

RESOLUTION NUMBER R-287337

ADOPTED ON MAY 14, 1996

WHEREAS, CANYON-CAHAN PROPERTIES, a limited partnership, Owner/Permittee, filed an application for a Mid-City Communities Planned District Permit to demolish existing structures and construct a new 52,029 square-foot supermarket on a 3.44 acre property located at 6670 Montezuma Road, described as Lot 1 according to Map No. 4108 and a portion of Lot 32 according to Map No. 346 in the City of San Diego, County of San Diego, State of California, according to the Map thereof filed in the Office of the County Recorder of the County of San Diego. The project is located in the CL-3 Zone of the Mid-City Communities Planned District in the College Community Plan area; and

WHEREAS, on May 14, 1996, the Council of The City of San Diego considered Mid-City Communities Planned District Permit No. 96-0144 pursuant to Section 103.1500 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 Mid-City Communities Planned District Permit No. 96-0144:

- a. **The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 103.1500), the College Community Plan, and will not adversely affect the College Community Plan or the Progress Guide and General Plan of the City of San Diego.**

The College Community Plan designation for the site is for Commercial Linear - Area Three which allows supermarket uses as described further in the Planned District Ordinance. The proposed project faces the major streets of El Cajon

Boulevard and Montezuma Road and provides for vehicular parking on the property. Vehicular access is achieved at three locations from the public right-of-way. Pedestrian access is provided from the public right-of-way on designated pedestrian sidewalks in three locations separate from vehicular access locations.

- b. **The proposed development will be compatible with existing and planned land use on adjoining properties and will 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.**

The proposed development is compatible with the existing land uses in the neighborhood and community and will enhance the mixed architectural character of the surrounding neighborhood. The project provides architectural enhancement of the neighborhood by providing numerous articulations in the building's facade and a variety of building materials. Furthermore, the required landscaping will improve the appearance of the project and blend the building with its surroundings and the immediate neighborhood.

- c. **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.**

Specific conditions in the permit have been included to preclude negative impacts to persons residing or working in the area. Conditions in the permit control potentially disruptive elements of the operation before potential impacts to the immediate neighborhood could occur. Restrictions to the hours of deliveries, controls on the lighting system, landscaping as required by the City-Wide Landscape Regulations and the strategic placement of the building, loading dock and main entrance contribute to achieving a project which is compatible with the surrounding neighborhood and other existing development. Due to conditions in the permit and the design of the proposed project, the proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

- d. **The proposed use will comply with the relevant regulations in the San Diego Municipal Code.**

Review of the proposed project required revisions to the proposed design in order to find consistency with the requirements of the Municipal Code. The proposed design has been revised to achieve conformance with the requirements of the Municipal Code. The project as presented complies with

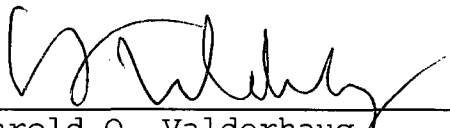
all Municipal Code regulations which are relevant for this proposed project.

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, Mid-City Communities Planned District Permit No. 96-0144 is hereby granted to Canyon-Cahan Properties, Owner/Permittee in the form and with the terms and conditions set forth in Mid-City Communities Planned District Permit No. 96-0144, 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
05/21/96
Or.Dept:Clerk
Case No.96-0144
R-96-1497
Form=r-t

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

MID-CITY COMMUNITIES PLANNED DISTRICT PERMIT NO. 96-0144
CITY COUNCIL
RALPH'S COLLEGE PARK

This Mid-City Communities Planned District Permit is granted by the City Council of the City of San Diego to Canyon-Cahan Properties, a Limited Partnership, Owner/Permittee, under the conditions contained in Section 103.1500 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee for the demolition of the existing structures on the site and to construct a 52,029 square foot supermarket building on a 3.44 acre property located at 6670 Montezuma Road, also described as Lot 1 according to Map No. 4108 and a portion of Lot 32 according to Map No. 346 in the City of San Diego, County of San Diego, State of California, according to Maps thereof filed in the Office of the County Recorder of the County of San Diego. The project is located in the CL-3 Zone of the Mid-City Communities Planned District in the College Community Plan area.

2. This Mid-City Communities Planned District Permit shall include the following:

- a. A maximum 52,029 square foot supermarket building;
- b. Improvements in the public right-of-way;
- c. One hundred eighty-two (182) off-street parking spaces including six (6) handicap spaces;
- d. Landscaping within the public right-of-way and within the private property; and
- e. Incidental accessory uses as may be determined and approved by the Development Services Department Manager.

3. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to the Development Services Department;

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- b. The Mid-City Communities Planned District Permit is recorded by the Development Services Department in the Office of the County Recorder.
4. The effective date of this permit shall be the date of approval at a City Council hearing. 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 Development Services Department Manager, as set forth in Section 111.1122 of the San Diego Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time of filing for the extension of time.
5. No fewer than one hundred eighty-two (182) off-street parking spaces are required and shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 14, 1996, on file in the office of the Development Services Department. Parking spaces and aisles shall be consistent with Section 101.0800 of the San Diego Municipal Code and shall be permanently maintained and not converted for any other use.
6. All deliveries to and pick ups from the site shall be prohibited between the hours of 10:00 P.M. and 6:00 A.M. All delivery trucks, except semi-truck rigs, shall be prohibited from using the Mohawk Street entrance.
7. Prior to the issuance of building permits, the Fire Department requires the following to be shown on the construction drawings:
- a. Ensure that building address numbers are visible and legible from the street in accordance with Uniform Fire Code Section 10.208;
 - b. Show the location of all fire hydrants on the plot plan in accordance with Uniform Fire Code Section 10.301;
 - d. Ensure that post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure in accordance with Uniform Fire Code Section 10.301; and
 - e. Provide access in conformance with Fire Department Policy A-89-1 in accordance with Uniform Fire Code Section 10.207.
8. The following Environmental Mitigation is required for this proposed development:

ENVIRONMENTAL MITIGATION REQUIREMENTS:

- A. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the public improvements for the new approaches to El Cajon Boulevard and

Montezuma Road intersection as identified in the Traffic Study prepared by Darnell & Associates for this project dated March 5, 1996 including but not limited to:

- i. Removal of the westbound right turn free flow movement on El Cajon Boulevard and replacement with a single right turn lane (new alignment) at the new westbound approach as shown on Figure 10, page 28 of same report;
- ii. Construction of a left turn movement and left turn pocket at east bound El Cajon Boulevard to westbound Montezuma Road;
- iii. Removal of free flow eastbound right turn lane on Montezuma Road to westbound El Cajon Boulevard and replacement with a single right turn lane (new alignment) at the new westbound Montezuma Road approach to El Cajon Boulevard as shown on Figure 10, page 28 of same report;
- iv. Construction of a new traffic signal at El Cajon Boulevard and 67th Street including a southbound left turn pocket on 67th Street. This signal shall be coordinated with the traffic signal at El Cajon Boulevard and Montezuma Road, both signals are to be operated off of one controller; and
- v. Construction of a raised median opposite the proposed project's Montezuma Road access allowing eastbound left turn entry to the project from Montezuma Road and no left turn exit from the proposed project, as shown in Figure 10, page 28 of same report.

9. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of two new pedestrian ramps at the northeast and northwest corners of the intersection of El Cajon Boulevard and Montezuma Road as indicated on Figure 10, page 28 of the Traffic Study prepared by Darnell & Associates for this project dated March 5, 1996 plus the extension of existing sidewalk system to link into these new pedestrian ramps.

10. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of a five (5) foot wide pedestrian walkway and ramps leading pedestrians from the public sidewalk at the northwest corner of Montezuma Road and El Cajon Boulevard into the project parking lot. All walkways and ramps shall be designed and constructed to meet the minimum standards of the American with Disabilities Act.

11. Prior to the issuance of any building permits, the Water Utilities Department will require a cut, plug and abandonment of both the six (6) inch AC water main and the eight (8) inch VC sewer main which extend south from Mohawk Street, satisfactory to the

Water Utilities Director. The cut shall be located within the Mohawk Street right-of-way.

12. Prior to the issuance of building permits, complete grading and/or building plans, shall be submitted to the Development Services Department, Land Development Review Division for approval. All plans shall be in substantial conformity to Exhibit "A," dated May 14, 1996, on file in the Development Services Department. Subsequent to the completion of this project, no changes shall be made unless a finding of substantial conformity or an amendment to this permit shall have been granted.

13. Prior to the issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Development Services Department, Land Development Review Division for approval. The plans shall be in substantial conformity to Exhibit "A," dated May 14, 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.

14. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Removal Agreement for the proposed planters, stairs and landscaping within the public right-of-way in a manner satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, fixture model name and number; including all necessary shields, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto 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 the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned commercial development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding

fourteen footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may require additional fees as determined by the Development Services Department Manager.

16. 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 and equivalent size per the approved plans by the Owner/Permittee.

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

18. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to the start of and during all construction.

19. The Owner/Permittee shall provide a copy of this Mid-City Communities Planned District Permit 96-0144 to all prospective tenants prior to occupancy of the premises.

20. After establishment of the project, the property included within this Mid-City Communities Planned District Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless:

a. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

b. The permit has been revoked or modified by the City of San Diego in accordance with relevant provisions set forth in the Municipal Code.

21. This Mid-City Communities Planned District 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 or Permittee.

22. This Mid-City Communities Planned District 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 in this permit and all referenced documents.

23. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded

special rights which the holder of this Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

24. Prior to the occupancy of any structures, the Owner/Permittee shall work with the City staff regarding allocations of cost for the signals and intersections at Montezuma Road/El Cajon Boulevard and 67th Street/El Cajon Boulevard, including an interconnection of these two signals.

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 such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

APPROVED by the City Council of The City of San Diego on May 14, 1996, by Resolution No. R-287337.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

Canyon-Cahan Properties
a limited partnership
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. 05/20/96

R 287337