

(R-96-933)

RESOLUTION NUMBER R-286874

ADOPTED ON JANUARY 30, 1996

WHEREAS, The Vons Companies, Inc., a Michigan Corporation, Owner/Permittee, filed an application for a Coastal Development/La Jolla Planned District Permit to develop subject property located in the La Jolla community to construct and operate an approximately 52,833 square-foot grocery store with a florist shop, pharmacy and an approximately 67,200 square-foot parking lot providing a maximum of 213 parking spaces, landscaping and minor improvements in the public right-of-way, located between Girard and Fay Avenues, north of Pearl Street and south of Kline Street, described as Lots 1-17 and 30-44, Block 8, and Lot 16, Block 22, La Jolla Park, Map 352, in the Coastal and La Jolla Planned District 1 and 3 Zone; and

WHEREAS, on January 30, 1996, the City Council of The City of San Diego considered Coastal Development/La Jolla Planned District Permit No. 95-0270 pursuant to Sections 105.0200 and 103.1201 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 City Council adopts the following findings with respect to Coastal Development/La Jolla Planned District Permit No. 95-0270:

**COASTAL DEVELOPMENT PERMIT FINDINGS:**

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.**

Although not identified in the adopted LCP Land Use Plan, the proposed project would provide a pedestrian access from Girard Street to the alley as it currently exists. No views to or along the ocean would be obstructed as no views to or along the ocean exist from this site.

- B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.**

Paleontological resources may exist at this site based upon the underlying geological formations. Therefore, paleontological monitoring will be performed during the grading operation.

- C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.**

No biologically sensitive lands or significant historic resources are located on the site. Therefore, a Resource Protection Ordinance Permit has not been required for this development.

- D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.**

The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources. The proposed project is located in the downtown area of La Jolla and will serve the entire community, as well as any visitors to the area. The addition of a modern full service grocery store will enhance the community by providing a complete range of goods and services while having no impact on any recreational or visitor-serving facilities or coastal resources.

- E. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.**

The proposed project maintains the retail commercial land use. The proposed project will have no impact on environmentally sensitive habitats, scenic resources or buffer areas. The proposed project is not located adjacent to any parks or recreation areas.

- F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

The proposed project is a redevelopment of an existing urbanized site within the La Jolla community and therefore will not result in any undue risks from geologic and erosional forces and/or flood and fire hazards. The risks associated with fire will likely be reduced with the construction of a new structure built to current codes.

- G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.**

The proposed project incorporates several design elements from other established community structures such as the La Jolla Womens Club, the Antheaum and the Silverado/Girard retail store. Building design further incorporates features to reflect the historic pattern of development in downtown La Jolla by repeating a column element at approximately every twenty-five feet on center and by including inset arches with tile and glazing, a mansard-parapet tiled roof resulting in a building which relates well to the pedestrian, the immediate streetscape and the overall neighborhood and community.

Pedestrian experience is enhanced by the overhead trellis, raised planters and landscaping along Girard and Fay Avenues. The pavement surfaces will be enhanced by the provision of brick in a herringbone pattern with concrete banding. Significant landscaping will be provided in the public right-of-way and on the private property.

**H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**

The proposed development will continue a retail use at this site which is also designated for retail uses by the community plan and general plan. Key design elements, drawn from significant buildings in the La Jolla community, have been incorporated into this building in a direct design response to blend this new structure with others in the community. Both the architectural and landscaping design support and reflect the unique character of the community.

While not directly increasing the capacity of the adjacent arterial street, the project will result in fewer trips by residents of the community traveling outside the community to obtain needed goods and services. By providing these goods and services within the community in this location, the number of vehicles traveling outside the community should be reduced, thereby reducing overcrowding on the circulation element roadways.

**PLANNED DISTRICT PERMIT FINDINGS**

**1. THE PROJECT IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE PLANNED DISTRICT.**

Providing a modern Vons market at the site of the currently outdated market and vacant Saks department store provides essential community retail services within well established retail patterns while reducing office space through the elimination of the second floor Saks office uses. Protection and enhancement of scenic vistas to the ocean, shoreline and hillside areas remain unaffected because there are no scenic vistas or views from the site to sensitive visual resources.

Traditional building scale and facades will be maintained by utilizing architectural design source elements from locally established community structures such as the La Jolla Womens Club, the Athenaeum and the Silverado/Girard retail store. Building design was further modulated to reflect the traditional twenty-five foot lot widths along Girard and Fay Avenues thereby reflecting the small lot development of the past.

Pedestrian access from Girard Avenue to the alley has been preserved by the new development. To further enhance and encourage pedestrian use in this area, a small pedestrian plaza/walkway has been designed into the project. Two larger areas have been enhanced at the intersection of the

pedestrian path in front of the store as it coincides with the public right-of-way.

The streetscape is beautified by the provision of overhead trellises, raised planters and planted walls, street trees composed of tall mature palms and smaller scale flowering trees and the enhancing of the pavement surfaces by providing brick in a herringbone pattern with concrete banding. To lighten and soften the visual effect of the trellis structures, flowering vines will also be provided to climb into the trellis.

No historic or culturally significant architectural structures exist at the site which require protection.

The site is surrounded by other commercial uses and as such no residential development is threatened by encroaching commercial development from this project.

**2. THE PROJECT IS CONSISTENT WITH THE PROPERTY AND BUILDING DEVELOPMENT REGULATIONS OF THE PLANNED DISTRICT.**

The proposed development provides 100% of the ground floor for retail uses where only 75% is required in Zone 1 and only 50% is required in Zone 3.

All required setbacks will be observed.

Pedestrian orientation is enhanced by providing an entrance at the corner of the building facing Girard Avenue. Clear vision glass is also provided in the first two inset panels closest to this entrance to further enhance pedestrian orientation.

Construction of the project as designed and detailed on the exhibits will result in compliance with the minimum lot area and dimension, yard and setback requirements, building surface materials and colors, loading areas, landscape requirements, refuse collection areas, mechanical and external effects criteria.

**3. THE PROJECT IS CONSISTENT WITH ALL OF THE STANDARDS OF THE PLANNED DISTRICT.**

The project is consistent with all of the standards of the Planned District with the exception of the maximum size allowed for surface parking lots. The variance is found to be reasonable and is supported based on the following:

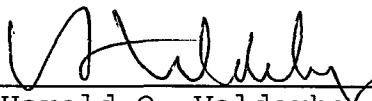
1. The community need for a modern supermarket within the village area will reduce unnecessary outbound automobile trips.

2. Need for convenient surface parking and shopping cart accessibility inherent with the type of use is further supported by the lack of parking for surrounding retail uses which will benefit from the provision of parking at this site.

The above findings are supported by the minutes, 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, Coastal Development/La Jolla Planned District Permit No. 95-0270 is hereby granted to THE VONS COMPANIES, INC., Owner/Permittee, in the form and with the terms and conditions as set forth in Coastal Development/La Jolla Planned District Permit No. 95-0270, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
02/15/96  
Or.Dept:Clerk  
95-0270  
R-96-933

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

COASTAL DEVELOPMENT/LA JOLLA PLANNED DISTRICT PERMIT NO. 95-0270  
VONS MARKET AT LA JOLLA  
CITY COUNCIL

This Coastal Development/La Jolla Planned District Permit is granted by the City Council of the City of San Diego to The Vons Companies, Inc., a Michigan Corporation, Owner/Permittee, pursuant to Section 105.0201 and 103.1201 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to demolish the existing Vons grocery store, the vacant Saks Department Store and accompanying parking lots located on this site and to construct a Coastal/La Jolla Planned District Development located on Girard Avenue between Girard and Fay Avenues, south of Kline and north of Pearl Streets, described as Lots 1-17 and 30-44, Block 8 and Lot 16, Block 22, La Jolla Park, Map 352, in the Coastal and La Jolla Planned District 1 and 3 Zone.

2. The facility shall consist of the following:

- a. One 52,833 square foot grocery store building with uses consistent with a full service supermarket including a pharmacy;
- b. Landscaping;
- c. A variance for an off-street parking lot approximately 67,200 square feet where 10,000 square feet is the maximum allowed; and
- d. Incidental accessory uses as may be determined incidental and approved by the Development Services Director.

3. Not fewer than 89 and up to a maximum of 213 off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department. Parking spaces shall comply with Chapter X, Article 1, Division 8,

section 101.0800 of the San Diego Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit 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 Development Services Department;
- b. The Coastal Development/La Jolla Planned District Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or 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 Development Services Director for approval. The Plans shall be in substantial conformity to Exhibit "A," dated January 30, 1996, on file in the office of the Development Services 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.

7. 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 by the Owner/Permittee.

8. Final pad elevations shall be within one foot, plus or minus, of preliminary pad elevations shown on the approved preliminary grading plan, Exhibit "A," dated January 30, 1996.

9. The following environmental mitigation measures are required to reduce potential adverse project impacts to paleontological resources to below a level of significance. These following measures shall be noted as **ENVIRONMENTAL MITIGATION MEASURES** on the grading plans.

- a. A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as



an individual with a PhD or MS 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.

- b. Prior to the issuance of any grading permit, the requirement for paleontological monitoring shall be noted on the grading plans. The required area of the site to be monitored, as shown on the Paleontological Monitoring/Grading Exhibit "A," dated January 30, 1996, shall be shown on the grading plans. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections and preparation of a results report. These duties shall be defined as follows:

1. Monitoring

The paleontologist or paleontological monitor shall be on site during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to assure adequate monitoring of the project.

2. Salvaging

In the event that well-preserved fossils are found, the paleontologist, working through the resident field engineer, shall have the authority to divert, direct or redirect, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.

3. Preparation

Fossil remains shall be cleaned, sorted, catalogued and deposited in a scientific institution that houses paleontological collections (such as San Diego Natural History Museum).

4. Monitoring Results Report

The paleontologist shall prepare a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the above program. The monitoring results report shall be

submitted to the Environmental Analysis Section of the Land Development Review Division of the Development Services Department for approval.

The above mitigation monitoring and reporting program shall require additional fees and/or deposits to be collected prior to the issuance of building permits and/or occupancy permits to assure the successful completion of the monitoring program.

10. Prior to the issuance of any building permit, the required monitoring results report shall be submitted to EAS for approval.

11. Prior to the issuance of any building permit, a colors and materials board (maximum size 8½" x 11") showing all proposed exterior materials shall be submitted for review and approval by the Development Services Department.

12. Prior to the issuance of any building permits, a lighting plan shall be submitted for review and approval to the satisfaction of the Development Services Director. Lighting plans shall indicate the location of each fixture in plan view and a legend detailing the manufacturer of the fixture, type of fixture and the ballast of the fixture. A photometric analysis indicating the light pattern produced by each fixture shall be shown on the lighting plan. The photometric analysis shall also indicate the strength of the light produced measured in foot candles. Details of all exterior illumination shall be submitted prior to issuance of any building permit. During installation of the outdoor lighting, fixtures shall be so shaded, adjusted and shielded so that the light is directed as necessary to fall only on the same premises as light sources are located. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of all outdoor lighting fixtures.

13. Prior to the issuance of any building permits, the applicant shall, in manner satisfactory to the City Engineer, provide the following:

- a. Dedicate and provide alley improvements for the relocation of the alley within Block 8 of Map 352.
- b. Relocate the sixty inch storm drain and provide appropriate easements for its operation and maintenance.
- c. Assure by permit and bond, the replacement of curb, gutters, sidewalk adjacent to this site on Fay and Girard Avenues.
- d. Curb return access will not be allowed for the driveways; standard City curb openings shall be utilized for all project driveways.

14. Prior to the issuance of building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping and enhanced/decorative paving within the public right-of-way of Fay and Girard Avenues.

15. Prior to the issuance of any building permits, the applicant shall, in a manner satisfactory to the Water Utilities Director:

- a. Submit a sewer facilities relocation plan.
- b. Provide easements as necessary to relocate sewer facilities as required in an approved facilities relocation plan.

16. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (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 the post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure (UFC 10.301).

17. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

18. Prior to the issuance of any sign permit, the Owner/Permittee shall submit plans, for review and approval to the satisfaction of the Sign Code Administrator, for all signs. All signs shall comply with the City-Wide Sign Regulations, Municipal Code Section 101.1100.

19. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

20. No mechanical equipment, satellite dish, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises, unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building to the satisfaction of the Development Services Department, Land Development Review Division.

21. The property included within this Coastal Development/La Jolla Planned District Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by the City of San Diego.

22. This Coastal Development/La Jolla Planned District Permit may be canceled or revoked if there is a 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.

23. This Coastal Development/La Jolla Planned District Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

24. This Coastal Development/La Jolla Planned District Permit must be utilized within 36 months after the date of City approval or the permit shall be void. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 and 103.1201 of the Municipal Code. Any such extension must meet all Municipal Code and La Jolla Planned District Ordinance requirements and applicable guidelines in effect at the time the extension is considered.

25. 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 court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services 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.

26. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

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 Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

APPROVED by the Council of The City of San Diego on January 30, 1996, by Resolution No. R-286874.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

THE VONS COMPANIES, INC.  
a Michigan corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
02/26/96