

RESOLUTION NUMBER R- 306492

DATE OF FINAL PASSAGE DEC 07 2010

A RESOLUTION APPROVING SITE DEVELOPMENT PERMIT
NO. 714171 – VONS MISSION HILLS PROJECT NO. 201016

WHEREAS, The Vons Companies, Inc., a Michigan Corporation, Owner/Permittee, filed an application with the City of San Diego for a site development permit (SDP) to demolish an existing grocery store and other site improvements and construct a new grocery store on a 2.19-acre site known as the Vons Mission Hills Project (Project); and

WHEREAS, the project site is located at 450 W. Washington Street, and legally described as Lots 1 and 2 of Dove Heights, according to Map thereof No. 3788, filed January 22, 1958, Lots 11, 12, 13, 14 and 15, Block 1 of Palm Heights, according to Map thereof No. 1023, filed January 10, 1907, Lots 3, 4, 5 and 7 and that unnumbered lot lying between Lots 5 and 7, commonly known as Lot 6, and Lots 8 and 9 all in Block 5 of Florence Heights Addition, according to Map thereof No. 892, filed March 20, 1903, together with the alley dedicated on Map 3788, filed January 22, 1958 and a portion of the alley dedicated per Map 1023, filed January 10, 1907, in the Uptown Community Plan area, in the CN-2A Zone of Mid-City Communities Planned District; and

WHEREAS, on November 18, 2010, the Planning Commission of the City of San Diego considered Site Development Permit No. 714171, and pursuant to Resolution No. 4646-PC voted to recommend City Council approval of the permit; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on DEC 07 2010, 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 SDP No.714171:

A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0504

1. Findings for all Site Development Permits SDMC section 126.0504 (a):

a. The proposed development will not adversely affect the applicable land use plan. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way

An overall analysis of the proposed project finds the project would meet goals, objectives, and recommendations contained in the Commercial, Urban Design, and Transportation Elements of the Uptown Community Plan as well as recommendations found in the Urban Design and Mobility Elements of the General Plan. Together these policies serve to enhance commercial areas as vibrant, functional, pedestrian oriented activity centers. As proposed, the project will not adversely affect the Uptown Community Plan.

The Uptown Community Plan (1988) designates the proposed 2.18-acre site for Mixed-Use allowing Commercial and High Density residential at 43 to 73 dwelling units per acre. According to the Commercial Element of the community plan, the mixed-use designation generally indicates pedestrian-oriented commercial services are required on the ground floor, with either office or residential uses on the upper floors. The General Plan defines mixed-use as either vertical mixed-use, whereby a single structure provides for residential or office use on upper floors and commercial uses on the ground floor, or as horizontal mixed-use, whereby a single structure provides commercial in the portion fronting a public or private street with attached or detached residential or office uses located behind or to the side.

The project will contribute to a horizontal mixed-use configuration in the neighborhood and mixed-use district through the incorporation of a supermarket with direct pedestrian access at the street level and additional buildings with the potential to accommodate opportunities for commercial or office or a mixture of commercial and office uses along

Washington Street. The proposed horizontal mixed-use approach for the project will be consistent with the Commercial Node (CN) zoning intended to implement the creation of pedestrian oriented commercial and mixed-use districts. The CN-2A Zone allows for a food store, bank, florist, bakery, dairy store, dry goods store, liquor store, pharmacy, and professional offices, all of which the Vons Mission Hills Project will or may contain.

Additionally, the proposed project would contribute to the overall mixed-use context of the neighborhood that the community plan designates for a mixed-use district. This area primarily encompasses the commercial core of the Hillcrest neighborhood and portions of the Mission Hills neighborhood along Washington Street. Within this mixed-use district, there are multiple existing uses adjacent to the project site. These include a mixed-use development along Dove Street to the west, multi-family residential development directly to the east, multi-family and single family residences to the south along University Avenue, and commercial development across Washington Street. The inclusion of the proposed project within this district would meet the overall recommendation in the Commercial Element of the Uptown Community Plan that supports the consolidation and intensification of commercial activities through appropriately located, attractive commercial and office facilities that would offer a variety of goods and services.

Through its proposed treatments to the pedestrian streetscape and its potential to accommodate a range of goods and services, the project as proposed meets the following objectives in the Commercial Element of the Community Plan:

- Provides a wide range of commercial goods and services to the Uptown community.
- Expands the development of pedestrian-oriented commercial uses.
- Enhances the vitality of commercial areas.
- Provides adequate off-street parking.
- Improves pedestrian safety, access, and circulation within commercial areas.
- Concentrates neighborhood commercial activity in areas accessible to neighborhood residents.
- Improves the appearance of commercial activity in areas accessible to residents.
- Provides for development of convenient shopping facilities with or adjacent to higher density residential neighborhoods.
- Stimulates the clustering of complementary uses in commercial areas to create a highly functional center.

According to the Urban Design Element of the Uptown Community Plan, the proposed project is located in the Hillcrest neighborhood. In this neighborhood the Urban Design Element suggests dividing the street façade of buildings into segments approximately fifty feet wide. Interrupting the façades may be achieved through changes in height, depth, or a pattern of architectural detailing. Additionally, multiple pedestrian entrances from the street into the buildings should be provided for larger projects. The Urban Design Element of the General Plan also emphasizes these recommendations by encouraging direct pedestrian connections from the street to building entrances and breaking up exterior facades of large retail establishments through offsetting building planes, rooflines and overhangs. The proposed project will implement these recommendations by varying the building facades along Washington Street and University Avenue through the use of offsetting planes, differing building heights, and further articulating the building's elevations through the use of varying building materials, colors, and textures. The project has multiple entrances to the supermarket and commercial/office buildings that will provide direct access from Washington Street.

The Urban Design Element recommends enriching the pedestrian experience within commercial areas by creating visual interest at the street level. The Uptown Community plan recommends elements such as: varying building facades, recessed storefronts and articulation, awnings and canopies, storefront transparency, and landscape features to enrich the pedestrian experience. The proposed project will implement this recommendation through the incorporation of articulated facades, varying rooflines, landscaping and a variety of building materials, colors and textures. The proposed project will also include a focal point of vision glass at the street level entry at the corner of Dove Street and Washington Street that will create visibility, a sense of arrival and integration between the interior of the building and the outdoor environment. The project will also include art panel displays on the building elevations facing University Avenue and Dove Street to increase the visual interest and enhance the experience of the streetscape for the pedestrian.

An objective stated in Transportation Element of the Uptown Community Plan is to achieve the screening of off-street parking facilities. Although the proposed parking structure is located partially below and above ground, parking will be visible along University Avenue until the time that the proposed landscaping matures to screen the view. To minimize and screen the view of the parking, the project utilizes a combination of trees, shrubs, and a metal lattice with vines. Truck loading areas will be screened along University Avenue by a twelve foot high solid wall buffered by landscaping.

An objective of the Commercial Element pertaining to transportation is to achieve adequate off-street parking for new development. The proposed project will meet this objective by providing the number of parking spaces required by the Land Development Code. Additionally, the Mobility Element of the General Plan recommends the provision of bicycle facilities in commercial areas to reduce the number of automobile vehicle trips. To meet this recommendation, the proposed project will provide seven bicycle spaces. The project will also create an outdoor seating area and enhance the existing transit stop on Washington Street.

The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites with second floor mezzanines above, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way. Areas designated for mixed-use are generally recommended to be of higher intensity uses while also providing visual and active focal points. The project will incorporate site improvements in and adjacent to the public right-of-way and a building design conducive to a rich, diverse and pleasurable pedestrian experience. Through the use of ample sidewalks with multiple paving materials in the public right-of-way, a variety of building materials, colors and textures, art panels, variation of building walls in the horizontal plane, vision and spandrel glass, and extensive landscaping, an enhanced and diverse pedestrian experience will occur along all three street elevations.

Furthermore, the demolition and replacement of the existing grocery store constructed in 1958 with a modern facility will result in significant energy savings. Technological advances in lighting, heating, cooling, refrigeration, together with current modern construction efficiencies will result in significant energy savings. The new approximately 59,760 square foot building will in fact consume less energy when compared to the existing approximately 20,980 square foot building.

The project proposes several deviations related to the minimum ground floor area, pedestrian access, offsetting planes, minimum transparency, the curb to property line distance along Washington Street and the maximum driveway width which are regulated separately by the Land Development Code. Although the Uptown Community plan is not intended to provide specific development or design regulations, the proposed project will provide convenient and direct access to the grocery store from the street, incorporate articulated building facades to create architectural diversity and interest to the proposed building elevations, and provide a minimum ten foot curb-to-property line distance where the community plan recommends a minimum of ten feet. Together these proposed deviations would not conflict with the Uptown Community Plan goals, objectives and recommendations.

As proposed the project would not adversely impact policies in the Residential, Commercial, Transportation, and Urban Design Elements of the Uptown Community Plan. As the proposed Vons Mission Hills Project is consistent with the Uptown Community Plan and regulations of the Mid-City Communities Planned District Zone CN-2A which allows for a food store, bank, florist, bakery, dairy store, dry goods store, liquor store, pharmacy and office, all of which the Vons Mission Hills Project will or may have, together with the approval of the requested deviations, the Vons Mission Hills Project will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

The Vons Mission Hills Project will replace an inefficient grocery store with a new facility which incorporates and implements many improvements to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The Vons Mission Hills Project will construct the necessary sewer, water and road improvements as required to serve the project and improve the neighborhood. Public transportation will be improved by an enhanced seating area near by the bus stop on Washington Street to improve pedestrian safety and comfort. The visual appearance of the site will be improved by the addition of landscaping and art panels along Dove Street and University Avenue, the architecture of new buildings which include several colors, textures, glazing, offsetting wall planes, lighting, seating patios and finish materials, the removal of a large surface parking lot with an enclosed parking garage, and limited surface parking which will not be visible from the adjacent Washington Street.

As required, the Federal Aviation Administration conducted an aeronautical study for the Vons Mission Hills Project and determined the building's maximum height of 305 feet above mean sea level will not cause aeronautical hazards to air space navigation as regulated by the Federal Aviation Administration. The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project's compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety, and general welfare of persons residing or working in the area.

All of the construction plans associated with the project will be reviewed prior to issuance of a construction permit and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes. As such the Vons Mission Hills Project will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

The proposed project uses are allowed in the Mid-City Communities Planned District CN-2A Zone and meets the intent of the zone by providing high intensity, pedestrian-oriented development at a distinctive commercial node as a food store, bank, florist, bakery, dairy store, dry goods store, liquor store, pharmacy as the prototypical Vons supermarket and a suite of office and or commercial uses or a combination of the two and the project will or may have all of these uses. The project meets the purpose and intent of the CN-2A zone in many ways including minimizing the disruption of pedestrian continuity by limiting vehicular access to the site to three locations, two from Washington Street and one from Dove Street. The zoning

regulations applicable to this site intend to result in new developments with a rich, diverse and pleasurable pedestrian experience along the street frontage. The Vons Mission Hills Project will result in a rich, diverse and pleasurable pedestrian experience by providing enhanced landscaping, benches, seating, up-lighting of street trees, trees, shrubs and ground covers between the sidewalk and the building, enhanced paving with a variety of materials and patterns, glazing of the building and art panels on the building at the sidewalk level. And while the CN-2A Zone encourages residential uses above commercial uses in a vertical mixed use orientation, commercial retail and commercial office in a horizontal mixed use orientation is also allowed and supports the cumulative goals of the Mid-City Communities Planned District. In order to implement a project that meets the needs of the community, satisfies the goals and objectives of the applicant, to foster the goals and objectives of the City's General Plan and the Uptown Community Plan, and to gain the substantial social and economic benefits associated with this type of new development including yet not limited to resource conservation and other policy goals of the City, six deviations are required to approve the Vons Mission Hills Project. The requested deviations are necessary to provide relief from the requirements of the Mid-City Communities Planned District that relate to the Minimum Ground Floor Area, Pedestrian Access, Offsetting Planes, Minimum Transparency, Ten foot minimum curb to property line, and Land Code Section 142.0560(j)(1) and Table 142-05L to allow a fifty foot driveway on University Avenue. The purpose and intent of the specific development regulations, for which the project is seeking deviations, is to provide a development designed in such a manner so as to provide a rich, diverse and pleasurable pedestrian experience. The project has incorporated elements in its design to offset the requested deviations by providing street level and public right-of-way improvements that go beyond the minimum requirements in enhancing the pedestrian experience in the public right-of-way around the site. The overall project design therefore meets the purpose and intent of the regulations while not meeting all the specific requirements of the design standards of the zone.

a. Land Development Code Section 1512.0308(b)(7); Minimum Ground Floor Area

The project site has 1,068 linear feet of street frontage and is required to have a minimum of 21,360 square feet of commercial area on the ground floor. The project proposes approximately 9,375 square feet of commercial area on the ground floor. The design of the proposed project is a compromise between the goals and objectives of the Vons Companies and the existing topographic conditions of the site. The existing site topography slopes in three separate and distinct directions, to the north, to the west and to the northwest. Additionally the existing street grades along Washington Street decrease by five feet from west to east along the property frontage to an approximate mid-point along the property then increase by five feet along the property frontage to the easterly property line. The existing street grades along Dove Street decrease from Washington Street to University Avenue by four feet. The existing street grades along University Avenue increase along the property frontage from Dove Street to the easterly property line by six feet. The design of the proposed project must meet the existing street grades along each of the three public right-of-ways. This is a unique challenge and is compounded by the size of the proposed supermarket, the parking requirements to provide parking on the site that will meet the needs of the supermarket and the operational needs and business plan to bring to

the public a building with a single finish floor elevation consistent throughout the 59,730 square foot building.

To satisfy the parking requirements of the proposed project and adhere to the floor area of the supermarket proposed by the Vons Companies requires parking to be provided under the proposed commercial area. Roof top parking was evaluated during the design phase of the project development and would result in unacceptable compromises to the floor plan of the supermarket thus the decision made by the Vons Companies is to provide parking underneath the supermarket. The parking structure will be partially subterranean and the depth of the floor of the garage will vary depending upon various street grades surrounding the site. Three elevators will be included in the project from the enclosed parking garage to the store level of the building.

To lower the floor elevation of the supermarket to comply with the Minimum Ground Floor Area requirement would require lowering the floor of the garage. This in turn would increase the ramp length used to access the garage, reduce the number of parking spaces within the garage and require another level of enclosed parking or portion thereof, and would result in some portions of the supermarket floor elevation to be at or below the surrounding sidewalks depending on the variations of the street grades along Washington Street, Dove Street and University Avenue. For these reasons the Vons Companies presented a design for the supermarket that will place the floor elevation of the building at 279.16 feet above mean sea level, or between approximately ten to fourteen feet above the adjacent street grade depending upon the exact location along the sidewalk. The five retail shops' floor elevations are proposed to be nearly at the same elevation of the adjacent street grade. This relationship to the sidewalk grade may be accomplished in the proposed five retail suites due to the consistency of the street grade in this short length of Washington Street and the narrow width of each individual commercial space.

Due to the unique business and operational needs of a supermarket and the existing topographic conditions of the site and surrounding public right-of-way, a deviation from the Land Development Code Section governing minimum ground floor area is reasonable and justified. The design of the supermarket will include nine colors and eleven materials including artistic panels, vision glass, outdoor patio seating at store floor level, covered seating near the existing MTS bus stop, and a variety of building wall planes in the horizontal to meet the purpose and intent of the Mid-City Communities Planned District Zone CN-2A.

b. Land Development Code Section 1512.0308(b)(7); Pedestrian access

The Mid-City Communities Planned District requires at least one separate pedestrian entry for every 100 linear feet of street wall frontage, or part thereof, to be provided from the street into or through the commercial use. Separate entries provided to satisfy this requirement may be spaced no closer than 25 feet apart. This standard would require that the project provide a combined total of nine locations for pedestrian access. The five retail spaces along Washington Street are consistent with the requirement. The deviation for the supermarket will allow one pedestrian access along Dove Street and no entry or pedestrian access from University Avenue rather than the three entries that would be required on Washington Street, Dove Street and University Avenue respectively. The supermarket will provide a total of three

entrances, two along Washington Avenue and one along Dove Street. Providing nine pedestrian access points would be contrary to the operation of the applicant, would create a security issue for store operations, and would be operationally infeasible due to the unique business and logistical needs of the applicant.

The number of pedestrian access locations provided in the project meets the purpose and intent of the Mid-City Communities Planned District by providing multiple pedestrian entrances along Washington and Dove Streets from the primary retail streets. Due to the unique business and operational needs of the project, a deviation from the Code Section regarding pedestrian access is reasonable and justified.

c. Land Development Code Section 1512.0312(a)(7); Offsetting Planes

The Mid-City Communities Planned District requires a minimum of seven offsetting planes along the elevation facing University Avenue and Dove Street and a minimum of thirteen offsetting planes along the elevation facing Washington Street. The project proposes two offsetting planes along University Avenue and one offsetting plane along Dove Street. The plans and elevations indicate several offsetting planes, but not all these offsets meet the minimum three foot dimension and as such are not counted towards meeting the requirement. The design of the supermarket will include nine colors and eleven materials including artistic panels, vision glass, outdoor patio seating at store floor level, covered seating near the existing MTS bus stop, and a variety of building wall planes in the horizontal to meet the purpose and intent of the Mid-City Communities Planned District Zone CN-2A. The architecture of the Vons Mission Hills Project is diverse and articulated and meets the purpose and intent of the Mid-City Communities Planned District as it relates to offsetting planes and a deviation from the Code Section regarding offsetting planes is reasonable and justified.

d. Land Development Code Section 1512.0312(b)(1) and (3); Transparency

The Mid-City Communities Planned District requires a minimum transparency with visibility into the commercial building equal to fifty percent of the street wall area to be located between three and ten feet above the sidewalk. The proposed building is designed with substantial vision glass in the retail portion of the project along Washington Street. Along Dove Street the design includes vision glass to create transparency in the elevation of the building facing Dove Street. Along University Avenue the design includes clear vision glass and spandrel glass to create transparency and the feeling of transparency in the elevation of the building facing University Avenue. However, the amount of glass, both vision and spandrel, in the Dove Street and University Avenue elevations do not meet the required numerical amount of the Mid-City Communities Planned District, and a deviation is required to approve the Vons Mission Hills Project. The project proposes 2,293 square feet of transparency on the Washington Street elevation where 1,544 square feet of transparency is required. However, the project proposes no transparency on the University Avenue elevation where 927 square feet of transparency is required and 453 square feet of transparency on the Dove Street elevation where 854 square feet of transparency is required. There is no transparency required for the elevations facing the alley.

The project has unique operational characteristics and specific needs for limiting transparency on three of four building walls to facilitate the business plan of a modern supermarket. Transparency along the main entry building wall is highly desirable and the only functionally appropriate location for large amounts of vision glazing for a modern supermarket while transparency along all other building walls is counterproductive to the business plan of the applicant. The ability of the Vons Companies to provide as much shelving space as possible for the display of products is a key factor in the requested deviation. Another factor which limits the transparency on three of four walls is the back room operations and logistical necessities vital to a modern supermarket. Deliveries, product sorting, restocking of products, access to coolers and refrigerators, and waste and recycling operations all occur in the back room operations of a modern supermarket. To meet the transparency requirement by putting vision glazing along all four walls would be detrimental to the aesthetics of the neighborhood, would create incompatibilities between planned and existing development in the neighborhood, and would limit the Vons Company from providing a full range of consumer goods and services, which would be inconsistent with the purpose and intent of the Mid-City Communities Planned District regulations as stated in LDC Section 1512.0101.

The core goal for providing transparency is to enhance public interest by pedestrians and motorists passing by the building and to elevate the potential for providing distinctive nodes of high intensity, pedestrian-oriented development. The Vons Mission Hills Project will include significant transparency along Washington Street with vision glass in the street wall designed to initiate pedestrian interest, as well as at the building entries and general seating areas planned in the design of the building. Furthermore, the design of the supermarket will include nine colors and eleven materials including artistic panels, vision glass, outdoor patio seating at store floor level, covered seating near the existing MTS bus stop, and a variety of building wall planes in the horizontal to meet the purpose and intent of the Mid-City Communities Planned District Zone CN-2A. These areas can be seen from street level and although these areas are above the ground level they can be seen from street level so both pedestrian and customers may interact visually. The architecture of the Vons Mission Hills Project is diverse and articulated and meets the purpose and intent of the Mid-City Communities Planned District and a deviation from the Code Section regarding transparency is reasonable and justified.

- e. Land Development Code Section 1512.0404(b)(1); Ten foot minimum curb to property line

The Commercial Node (CN) Zones are intended to provide for pedestrian-oriented commercial and mixed-use districts in selected higher activity areas such as major intersections. The standards are designed to create street frontage conditions conducive to a rich, diverse and pleasurable pedestrian experience. Parking and vehicle access are located so as to minimize disruption of pedestrian continuity. Residential use above street level commercial use is encouraged to intensify development on major transportation corridors where transit and other services are generally available and to foster pedestrian activity.

There shall be a distance of at least ten feet between the curb and the adjacent property line, unless the property is constrained by topography exceeding twenty-five percent

slope or is within designated open space of the adopted community plan. The site is not constrained by those conditions. For those properties fronting along El Cajon Boulevard or Washington Street, there shall be a distance of at least fourteen feet between the curb and the adjacent property line. Additional right-of-way shall be obtained when redevelopment occurs in those cases where the curb-to-property line distance does not meet these requirements, but in no case shall the curb-to-property line distance be reduced.

The site currently has a nine foot curb to property line distance along Washington Street. The project is conditioned to dedicate an additional one foot of property fronting along Washington Street, yet will not provide the required fourteen feet distance between the curb and the adjacent property line. To meet the purpose and intent of the CN-2A Zone which is intended to provide for pedestrian oriented commercial and mixed-use districts, the project will provide: a ten foot curb to property line distance, enhanced landscaping, benches, seating, an improved bus stop, an outdoor café, and enhanced architecture façade, and up-lighting of street trees within the right-of-way. The deviation to allow a ten foot curb to property line distance where fourteen feet is required and a deviation from the Code Section regarding a ten foot minimum curb to property line is reasonable and justified in consideration of the other improvements to the streetscape the project will provide in the neighborhood.

- f. Land Development Code Section 142.0560(j)(1) and Table 142-05L;
Maximum driveway width

The purpose of the parking regulations found in the General Development Regulations of the Land Development Code is to provide a unified set of standards for public and private transportation-related improvements throughout the City. These standards include the maximum width of driveways for residential and commercial land uses. As stated in Table 142-05L the maximum width of commercial driveways is thirty feet. The Vons Companies is requesting a deviation to allow a driveway to be constructed to no more than fifty feet. The intent of the parking regulation is to provide for a safe and efficient transportation system delivering a high degree of personal mobility, to reduce traffic congestion and improve air quality, and to reasonably accommodate the peak parking needs of development, balanced by the needs of pedestrians, bicyclists, and transit users and by the preservation of community character. The physical access requirements of modern semi-tractor-trailer trucks used in the delivery of groceries to supermarkets dictate a minimum vehicle turning radius from the public street to the loading docks of the building. When, as in the case of University Avenue, the public street is of a narrow width, the need for a driveway wider than the maximum thirty foot wide commercial driveway allowed in the City of San Diego is necessary to preserving a safe and efficient transportation system and delivering a high degree of personal mobility to all users of the public right-of-way, including large delivery trucks. Without a deviation delivery trucks would be required to make multiple-point turns in the public right-of-way to gain access to the loading docks of the building. Such multiple-point turns would be contrary to the safe and efficient operation of vehicles traveling in the public right-of-way and contradictory to the purpose and intent of the parking regulations. The deviation requested is the minimum necessary to afford the efficient operation of deliveries necessary to conduct business and a deviation from the Code Section 142.0560(j)(1) and Table 142-05L regarding the maximum driveway width is reasonable and justified.

In order to implement a project that meets the needs of the community, satisfies the goals and objectives of the applicant, to foster the goals and objectives of the City's General Plan and the Uptown Community Plan, and to gain the substantial social and economic benefits associated with this type of new development including yet not limited to resource conservation, the six deviations requested are deemed to be the minimum necessary, are reasonable and justified in light of the facts presented herein, and as described on the plans and discussed in technical reports, the deviations identified above are approved with the knowledge the Vons Mission Hills Project would meet or exceed all other relevant and applicable regulations for this project.

2. **Mid-City Communities Development Permit – Land Development Code section 1512.0204(a)**

a. **Conformance With Community Plan and Design Manuals. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and the following documents, as applicable to the site: the Mid-City Community Plan, the Greater North Park Community Plan, the State University Community Plan, the Uptown Community Plan, the Mid-City Design Plan (California State Polytechnic University, Pomona; Graduate studies in Landscape Architecture; June, 1983), Design Manual for the Normal Heights Demonstration Area and the City Heights Demonstration Area (HCH Associates and Gary Coad; April, 1984), The Design Study for the Commercial Revitalization of El Cajon Boulevard (Land Studio, Rob Quigley, Kathleen McCormick), The North Park Design Study, Volume 1, Design Concept and Volume 2, Design Manual (The Jerde Partnership, Inc. and Lawrence Reed Moline, Ltd.), Sears Site Development Program (Gerald Gast and Williams-Kuebelbeck and Assoc.; 1987) and will not adversely affect the Greater North Park Community Plan, the Uptown Community Plan or the General Plan of the City of San Diego.** The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

The Uptown Community Plan designation for the site is for Mixed-Use which allows supermarket uses as described in the Planned District Ordinance. The proposed design maintains consistency with the purpose and intent of the Mid-City Communities and other applicable design manuals with the approval of the requested deviations.

The project will provide a modern supermarket and five retail suites with mezzanines on the second floor above to contribute towards the mixture of commercial uses in the community. The design of the supermarket will include nine colors and eleven materials including artistic panels, vision glass, outdoor patio seating at store floor level, covered seating near the existing MTS bus stop, and a variety of building wall planes in the horizontal to meet the purpose and intent of the Mid-City Communities Planned District Zone CN-2A. The architecture of the Vons Mission Hills Project is diverse and articulated and meets the purpose

and intent of the Mid-City Communities Planned District CN-2A Zone and will not adversely affect the Uptown Community Plan or the General Plan of the City of San Diego.

The proposed supermarket is an allowed use in the Mid-City Communities Planned District CN-2A Zone and meets the intent of the zone by providing high intensity, pedestrian-oriented development at a distinctive commercial node as a food store, bank, florist, bakery, dairy store, dry goods store, liquor store, pharmacy as the prototypical Vons supermarket will or may have all of these uses. The project meets the purpose and intent of the CN-2A zone in many ways including minimizing the disruption of pedestrian continuity by limiting vehicular access to the site to three locations, two from Washington Street and one from Dove Street. The intent of the zone design standards to create street frontage conditions conducive to a rich, diverse and pleasurable pedestrian experience is further implemented by providing enhanced landscaping, benches, seating, up-lighting of street trees, trees, shrubs and ground covers between the sidewalk and the building, enhanced paving with a variety of materials and patterns, glazing of the building and art panels on the building at the sidewalk level. And while the CN-2A Zone encourages residential uses above commercial uses in a vertical mixed use orientation, commercial retail and commercial office in a horizontal mixed use orientation is also allowed and supports the cumulative goals of the Mid-City Communities Planned District. In order to implement a project that meets the needs of the community, satisfies the goals and objectives of the applicant, to foster the goals and objectives of the City's General Plan and the Uptown Community Plan, and to gain the substantial social and economic benefits associated with this type of new development including yet not limited to resource conservation and other policy goals of the City, six deviations are supported to approve the Vons Mission Hills Project.

For additional supporting information, refer to Site Development Permit Finding No. 1 and No. 2 above.

b. Compatibility with surrounding development. 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 will be achieved as far as practicable. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

The Uptown Community Plan designation for the site is for Mixed-Use which allows supermarket uses as described in the Mid-City Communities Planned District. Existing land uses on adjoining properties include commercial uses north of Washington Street, commercial and residential uses west of Dove Street, and residential uses east of the project site and south of University Avenue. The project site is located within an existing high activity commercial node of the Mission Hills neighborhood. The Uptown Community Plan designates these same land uses for the adjoining properties in the future. A deviation from the Mid-City Communities Planned District Section 1512.0312(b)(1) and (3) regarding Transparency will result in no interior light to be emitted from the building to adjoining residential uses east and south of the proposed project. Limiting transparency along the Dove Street elevation will reduce

to a negligible level the amount of light emitted from the building towards adjoining residential properties on Dove Street. In addition, conditions of approval, which limit the hours of deliveries to the supermarket and retail shops and which limit the use of loud paging devices within the supermarket, will prevent nighttime disturbances to adjoining residential properties and preserve the peace of the neighborhood.

The architecture of the project is diverse and articulated and meets the purpose and intent of the Mid-City Communities Planned District by incorporating elements that are designed to create street frontage conditions conducive to a rich, diverse and pleasurable walking experience. The architectural vernacular of the neighborhood is eclectic and the design of the supermarket and retail shops, being of a modern urban character, will be in architectural harmony with the existing neighborhood and community. Therefore, because of these facts 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 will be achieved as far as practicable and will be complemented by elements of contrast.

c. No Detriment to Health, Safety and Welfare. 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 Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety, and general welfare of persons residing or working in the area, 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.

All of the construction plans associated with the project will be reviewed prior to issuance of a construction permit and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, and fire codes. As such the Vons Mission Hills Project will not be detrimental to the public health, safety, and welfare. For additional information, refer to Mid-City Communities Development Permit Finding No. 2 and Site Development Permit Finding No. 3 above.

d. Adequate Public Facilities. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by Section 1512.0203(b)(1)(A) or (B), the proposed development provides a minimum of 750 square feet of on-site usable recreational open

space area per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of 10 feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

The Vons Mission Hills Project does not include any residential dwelling units. The project therefore has no park or usable open space requirements. The site and adjacent public right-of-way will be landscaped to the greatest degree possible and comply with the landscape regulations of the Land Development Code which are applicable to this site.

e. Adequate Lighting. In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

Street lights exist within the public right-of-way along all three streets adjacent to the project site. Additionally, the Vons Mission Hills Project will include lighting on the exterior of the building. These lighting fixtures will be decorative in purpose and will provide functional light to the immediate area yet will be designed, manufactured and installed to avoid the creation of glare and to avoid shining light onto neighboring properties.

f. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The Vons Mission Hills Project consists of an approximately 59,760 square foot supermarket, 8,375 square feet of office and or commercial uses or a combination of the two in five suites, an enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way.

In order to implement a project that meets the needs of the community, implement a more desirable project and to foster the goals and objectives of the City's General Plan and the Uptown Community Plan, the deviations requested are appropriate for this specific project and location. The requested deviations are necessary for the Minimum Ground Floor Area, Pedestrian Access, Offsetting Planes, and Minimum Transparency, Minimum curb to property line along Washington Avenue and to allow a fifty foot driveway on University Avenue where thirty feet is the maximum driveway width.

The proposed supermarket is an allowed use in the Mid-City Communities Planned District CN-2A Zone and meets the intent of the zone by providing high intensity, pedestrian-oriented development at a distinctive commercial node as a food store, bank, florist, bakery, dairy store, dry goods store, liquor store, pharmacy as the prototypical Vons supermarket may or will have all of these uses. In order to implement a project that satisfies the goals and objectives of the applicant and to foster the goals and objectives of the City's General Plan and

the Uptown Community Plan, six deviations are supported to approve the Vons Mission Hills Project. The purpose and intent of all of the regulations that the project is seeking deviations from is to provide development designed in a way to provide a rich, diverse and pleasurable walking experience. The project has incorporated elements in its design to offset the requested deviations by providing street level and public right-of-way improvements that exceed the minimum requirements to enhance the pedestrian experience in the public right-of-way around the site. The overall project design therefore meets the purpose and intent of the regulations while not meeting all of the technical requirements of the design standards of the zone. In that the deviations requested are deemed to be the minimum necessary, are reasonable and justified in light of the facts presented herein, on the plans and contained in technical reports, the deviations identified above are approved with the knowledge the Vons Mission Hills Project will meet or exceed all other relevant and applicable regulations for this project.

The project meets the purpose and intent of the CN-2A zone in many ways including minimizing the disruption of pedestrian continuity by limiting vehicular access to the site to three locations, two from Washington Street and one from Dove Street. The intent of the zone design standards to create street frontage conditions conducive to a rich, diverse and pleasurable pedestrian experience is further implemented by providing landscaping, benches, seating, up-lighting of street trees, trees, shrubs and ground covers between the sidewalk and the building, enhanced paving with a variety of materials and patterns, glazing of the building and art panels on the building at the sidewalk level. And while the CN-2A Zone encourages residential uses above commercial uses in a vertical mixed use orientation, commercial retail and commercial office in a horizontal mixed use orientation is also allowed and supports the cumulative goals of the Mid-City Communities Planned District. In order to implement a project that meets the needs of the community, satisfies the goals and objectives of the applicant, to foster the goals and objectives of the City's General Plan and the Uptown Community Plan, and to gain the substantial social and economic benefits associated with this type of new development including yet not limited to resource conservation and other policy goals of the City, six deviations are supported to approve the Vons Mission Hills 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 Site Development Permit No. 714171 is hereby granted to Vons Companies, Inc., a Michigan Corporation, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KGB:hm
11/18/10
Or.Dept.DSD
R-2011-502
PL#2010-02968

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 24000581

SITE DEVELOPMENT PERMIT NO. 714171
VONS MISSION HILLS PROJECT NO. 201016 [MMRP]
CITY COUNCIL

This Site Development Permit [SDP] No. 714171 is granted by the Council of the City of San Diego to VONS COMPANIES, INC., a Michigan corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 1512.0201 through 1512.0207 and sections 126.0501 through 126.0505.. The 2.19 acre site is composed of several properties located from 335 to 450 W. Washington Street and 450 W. University Avenue in the CN-2A Zone of Mid-City Communities Planned District of the Uptown Community Plan. The project site is legally described as Lots 1 and 2 of Dove Heights, according to Map thereof No. 3788, filed January 22, 1958, Lots 11, 12, 13, 14 and 15, Block 1 of Palm Heights, according to Map thereof No. 1023, filed January 10, 1907, Lots 3, 4, 5 and 7 and that unnumbered lot lying between Lots 5 and 7, commonly known as Lot 6, and Lots 8 and 9 all in Block 5 of Florence Heights Addition, according to Map thereof No. 892, filed March 20, 1903, together with the alley dedicated on Map 3788, filed January 22, 1958 and a portion of the alley dedicated per Map 1023, filed January 10, 1907.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing grocery store and construct a new grocery store and other retail buildings, surface and enclosed parking garage, landscaping and other private and public improvements, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 7, 2010, on file in the Development Services Department.

The project shall include:

- a. Vacation of an un-named alley and vacation of a sewer easement with the relocation of the sewer main, vacation of a street reservation and vacation of a drainage easement;
- b. Demolition of an existing grocery store and other site improvements;

- c. Construction of a new 59,760 square foot grocery store building, 8,375 square foot retail building, and enclosed parking garage for 169 parking spaces and 7 bicycle spaces;
- d. The project includes deviations approved by the City Council, the deviations are:
 - 1. Ground Floor Commercial Area - Land Code Section 1512.0308(b)(5); The project will have approximately 9,375 square feet of commercial area on the ground floor.
 - 2. Pedestrian Access - Land Code Section 1512.0308(b)(7); The supermarket will have one pedestrian access along Dove Street and no entry or pedestrian access from University Avenue rather than three entries each from Washington Street, Dove Street and University Avenue. The supermarket will provide a total of three entrances, two along Washington Avenue and one along Dove Street.
 - 3. Offsetting Planes - Land Code Section 1512.0312(a)(1); The supermarket will have two offsetting planes on University Avenue and one on Dove Street.
 - 4. Minimum Transparency - Land Code Section 1512.0312(b)(1) and (3); The supermarket will have no transparency on the University Avenue elevation and 453 square feet of transparency on the Dove Street elevation. There is no transparency required for the elevations facing the alley.
 - 5. Ten foot minimum curb to property line - Land Code Section 1512.0404(b)(1); The project will dedicate an additional one foot of property fronting along Washington Street to create a ten foot curb to property line distance where fourteen feet is required; and
 - 6. Land Code Section 142.0560(j)(1) and Table 142-05L to allow a fifty foot driveway on University Avenue.
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking;
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC 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 Owner/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.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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

proposed 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. Prior to issuance of a building permit, the Owner/Permittee shall provide a valid “Determination of No Hazard to Air Navigation” issued by the Federal Aviation Administration.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 201016 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 201016, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Paleontology
- Solid Waste, and
- Transportation/Circulation

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate an additional one-foot wide right-of-way, along the project frontage on Washington Street, satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate an additional five feet along the project frontage on University Avenue for right-of-way purposes, satisfactory to the City Engineer.

18. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and assure by permit and bond the improvement of an additional 2.5 foot wide alley, on the northerly side of the adjacent east-west alley, satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate a new twenty-four-foot wide alley right-of-way and shall assure by permit and bond the construction of a full width City standard alley, running north-south adjacent to the project site, satisfactory to the City Engineer.

20. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of all non-utilized driveways, adjacent to the project site, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

21. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of one twenty-four-foot wide driveway on Dove Street, one twenty-four-foot wide and one twenty-six-foot wide City standard driveways on Washington Street and one maximum fifty-foot wide driveway on University Avenue, satisfactory to the City Engineer.

22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp with City standard curb ramps with truncated domes, located at the southeast corner of Washington Street and Dove Street and at the north east corner of Dove Street and University Avenue, satisfactory to the City Engineer.

23. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of the City standard curb ramps with truncated domes, on both sides of the fifty-foot wide curb opening on University Avenue, satisfactory to the City Engineer.

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of the City standard bus slab, adjacent to the project site on Washington Street, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
28. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
29. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading 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.
30. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
31. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.

LANDSCAPE REQUIREMENTS:

32. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A."
33. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a

forty square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

34. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Development Services Department. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit "A."

35. Prior to issuance of any construction permits for buildings complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall take into account a forty square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

36. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

37. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

38. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

39. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

40. Any required planting that dies within three years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die three years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

41. A minimum root zone of forty square feet in area shall be provided for all trees. The minimum dimension for this area shall be five feet. This minimum dimension and root zone area may be reduced with the use of structural soil or where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.

PLANNING/DESIGN REQUIREMENTS:

42. Owner/Permittee shall maintain a minimum of 125 off-street parking spaces for the proposed 59,760 square foot Vons store, and 18 off-street parking spaces for the proposed 8,375 square foot retail suites, respectively, for a total of 143 parking spaces. The Owner/Permittee is proposing to provide 151 parking spaces (including 6 accessible spaces) for the Vons store, and 18 parking spaces (including 1 accessible space) for the retail suites, respectively, for a total of 169 on-site parking spaces (including 7 accessible spaces). Off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

43. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

44. All pedestrian enhancement amenities, such as landscaping, benches, seating area, outdoor cafe, lighting, public art and other architectural elements and public safety features, shall be permanently maintained as shown on the Exhibit "A" for this project, or in some equivalent manner, to ensure the pedestrian environment created by the project shall be preserved in perpetuity.

45. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations. Identification signage shall be provided that is oriented towards both pedestrian and vehicular traffic.

46. Up lighting will be provided and permanently maintained beneath the street trees along Washington Street, Dove Street and University Avenue frontages, as shown on Exhibit "A," to enhance the pedestrian environment.

47. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

48. Deliveries using the loading docks adjacent to University Avenue shall not occur between 10 p.m. and 6 a.m.

49. The Owner/Permittee shall install and permanently maintain a mirror or some other device at the easterly-most driveway on Washington Street so a driver of a motor vehicle exiting onto Washington Street may see pedestrians on the sidewalk east of the driveway.

TRANSPORTATION REQUIREMENTS

50. Project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual, Document No. 297376, filed November 25, 2002, and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 by Resolution R-296141, satisfactory to the City Engineer. This may require, yet not be limited to, installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

51. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond installation of a traffic signal at the intersection of University Avenue and Dove Street. This signal shall include eastbound and westbound left turn lanes at the intersection, and re-stripping of University Avenue to the east and west of the intersection to provide transition to the turn pockets, satisfactory to the City Engineer.

52. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond re-stripping the south leg of Washington Street and Dove Street intersection where the paint has worn off, satisfactory to the City Engineer.

53. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the improvement of street lighting at the intersection of Washington Street and Dove Street, satisfactory to the City Engineer.

54. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond installation of red curbing on portions of its frontage on the south side of Washington Street, as shown on Exhibit "A," to provide adequate sight visibility at project's driveways on this street, satisfactory to the City Engineer.

PUBLIC UTILITY REQUIREMENTS:

55. The Owner/Permittee shall construct an eight inch diameter sewer main within the twenty-five foot wide easement perpendicular to University Avenue, as shown on approved Exhibit "A," in a manner satisfactory to the Director of Public Utilities and City Engineer. This work shall be operational prior to issuance of any building permit for structures over the existing sewer main. The existing sewer main must be protected in place until the relocated main is approved by the City Engineer. Prior to pouring building foundations the existing six inch diameter sewer main shall be removed or slurry filled in a manner satisfactory to the Director of the Public Utilities Department and the City Engineer.

56. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the

project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer. No new water service shall be connected to the existing twenty-four inch diameter transmission water main within West Washington Street.

57. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

58. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

59. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

60. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit may protest the imposition within ninety days of the approval of this Permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Council of the City of San Diego on DEC 07 2010,
Resolution No. R- 306492.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Mike Westlake
Program Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

The Vons Companies, Inc.,
A Michigan corporation
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**