## RESOLUTION NUMBER R-287817 ADOPTED ON SEPTEMBER 10, 1996.

WHEREAS, The Vons Companies, a Michigan Corporation,
Owner/Permittee, filed an application for a Mid-City Communities
Planned District Permit to demolish an existing grocery store and
construct a new 47,525 square foot supermarket on a 1.62 acre
property located at 450 W. University Avenue, described as Lots 1
and 2 according to Map No. 3788 and Lots 11 through 15, Block 1
according to Map No. 1023 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, located in the CN-2A Zone of the Mid-City Communities
Planned District in the Uptown Community Plan area; and

WHEREAS, on September 3, 1996, the City Council of The City of San Diego considered Mid-City Communities Planned District Permit No. 96-0113 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 Council adopts the following findings with respect to Mid-City Communities Planned District Permit No. 96-0133:

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

The Uptown Community Plan designation for the site is for Commercial Node - 2A which allows supermarket uses as described in the Planned District Ordinance. The proposed project faces Washington Street, University Avenue and Dove Street and provides for vehicular parking on the property. Vehicular access is achieved at two locations from the public right-of-way. Pedestrian access is provided from the public right-of-way on designated pedestrian sidewalks in four locations separate from vehicular access locations. The proposed project design meets the purpose and intent of the Mid-City Communities Planned District, and will not adversely affect the Uptown Community Plan or the General Plan of the City of San Diego.

- 2. 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.
  - 2.a. 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.

3. 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.

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

The proposed project requires three variances. Municipal Code Section 103.1507C.6 requires a building wall to be located within six feet of the street frontage property line. The proposed project complies with the building wall location along both Washington Street and University Avenue, yet not along the local residential Dove Street. The building wall in this location is setback fifteen feet from the property line. Between the property line and the building wall is a disabled access ramp to provide access to the project and a proposed landscape area to be planted with trees, shrubs, ground covers and Along Dove Street, the disabled access ramp meets the requirements of the Americans with Disabilities Act for providing access to those persons with disabilities and the landscaping would allow the proposed development to blend visually with the existing residential development on the west and would be compatible with the residential frontyard landscaping.

Municipal Code section 103.1507C.7 requires pedestrian access into and through a commercial use to occur at least once for each one hundred feet or part thereof of building frontage. The proposed project would require eight locations for pedestrian access into and through the commercial use. The proposed site plan indicates four locations where pedestrian access from the street is provided. The number of pedestrian access locations provided in the proposed project meet the purpose and intent of the planned district.

Municipal Code section 103.1507C.7 requires fifteen percent of a story's street wall to be transparent vision glass. The proposed project proposes fifteen point four (15.4) percent along the Washington Street street wall, nine point five (9.5) percent along the University Avenue street wall and seven point two (7.2) percent along the Dove Street street wall. The merchandising characteristics of a grocery store limit the amount of vision glass opportunities on the elevations of the building. The amount of vision glass provided integrates the intent of the planned district by adding visual interest to the

proposed building and to draw pedestrians into the retail use. It also represents a compromise to limit potential impacts to the existing residential uses west of Dove Street and south of University Avenue to ensure the proposed project will be a responsible and sensitive use in the neighborhood.

The proposed design maintains consistency with the purpose and intent of the Mid-City Communities Planned District with the approval of the variances. During City staff review of the proposed project revisions were required to the proposed design in order to determine consistency with the requirements of the Municipal Code. The proposed design has been revised to achieve conformance with all other applicable requirements of the Municipal Code. The project as presented complies with Municipal Code regulations for this proposed project, except as disclosed in the paragraphs above.

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. 96-0113, is hereby granted to The Vons Companies, Owner/Permittee, in the form and with the terms and conditions set forth in Mid-City Communities Planned District Permit No. 96-0113, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, CITY ATTORNEY

Ву

Harold'O. Valderhaug \{\bar{V}}

Head Deputy City Attorney

HOV:cdk 09/19/96 Or.Dept:Clerk R-97-322 Reviewed by John Fisher 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. 96-0113 CITY COUNCIL VONS UPTOWN

This Mid-City Communities Planned District Permit is granted by the City Council to allow demolition of an existing grocery store and accompanying facilities and construction of a proposed 47,525 square foot grocery store with underground parking to accommodate 152 vehicles, landscaping and improvements in the public right-of-way located at 450 W. University Avenue within the Uptown Community Plan area.

This Mid-City Communities Planned District Permit is granted by the City Council of San Diego to The Vons Companies, a Michigan Corporation, 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 structure and appurtenances on the site and to construct a 47,525 square foot supermarket building, 57,995 square foot underground parking garage, landscaping and improvements in the public right-of-way on an approximately 1.62 acre property located at 450 W. University Avenue, also described as Lots 1 and 2 according to Map No. 3788 and Lots 11-15, Block 1 according to Map No. 1023 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 CN-2A Zone of the Mid-City Communities Planned District in the Uptown Community Plan area.
- 2. This Mid-City Communities Planned District Permit shall include the following:
  - A 47,525 square foot supermarket building;
  - b. A 57,995 square foot below grade parking structure;
  - c. Improvements in the public right-of-way;
  - d. One hundred fifty (152) off-street parking spaces including six (6) handicap spaces; and

- e. Landscaping within the public right-of-way and within the private property.
- 3. No development shall commence, nor shall any permit for construction be issued, until:
  - a. The Owner/Permittee signs and returns the permit to the Development Services Department;
  - 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 City Manager or designee, as set forth in Section 111.1122 of the 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. 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 City Manager or designee, as set forth in Section 111.1122 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 City Manager.
- 6. No fewer than one hundred fifty-two (152) off-street parking spaces are required and shall be maintained on the property in the approximate location shown on Exhibit "A," dated September 10, 1996, on file in the office of the Development Services Department. Parking spaces and aisles shall be consistent with Section 101.0800 of the Municipal Code and shall be permanently maintained and not converted for any other use.
- 7. All deliveries to and pick ups from the site shall be prohibited between the hours of 9:00 P.M. and 7:00 A.M. Monday through Saturday and 7:00 P.M. to 9:00 A.M. Sunday.
- 8. 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 or road fronting property in accordance with Uniform Fire Code Section 901.44;
  - b. Show the location of all fire hydrants on the plot plan to conform with Fire Department Policy #F-85-1 in accordance with Uniform Fire Code Section 903.2;

- c. 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 1001.4; and
- d. Provide access in conformance with Fire Department Policy A-93-1 in accordance with Uniform Fire Code Section 901 and 902.
- e. Ensure the underground parking structure shall be designed and constructed to withstand and support a minimum 95,000 pounds in all areas where Fire Department vehicles would cross over the top of the underground structure in accordance with Bureau of Fire and Life Safety Policy A-96-1.
- 9. The following Environmental Mitigation is required for this proposed development:

## ENVIRONMENTAL MITIGATION REQUIREMENTS:

- A. Paleontological Resources
  - Prior to any grading, excavation, or drilling activities, the Owner/Permittee shall present a letter to the City of San Diego, Development Services Department indicating that a qualified paleontologist and/or paleontological monitor has been retained to implement the monitoring program. Verification shall be in the form of a letter from the Owner/Permittee to the Principal Planner of the Environmental Analysis Section (EAS) of the Development Services Department. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology and 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 of the project shall be approved by EAS prior to the preconstruction meeting.
  - The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading/construction plans.
  - 3. The paleontologist or paleontological monitor shall be on-site at all times during the original cutting of formations with a known potential to contain fossils, such as the Early Pleistocene period Linda Vista Formation. Periodic inspections of cuts in such

formations shall also be made. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

- 4. The paleontologist shall be allowed to temporarily direct, divert, or halt grading/excavation/drilling to allow evaluation and recovery of fossils in a timely manner. At the time of discovery, the paleontologist shall immediately notify EAS and the Resident Engineer regarding the procedures to be performed before construction activities are allowed to resume.
- 5. Fossil remains collected during this salvage program shall be cleaned, sorted, and catalogued and then (with the Owner/Permittee's permission) deposited in a public, nonprofit institution with research interest in the materials, such as the San Diego Natural History Museum.
- 6. The monitoring results report shall be submitted to EAS and the Natural History Museum three months after completion of the monitoring program, but no later than prior to the Development Services Department final inspection. The report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.
- 7. The Owner/Permittee shall notify EAS of the start and end of construction.

## B. Noise

1. "Heavy" (three-axle or more) truck deliveries shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 9:00 a.m. and 7:00 p.m. Sundays. "Medium" (two-axle) truck deliveries shall also be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 9:00 a.m. and 7:00 p.m. Sundays with the following exception:

No more than two "medium" (two-axle) truck deliveries per hour shall be allowed between the hours of 7:00 p.m. and 9:00 p.m. Monday through Saturday.

- 2. No truck parking, queuing or standing shall be allowed at any time in the alley, fire lanes and designated noparking areas.
- 3. The Owner/Permittee shall notify in writing all vendors, truck drivers, delivery personnel and other users of the alley and loading dock of the parking and delivery restrictions outlined in Item 1 and 2 above.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, grading permits, certificates of occupancy to ensure the successful completion of the monitoring program.

- 10. Prior to the issuance of any building permits, the Owner/Permittee shall present the final working drawings to Uptown Planners.
- 11. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the installation of full-height curb, gutter and corresponding contiguous sidewalk for the three non-utilized driveways on Dove Street to the satisfaction of the City Engineer.
- 12. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the installation of two driveways, one on Washington Street and one on Dove Street, not to exceed thirty feet in width in accordance with San Diego Regional Standard Drawing SDG-114 to the satisfaction of the City Engineer.
- 13. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the installation of new alley and alley apron in accordance with San Diego Regional Standard Drawings G-17 and G-21 to the satisfaction of the City Engineer.
- 14. Prior to the issuance of any building permits, the Owner/Permittee shall relocate the existing sewer facilities into the newly dedicated alley continuing west in University Avenue to Dove Street to the satisfaction of the Water Utilities Director.
- 15. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate two (2) feet of additional right-of-way on the north side of University Avenue and, assure by permit and bond, the installation of public improvements to increase the pavement width of the north half of University Avenue by five (5) feet (maintaining a new centerline-to-curbline distance of twenty (20) feet) and provide a standard sidewalk contiguous to the new curb all within the seven (7) foot curb-to-property line area along the project's frontage to University Avenue satisfactory to the City Engineer.
- 16. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate five (5) feet of additional right-of-way on the south side of Washington Street accommodating a fourteen (14) foot curb-to property line distance along the project's frontage to Washington Street satisfactory to the City Engineer.
- 17. Prior to the issuance of any building permits, the Owner/Permittee shall indicate on the construction drawings

provisions to accommodate the existing bus shelter by maintaining a ten foot wide sidewalk extending for twenty-five feet parallel to the curb. The twenty-five foot measurement shall begin at the bus stop sign and continue to the west and be free of any barriers such as, but not limited to, landscaping or any other barrier. If there are any construction impacts to the bus stop/shelter, the Owner/Permittee shall coordinate further actions with MTDB and be responsible for any replacement or repair costs.

- 18. 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 September 10, 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.
- 19. Prior to the issuance of any grading or building permits, complete landscape construction documents, including an automatic, 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 September 10, 1996, on file in the office of the Development Services Department.
- If the Washington Street Beautification Project is adopted prior to the issuance of building permits, landscaping for this project will be revised, provided a determination has been made by the City Manager or designee that all requirements of the City-Wide Landscape Regulations are still met, to incorporate the features of the beautification plan.
- 20. All landscaping required by this permit shall be installed. All landscaping required by this permit shall be inspected and approved by the Landscape Inspector of the Development Services Department prior to issuance of any certificate of occupancy for any building. It shall be the responsibility of the Owner/Permittee to request and coordinate all required inspections. Such landscape shall be maintained at all times in a disease, weed, and litter free condition and shall not be modified or altered unless this permit has been amended as such.
- 21. 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.
- 22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Removal Agreement for the proposed planters, stairs, landscaping and irrigation within the public right-of-way in a manner satisfactory to the City Engineer.

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 two footcandles. Light levels throughout the 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 required additional fees as determined by the City Manager or designee.

- 24. Prior to the issuance of any building permit, the Owner/Permittee shall include in the design of the interior, at all vision glass locations adjacent to Dove Street and University Avenue, a mechanical or fixed system for controlling light transmission to the exterior at night, such as mini-blinds, louvers or other screening device. This system shall be able to physically limit the amount of night-time interior light transmitted to the exterior through the required vision glass by screening, from within the interior, the visible vision glass area to no more than ten (10) percent as measured from the exterior or consistent with condition number 20 above. If the system is mechanical, it shall be fully opened each morning before business hours and closed each evening at sunset. When the system is closed, whether mechanical or fixed, no more than a ten percent light transmission from the interior to the exterior shall be allowed.
- 25. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and City Manager or designee, and shall meet standards of City departments as to location, noise and friction values, and any other applicable criteria.

- 26. 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.
- 27. The Owner/Permittee shall provide a copy of this Mid-City Communities Planned District Permit to all prospective tenants prior to occupancy of the premises.
- 28. 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 an amendment to this permit is approved or as allowed through a determination of substantial conformance consistent with the rules, regulations and procedures as outlined in the Municipal Code or:
  - a. The proposed use meets every requirement of the zone existing for the property at the time of conversion; and
  - b. The permit has been revoked by the City of San Diego.
- 29. 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.
- 30. 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.
- 31. 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.

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

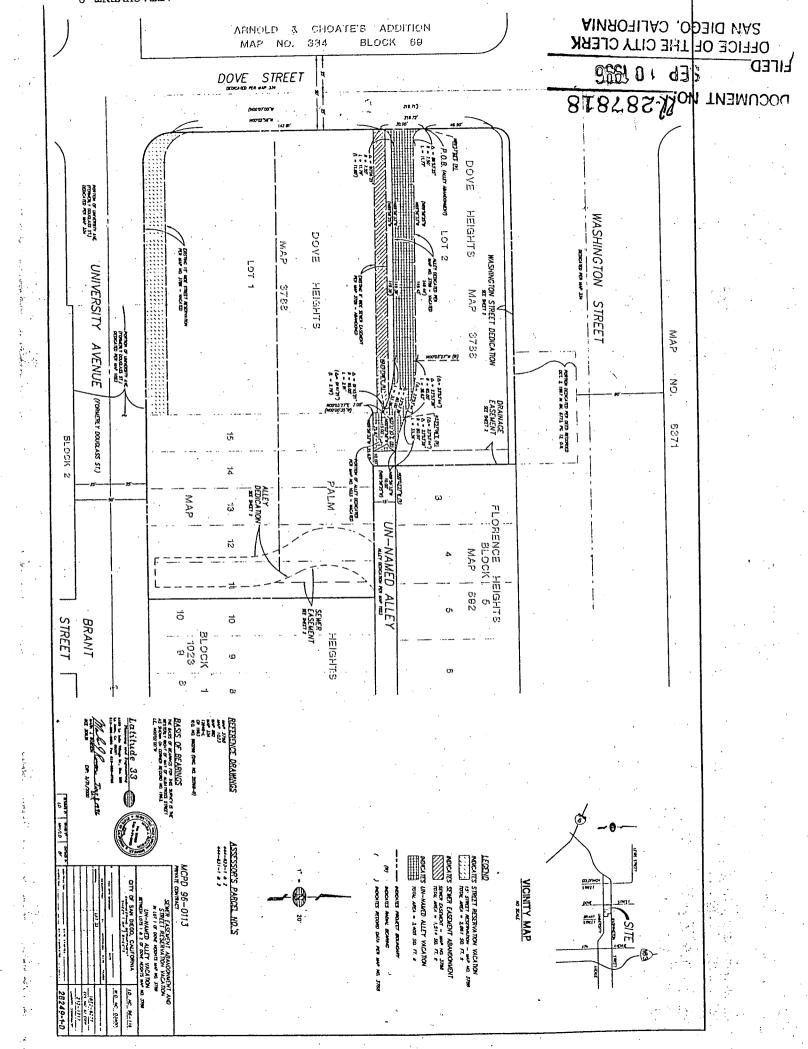
permit can still be made in the absence of the "invalid" condition(s). Such hearing shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

APPROVED by the Council of The City of San Diego on September 10, 1996, by Resolution No. R-287817.

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The undersigned Permitt each and every condition of each and every obligation of	The Vons Companies, a Michigan corporation
	Owner/Permittee
	Ву
	Ву
NOTE: Notary acknowledgment must be attached per Civil Code Section 1180, et seq.	S

AUTHENTICATED BY THE CITY MANAGER

10/15/96



certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

Ву

Harold O. Valderhaug

Head Deputy City Attorney

HOV:ps 08/06/96

Or.Dept:Dev.Svcs.

Case 96-0113

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