

RESOLUTION NUMBER R-291724

ADOPTED ON JUNE 1, 1999

WHEREAS, CDN Income Properties, Owner, and C.I.P. Development, Permittee, filed an application with The City of San Diego for a planned commercial development permit to construct a 15,300 square-foot single-story retail building with a drive-through pharmacy window on a vacant, previously graded 2.6 acre site for the Sav-On Drug Store in Carmel Mountain Ranch, located on the east corner of Paseo Lucido and Camino del Norte, and legally described as Lot 2 of Carmel Mountain Ranch Unit No. 8, according to map thereof No. 11511, filed in the office of the County Recorder of San Diego County, May 14, 1986, in the Carmel Mountain Ranch Community Plan area, in the A-1-10 (Agricultural) zone (proposed CA (Area Shopping Center)); and

WHEREAS, on February 11, 1999, the Planning Commission of The City of San Diego considered Planned Commercial Development [PCD] Permit No. 98-0252, and pursuant to Resolution No. 2755-2-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on June 1, 1999, 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 PCD Permit No. 98-0252:

A. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan.

The Carmel Mountain Ranch Community Plan currently designates the project site for SA 680 expressway purposes. The County of San Diego deleted SA 680 from its Circulation Element of the General Plan. The 2.6-acre remainder parcel which is proposed to be developed with the Sav-on Drug store will be redesignated for "Community Commercial" uses through an amendment to the Progress Guide and General Plan and the Carmel Mountain Ranch Community Plan. The Sav-on Drug Store project is a land use which conforms with the "Community Commercial" land use designation, and therefore will not adversely affect the General Plan or the Community Plan.

The Sav-on Drug Store will fulfill a community need by providing convenient commercial development which will meet the shopping needs of surrounding residential development. The project will provide convenient commercial and medicinal services to the community accessible 24-hours a day. The Sav-on Drug store will also provide customers with expedient access to prescription drugs by offering drive-through window service. The Sav-on Drug store project is suitable for the project site because of its access from, and location on the corner of two 6-lane, heavily traveled circulation corridors (Paseo Lucido and Camino del Norte). The Sav-on Drug Store will provide both a visual and noise buffer between the busy intersection of Paseo Lucido/Carmel Mountain Road and adjacent residential development.

B. 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.

The environmental document for this project (Mitigated Negative Declaration LDR No. 98-0252) has determined that the proposed project, because of project revisions and conditions that have been applied to it, will not have a significant effect on the environment, and therefore would not be detrimental to the health, safety, and general welfare of persons residing or working in the area. Potential traffic conflicts between automobiles attempting to enter and exit the project are mitigated by permit conditions that require the applicant to widen the westbound right turn lane on Camino Del Norte for a distance of 600 feet to provide safe access to the project site and continue to provide a safe deceleration right turn lane onto Paseo Lucido.

In addition, the Planned Commercial Development Permit prepared for this project includes a number of conditions of approval that minimize potential impacts to those residing or working in the area including: requirements for additional landscaping as a buffer between the adjacent residential neighborhood; the utilization of Best Management Practices (BMPs) on-site to reduce the amount of pollutants and sediments in construction and post-construction surface runoff before it is discharged into the natural drainage; requirements for shading, adjusting, and shielding of all private outdoor lighting to assure that lighting is directed to fall only onto the Sav-on premises; the prohibition of rooftop mechanical equipment unless all such equipment is contained within a completely enclosed architecturally integrated structure; limitations on the total amount of square-footage (10 percent) allocated to the sales of alcoholic beverages; the provision of parking spaces that exceed the City's parking requirements pursuant to the Municipal Code; etc. Therefore, 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.


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

The project design will be consistent with the relevant regulations for this site per the Municipal Code including design standards and development regulations required under the Planned Commercial Development Permit process. The project will also comply with the land use designation, densities, and design standards of the adopted Carmel Mountain Ranch Community Plan as amended. Finally, the Permit conditions assure compliance with the Municipal Code. Therefore, the proposed use will comply with the relevant regulations and the Municipal Code in effect for 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 the recommendation of the Planning Commission is sustained, and Planned Commercial Development Permit No. 98-0252 is granted to CDN Income Properties, Owner, and C.I.P. Development, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
09/9/99
Or.Dept:Clerk
R-2000-204
Form=permitr.frm
Reviewed by Mike Westlake

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 98-0252
SAV-ON DRUG STORE - CARMEL MOUNTAIN RANCH
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to CDN Income Properties, Owner, and C.I.P. Development, Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 2.6 acre site is located on the east corner of Paseo Lucido and Camino del Norte in the CA Zone of the Carmel Mountain Ranch Community Plan area. The project site is legally described as Lot 2 of Carmel Mountain Ranch Unit No. 8, According to map thereof No. 11511, filed in the office of the County Recorder of San Diego County, May 14, 1986.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner, CDN Income Properties, and Permittee, C.I.P. Development, to construct a 15,300 square-foot Sav-on Drug store described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated June 1, 1999, on file in the Office of Planning and Development Review. The facility shall include:

- a. A 24-hour, 15,300 square-foot Sav-on Drug Store with drive-through pharmacy; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. 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 appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Planning and Development Review; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This 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.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. 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. §§ 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 1, 1999, on file in the Office of Planning and Development Review. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
9. 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 the 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 the 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 an 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(s) 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 new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Prior to the issuance of grading permits, the Owner/Permittee shall submit a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for the application of a National Pollutant Discharge Elimination System (NPDES) permit. A Notice of Receipt from the SWRCB, Storm Water Pollution Prevention Plan (SWPPP) shall be submitted and deemed satisfactory to the City Engineer Prior

11. The SWPPP shall be incorporated into the grading and drainage design plans, and shall provide for implementation of construction and post-construction Best Management Practices (BMPs) on-site to reduce the amount of pollutants and sediments in construction and post-construction surface runoff before it is discharged into the natural drainage. The grading plans shall note the condition requiring a SWPPP and Monitoring Program Plan. No grading shall be performed during the rainy season (November 15 through February 15) without special erosion control measures approved by the City Engineer.

12. Prior to the issuance of building permits, a site inspection of the drainage system by the City Engineer shall occur as part of the MMRP. Existing runoff catchment basins or temporary erosion control devices shall not cease operations until the SWPPP and drainage system are approved by the City Engineer.

13. The drainage system shall be cleaned and maintained every four months, or as necessary, to ensure the system functions properly. An annual letter report prepared by the Owner/Permittee identifying the quarterly clean-out dates, system conditions and required maintenance shall be provided to the City Engineer. Spot checks of the drainage system may be made by the City Engineer to ensure proper clean-out and maintenance.

14. Prior to issuance of building permits, the Owner/Permittee shall widen Camino Del Norte to extend the westbound right-turn lane through the project access to provide additional deceleration area for the project access, to the satisfaction of the City Engineer.

15. Prior to the issuance of grading permits this mitigation monitoring and reporting program will require an additional deposit of \$3,200.00 to be collected to ensure the successful completion of the program.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

17. Prior to the issuance of building permits, the applicant shall enter into an agreement, satisfactory to the City Engineer, with the City of San Diego to remove at applicant's cost, the right-out movement at the project's Camino del Norte access. At such time that the ADT on Camino del Norte adjacent to the project reaches 50,000, the applicant shall conduct an access study to determine if the removal of the right-out movement is required for safety and/or capacity of Camino del Norte. The access study and subsequent driveway reconstruction, if required, shall be done to the satisfaction of the City Engineer.

18. The drainage system proposed with this development is subject to approval by the City Engineer.

19. Prior to building occupancy, the applicant shall conform to those Municipal Code sections regarding "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

PLANNING/DESIGN REQUIREMENTS:

20. No fewer than 84 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated June 1, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

21. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

22. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

23. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between

the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

24. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

25. The sale of alcoholic beverages shall be incidental to the primary operation of this facility, and at no time shall the sales of alcoholic beverages occupy more than 10 percent of the gross floor area of the entire Sav-on Drug Store. Alcohol sales shall not occur between the hours of 2:00 a.m. and 6:00 a.m.

26. All signage associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," dated June 1, 1999, on file in the Office of Planning and Development Review); or
- b. Citywide sign regulations.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located. 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. No light shall be directed to fall outside the property line. Sky glow or light halo shall be reduced to the greatest extent practical.

28. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Planning and Development Review, 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, 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 eight 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 be required additional fees as determined by the Planning and Development Review Manager.

29. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

30. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

31. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

32. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

33. No merchandise, material or equipment shall be stored on the roof of any building.

34. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated June 1, 1999, on file in the Office of Planning and Development Review.

35. No exterior intercom or public address system, including the intercom system used in the drive-through pharmacy, shall operate after 10:00 p.m.

LANDSCAPE REQUIREMENTS:

36. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated June 1, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

37. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated

June 1, 1999, on file in the Office of Planning and Development Review and all other applicable conditions of related permits.

38. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

39. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

40. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owners, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

41. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the Council of The City of San Diego on June 1, 1999, by Resolution No. R-291724.

L:\DUVERNAY\PERMITS\IP98-0252.WPD

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.

CDN INCOME PROPERTIES
Owner

By _____

C.I.P. DEVELOPMENT
Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

9/10/99

L:\DUVERNAY\PERMITS\P98-0252.WPD