quantity, variety, and quality to the approved landscape plans for the site.

- Planting shall meet the coverage requirements and the point requirements for vehicular use areas, street yard and remaining yards.
- One 24-inch-box tree shall be located within 30 feet of any designated parking stall.
- All landscaped areas in or adjacent to vehicular use areas must be protected from vehicular damage by a six-inch raised curb.
- A 30-inch-high shrub screen is required between parking areas and the street.
- A four-foot walkway or landscape separation is required between vehicular use areas and the street wall of buildings.

Material and Color Palette - The following material and color selections have been selected for the Center's major and minor anchors and in-line shop buildings. Pad building material and color palette selections shall be from or complimentary to this listing. The following list is provided as a general guide and is not intended to be an all inclusive or complete list.

1. Roofing Materials

- US Tile "El Camino Blend"
- Prefinished Metal Roofing: style and colors to be determined by tenant

2. Ceramic Tile Accents

- Del Piso 40-MP3980 "Horizon"

3. Storefronts

- Match Dunn Edwards DE 527 M2 "Rowdy"
- Match Dunn Edwards DE 937 M2 "OK Joe"

4. Plaster Colors

- Match Dunn Edwards DE 1041 M2 "Wild Rose"
- Match Dunn Edwards DE 1089 L1 "Smoke"
- Match Dunn Edwards DE 1094 L1 "Chatter Box"
- Match Dunn Edwards DE 1006 M2 "Bath Tan"
- Match Dunn Edwards DE 1035 L1 "Trotter Tan"

24. The planned commercial development permit shall comply with the conditions of the final map for Tentative Map No. 92-0738.
25. Providing water, sewer and streets for this subdivision is dependent upon the prior construction of certain water mains, sewer mains, and streets in previously approved subdivisions in this area. If they have not been constructed when required for this development, then the construction of certain portions of these previously approved water mains, sewer mains, and streets, as required by the City Engineer, will become off-site improvement requirements for this subdivision.
26. Curb-return access will not be permitted, except at signalized intersections. Standard City commercial driveways shall be utilized.
27. The applicant/subdivider shall assure that reciprocal-access and parking agreements exist for the following sites: Wal-Mart and the grocery store, Pads "A" and "B," and Pads "C" and "D".
28. 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) section 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC section 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC section 10.207).
 - d. Ensure that post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure (UFC section 10.301).
30. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
31. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.

32. This development may be subject to impact fees, as established by the Council, at the time of issuance of building permits.
33. Prior to approval of an amended land development permit for the project, the City Engineer shall review final grading and landscape plans to insure that sensitive grading techniques and landscaping of the manufactured slopes is proposed. Prior to issuance of a Notice of Completion and Acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that sensitive grading and landscaping has been implemented pursuant to the approved plans.
34. Prior to the issuance of any building permit, a Transportation Demand Management (TDM) Plan shall be approved. The Transportation Demand Management Plan shall contain enforcement provisions subject to the satisfaction of the TDM Administrator.
35. A Transportation Demand Management Plan shall be prepared which includes the measures recommended for regional shopping centers which include but are not limited to:
 - Incorporation of transit access considerations into project design;
 - Development of employee rideshare incentives; and
 - Coordination of rideshare information among all site tenants via ride-matching services provided by the property manager.
36. The developer shall comply with all San Diego County Air Pollution Control District measures regarding control of nuisance from the generation of dust and fumes during construction. Dust control measures capable of attaining dust control efficiencies of 75 percent shall be implemented. Measures shall include: (1) twice-daily watering of disturbance areas, and (2) chemical stabilization of off-road haul routes.
37. Prior to approval of a modified land development permit, the plans shall be reviewed by the City Engineer to assure that appropriate dust control measures are proposed. Implementation of these measures shall be confirmed during periodic inspections by the Field Engineering Division during the grading operation.
38. Prior to issuance of an amended land development permit, a soils investigation shall be prepared by the project applicant to the satisfaction of the City Engineer. The City Engineer shall assure that the approved remedial

measures have been incorporated into the project's grading plan. Prior to issuance of a Notice of Completion and Acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that remedial grading measures have been implemented pursuant to the approved plans.

39. Prior to issuance of an amended land development permit, the applicant shall provide written verification that a qualified paleontologist and/or paleontological monitor has been retained to implement this monitoring program. Verification shall be in the form of a letter from the project applicant to the Principal Planner of the Environmental Analysis Section (EAS) of the City of San Diego Planning Department. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology, who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in the paleontological monitoring shall be approved by EAS prior to any preconstruction meetings.
40. Prior to issuance of an amended land development permit, the City Engineer shall review the grading plan to ensure that erosion control measures are provided. Prior to issuance of a modified land development permit, the developer shall provide evidence to the City Engineer indicating compliance with the National Pollutant Discharge Elimination System requirements by filing a Notice of Intent with the State of California Water Resources Control Board (SWRCB), and by implementing a Storm Water Pollution Prevention Plan satisfactory to the SWRCB.
41. Prior to issuance of a Certificate of Occupancy and Final Inspection, the Inspection Services Division of the Building Inspection Department shall conduct a final inspection of the site to confirm that water pollution control devices have been installed pursuant to the approved building plans.
42. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).
43. All roof top or mechanical equipment shall be screened from view, and the screening shall be similar in color and

material to the building, to the satisfaction of the Planning Director.

44. The applicant shall contribute one hundred thousand dollars (\$100,000) to the improvements of the Serra Mesa library. The applicant shall pay one hundred thousand dollars (\$100,000) to the City prior to issuance of the first building permit.
45. Prior to the issuance of the first building permit, the applicant shall pay to the City twenty thousand dollars (\$20,000) to be deposited by the City into a Serra Mesa Community Fund for the construction of such public improvement or improvements within the Serra Mesa Community as recommended by the Serra Mesa Community Planning Group. All projects and expenditures of funds shall be approved by the City Council.

APPROVED by the City Council of The City of San Diego on October 12, 1993 by Resolution No. R-282807.

339C

Passed and adopted by the Council of The City of San Diego on OCT 12 1993
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"/>
George Stevens	<input type="checkbox"/>	<input checked="" 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 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-282807 Adopted OCT 12 1993