

(R-95-60)

RESOLUTION NUMBER R-284192

ADOPTED ON JUNE 28, 1994

WHEREAS, on May 19, 1994, the Planning Commission recommended approval of Southeast Development/Planned Commercial Development Permit No. 93-0557 submitted by Gordon-Lucky Joint Venture and the Redevelopment Agency of The City of San Diego (SEDC), Owners/Permittees, for a 130,000 square-foot commercial retail shopping center with a supermarket, drug store, two freestanding restaurants, a financial institution, a community meeting room and other commercial uses, located on the west side of 43rd Street between Boston Avenue/Alpha Street and Beta Street and described as a portion of lot 32, Map 1793; Lots 10 through 31, Map 2208; portions of Lots 13 through 23, Block C, Lots 25 through 28 and portions of Lots 29 through 44, Block F, Lots 46 through 48, Block G, portions of Lots 1 through 5, Block H, all of Map 1793; and a portion of Lot 68 of Map 283, in the Southeast San Diego Community Plan area, in the SF-5000 (proposed CT-2) zone; and

WHEREAS, the matter was set for public hearing on June 28, 1994, 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

Southeast Development/Planned Commercial Development Permit
No. 93-0557:

1. The proposed use and project design meet the purpose and intent of the Southeast San Diego Community Plan, and will not adversely affect the Southeast San Diego Community Plan, the Skyline-Paradise Hills Community Plan, the General Plan or other applicable plans adopted by the City Council.

2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community is achieved as far as practicable.

3. 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.


4. The proposed use will comply with the relevant regulations in 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 recommendation of the Planing Commission is sustained; and Southeast Development Permit No. 93-0557 is hereby granted to Gordon-Lucky Joint Venture and

the Redevelopment Agency of The City of San Diego (SEDC), under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
08/31/94
Or.Dept:Clerk
R-95-60
Form=r.permit

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SOUTHEAST DEVELOPMENT/PLANNED COMMERCIAL
DEVELOPMENT PERMIT NO. 93-0557
SOUTHCREST PARK PLAZA

CITY COUNCIL

This Southeast Development ("SED")/Planned Commercial Development ("PCD") Permit No. 93-0557 is granted by the Council of The City of San Diego to Gordon-Lucky Joint Venture and the Redevelopment Agency of The City of San Diego (SEDC), Owners/Permittees, under the conditions in San Diego Municipal Code sections 103.1707 and 101.0910.

1. Permission is granted to Owners/Permittees to construct a 129,342-square-foot commercial shopping center located on the west side of 43rd Street between Boston Avenue/Alpha Street and Beta Street in the Southcrest neighborhood of the Southeast San Diego Community Plan area. The 15.36-acre site is described as follows: Portion of Lot 32, Map 1793; Lots 10 through 31, Map 2208; portions of Lots 13 through 23, Block C, Lots 25 through 28 and portions of Lots 29 through 44, Block F, Lots 46 through 48, Block G, portions of Lots 1 through 5, Block H, all of Map 1793; and a portion of Lot 68 of Map 283.
2. The facility shall consist of the following:
 - a. One 130,000-square-foot commercial shopping center consisting of eight structures as follows:
 - (1) One supermarket of no more than 60,000 square-feet;
 - (2) One drug store of no more than 20,000 square-feet;
 - (3) Two free standing restaurants totalling no more than 7,000 square-feet;
 - (4) One financial institution of no more than 8,000 square-feet;

- (5) One banquet and community meeting room of not less than 7,000 square-feet;
 - (6) Other restaurant uses totalling no more than 6,300 square-feet;
 - (7) Other commercial retail uses permitted in the CT-2 zone of the Southeast San Diego Planned District Ordinance (San Diego Municipal Code section 103.1701 et seq.);
- b. Off-street parking;
 - c. Landscaped walkways and outdoor patio areas with seating;
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 432 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 28, 1994, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, 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. Parking rates shall be provided in accordance with the Southeast San Diego Planned District Ordinance as follows: 1 parking space for each 300 square feet of professional office uses, 1 parking space for each 200 square-feet of commercial restaurant uses, 1 parking space for each 400 square feet of commercial retail and service uses, 1 space for each 60 square feet of banquet facilities.
 4. No building permits for the construction of the center shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittees sign and return the permit to the Planning Department;
 - b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Director decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

5. 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 June 28, 1994, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. 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 June 28, 1994, 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.
7. 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.
8. This Southeast Development/Planned Commercial Development Permit must be used within 24 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in San Diego Municipal Code section 101.0910.
9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
10. 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.
11. This Southeast Development/Planned Commercial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
12. This Southeast Development/Planned Commercial Development Permit is a covenant running with the lands and shall be binding upon the Permittees and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.
13. This will not become valid until the following actions have been taken by the City Council:

- a. Approval of Community Plan Amendment No. 92-0424 which changes the land use designation from "Business Park/Office Commercial" to "General Commercial";
 - b. Approval of Rezone No. 92-0424 which changes the zoning of the site from I-2 (Industrial) and CSR-1 (Commercial) to CT-2 (Commercial Center-Community Commercial);
 - c. Approval of the Vesting Tentative Map and Street Vacation No. 93-0557 which allows for an 8-lot subdivision and street and alley vacations.
14. Prior to recordation of the final map, the following improvements must be installed to the satisfaction of the City Engineer:
- a. Alpha Street, between 40th Street and the western subdivision boundary, shall be repaired and shall have temporary AC sidewalks installed.
 - b. Dedicate a 60-foot-wide right-of-way for Alpha Street and provide 40 feet of pavement, curb gutter and five-foot-wide sidewalk within a ten-foot curb-to-property line distance. Dedicate additional right-of-way (50-foot-wide curb-to-curb) as necessary for turn lanes at 43rd Street with five-foot-wide sidewalk within a seven-foot curb-to-property line distance.
 - c. Construct a fully connected traffic signal system at the intersection of Alpha Street/Boston Avenue and 43rd Street.
 - d. Dedicate the necessary right-of-way for half of a major street along the site's 43rd Street frontage. Provide additional right-of-way as necessary to provide for dual left turn lanes plus transitions and provide pavement, curb, gutter, five-foot sidewalk within a ten-foot curb-to-property line distance and raised median.
 - e. Provide traffic signal and intersection modifications at the main entrance on 43rd Street and the I-805 on/off ramps and assure proper lane alignment satisfactory to Caltrans. The ramps shall accommodate the southbound dual left turn lanes from 43rd Street.
15. The Southeast Development/Planned Commercial Development Permit shall comply with the conditions of the final map for Vesting Tentative Map No. 93-0557.
16. All signs shall be insubstantial conformance with the comprehensive sign plan stamped Exhibit "A," dated June 28, 1994, on file in the office of the Planning Department.

Sign permits will be required for all proposed signs prior to installation. Application for sign permits shall be submitted to the Sign Code Administrator.

17. Prior to the recordation of the first final map, the property owners shall enter into a mutual-access and reciprocal-parking agreement, satisfactory to the Planning Director and the City Engineer.
18. The Transportation Demand Management ("TDM") Plan, on file with the TDM Administrator, shall be implemented as modified below, including the following:
 - a. An alternative-transportation bulletin board shall be maintained on-site providing, at a minimum, transit schedules and ride share information.
 - b. Bicycle racks shall be provided, as shown on the site plan.
 - c. Bicycle racks shall allow the locking of both wheels and the frame without the use of chains or cables. These facilities should be in visible, well-lit areas. Bicycle parking should not interfere with pedestrian traffic and should be protected from potential damage by motor vehicles.
 - d. Pedestrian pathways shall be provided, as shown on the site plan, with the addition of a pathway connecting Pad "C" to the sidewalk directly to the east on 43rd Street.
19. 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).
 - d. Ensure that post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure (UFC 10.301).
20. Prior to the issuance of any building permits, the applicant shall comply with Metropolitan Transit Development Board ("MTDB") requirements for bus stop locations and provision of sidewalks adjacent to the stop with direct accessways to the shopping center.

21. No establishment on the premises shall offer for sale or other consideration, alcoholic beverages, including beer, wine, and distilled spirits without first obtaining a Conditional Use Permit as described in the Southeast San Diego Planned District ordinance (San Diego Municipal Code section 103.1701 et seq.). Exceptions to this condition may be granted as described in the Southeast San Diego Planned District regulations (San Diego Municipal Code section 103.1701 et seq.).

Approved by the Council of The City of San Diego on June 28, 1994, by Resolution No. R-284192.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

The undersigned Permittees, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittees hereunder.

GORDON-LUCKY JOINT VENTURE
Owner/Permittee

By _____

REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO (SEDC)
Owner/Permittee

By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack