

RESOLUTION NUMBER R-299041

ADOPTED ON MARCH 30, 2004

WHEREAS, Mission Village Properties, L.P., Owner/Permittee, filed an application with the City of San Diego for a conditional use permit and to amend Conditional Use Permit No. 87-0297, for the Mission Village project [Project], located at the northwest corner of Gramercy Drive and Ruffin Road, and legally described as Lot 1, Parcel Map 8791, Serra Mesa Community Plan area, in the CA zone; and

WHEREAS, on January 15, 2004, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 57553 and Conditional Use Permit [CUP] No. 87-0297, and approve the Permit; and

WHEREAS, Serra Mesa Planning Group, appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on Mach 30, 2004, 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 it adopts the following findings with respect to Conditional Use Permit No. 87-0297:

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to CUP Permit No. 57554:

A. CONDITIONAL USE PERMIT

1. The proposed use will not adversely affect the neighborhood, the general plan, or the community plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The Mission Village site is 9.1-acres located at the northwest corner of

Gramercy Drive and Ruffin Road, within the Serra Mesa Community Planning area. The Serra Mesa Community Plan designates the site Neighborhood Commercial. This designation allows a wide range of land uses including residential apartments not to exceed twenty-nine dwelling units per acre (du/ac). The site is zoned CA (Area Shopping Center) which also allows for residential development at one dwelling unit per 1,500 square feet of lot area. The project is proposing a minimum commercial retail development of 15,000-square feet with 32,125-square feet of existing office and 160 multi-family apartments at a density of 17.6 dwelling units per acre. The proposed project is consistent with the Serra Mesa Community Plan by implementing the direction of the plan to provide a neighborhood commercial retail development combined with multi-family units not exceeding twenty-nine dwelling units per acre. The residential component of the project will also fulfill a community need by constructing additional housing and by providing an affordable housing type (apartments).

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the San Diego Municipal Code [SDMC] in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing or working in the area. These conditions include standards which pertain to best management practices, traffic circulation, engineering, utilities, and landscaping. Furthermore, Negative Declaration No. 6547 has determined that the project will have no impact on the environment.

2. The proposed use will comply with all the relevant regulations in this code. The proposed development consists of seven buildings to be constructed in two phases. Phase One would consist of the construction of 156 residential units which would be split amongst five buildings ranging in size between nine units and thirty-four units. Of these five buildings, four would include only residential space while Building 1 would contain both residential and 8,000 square-feet of ground floor retail space fronting Ruffin Road. The five buildings would not exceed 3-stories in height. Buildings 1 and 7 will be 32-feet; Building 2 will be 28-feet- 34-feet in height; Buildings 3, 4 and 5 will be 39-feet in height; and Building 6 will be 18-feet -34-feet in height. The existing office building is 2 ½-stories above grade and is approximately 30-feet in height.

Phase One also incorporates the construction of covered and non-covered surface parking, a pool area, courtyard, and a clubhouse consisting of a community gathering room, exercise room, conference room, leasing office and lobby.

Phase Two consists of the redevelopment of the existing 4,954-square-foot gas station site into four, 1-bedroom, residential units and 7,000 square feet of ground floor retail space in two buildings. The exterior elevation plan indicates the buildings would be constructed in an Arts and Crafts style. To assure redevelopment of the existing service station to 7,000-square feet of commercial retail use the Owner/Permittee will be required to enter into an agreement with the City to provide a \$500,000 security. This \$500,000 security would be used by the City for public improvements in the Serra Mesa Community. If the Owner/Permittee does not apply for a building permit for the commercial redevelopment of the service station site within one year after

the service station lease has expired (February 28, 2012) and a "No Further Action Letter" issued, the security would otherwise be release back to Mission Village Properties.

The CA zone permits residential development at R-1500. Pursuant to the CA zone (old code) SDMC section 101.0428.D.5, "...*whenever the residential density of a project is in excess of 70 percent of the total gross square footage of the structures (s) on the lot or premises a Planned Development Permit shall be required*". The residential component of the project is 81 percent (205,635-square feet, residential use) of the total gross square footage of all structures on site. The project also includes 32,124-square feet of office and 15,000-square feet of office. The PCD Ordinance requires a minimum of 50 percent of all gross ground floor or principal pedestrian level area shall be utilized for retail commercial and personal services. Principal pedestrian level area was used and is defined as that portion of a building located closest to the public right of way or oriented toward pedestrians. For this project the principal pedestrian level area is 29,700-square feet. The project is proposing 15,000-square feet for retail commercial and personal services which equal 51 percent.

The project meets all of the requirements of the PCD Ordinance except for setbacks. Residential development within the CA zone is required to meet the development regulations of the R-1500 zone. The front yard setback along Gramercy Drive is required to be minimum 15-feet along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard. Building 6, fronting Gramercy Drive, observes an 8-foot setback where a minimum yard setback is required to be 15-feet along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard. The street yard setback along Ruffin Road is required to be minimum 5-feet along 50 percent of lineal footage of the yard and a 10-foot standard side yard setback for the remaining 50 percent of the lineal footage of that yard. Building 1 observes a 4-foot, 9-inch setback where a minimum setback of 5-feet along 50 percent of lineal footage of the yard and a 10-foot standard side yard setback for the remaining 50 percent of the lineal footage of that yard is required.

The reduced setbacks are supported because they will provide a street presence for the commercial retail and residential unit and fosters an urban village atmosphere which would not be possible if strict adherence to the setback regulations of the CA and R-1500 zone were followed.

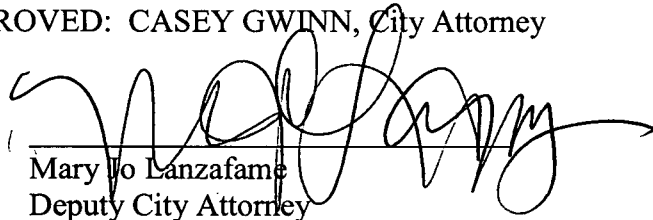
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Serra Mesa Planning Group is denied; the decision of the Planning Commission is sustained; granting CUP No. 57554 and amending CUP No. 87-0297, extending operations at Unocal Gas Station until February 28, 2012 No. 87-

0297 is granted to Mission Village Properties, L.P., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By

A handwritten signature in black ink, appearing to read 'Mary Jo Lanzafame', written over a horizontal line.

Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
05/24/04
Or.Dept:DSD
R-2004-1211

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT 57554
MISSION VILLAGE
AMENDMENT TO CONDITIONAL USE PERMIT NO. 87-0297
CITY COUNCIL

This Conditional Use Permit No. 57554, amendment to Conditional Use Permit No. 87-0297 is granted by the City Council of the City of San Diego to Mission Village Properties, L.P., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 101.0510 (old code.) The 9.1 acre site is located at 9160 Gramercy Drive at the northwest corner of Gramercy Drive and Ruffin Road in the CA zone of the Serra Mesa Community Plan area. The project site is legally described as Lot 1, Parcel Map 8791.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to continue operating the Unocal gas station pursuant to Conditional Use Permit No. 87-0297 until February 28, 2012. On February 28, 2012, Conditional Use Permit No. 87-0297 shall expire with no option to renew at that time, Planned Commercial Development Permit No. 57551 shall come into effect.

1. 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 the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
2. 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.
3. 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.

APPROVED by the City Council of the City of San Diego on March 30, 2004,
Resolution R-299041.

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.

Mission Village Properties, L.P.
Owner/Permittee

By _____

By _____

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