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RECOMMENDATIONS

COMMUNITY PLANNING GROUP/CITY MANAGER/PLANNING COMMISSION

CASE NO. PTS No. 70797

CITY MANAGER
Please indicate recommendation for each action. ie: resolution / ordinance

Deny the Environmental Appeal and Affirm Planning Commission decision to:
Certify the Mitigated Negative Declaration No. 63208
Adopt the associated Mitigation, Monitoring, and Reporting Program

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PLANNING COMMISSION
(list names of Commissioners voting yea or nay)

YEAS: Eric Naslund, Gil Ontai, Dennis Otsuji, Robert Griswold
NAYS: Barry Schultz, Kathleen Garcia
ABSTAINING:
TO: Motion by Eric Naslund, second by Gil Ontai, to approve staff's recommendation to Deny the appeal; Certify the Mitigated Negative Declaration; Adopt Mitigation, Monitoring, and Reporting Program; and Approve the Site Development Permit, Planned Development Permit and Conditional Use Permit.

COMMUNITY PLANNING GROUP *(choose one)*

LIST NAME OF GROUP: Clairemont Mesa Community Planning Group

__ No officially recognized community planning group for this area.

__ Community Planning Group has been notified of this project and has not submitted a recommendation.

__ Community Planning Group has been notified of this project and has not taken a position.

X Community Planning Group has recommended approval of this project.

__ Community Planning Group has recommended denial of this project.

__ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 14

Opposed: 1

By Jeannette Temple
Jeannette Temple, Development Project Manager

000713

THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: April 4, 2007 REPORT NO. 07-053

ATTENTION: Honorable Council President and City Council,
Agenda of April 10, 2007

SUBJECT: APPEAL OF ENVIRONMENTAL DETERMINATION for
Genesee Plaza Expansion - Project No. 63208, Council District No. 6

OWNER: T.G.F. Company

APPELLANT: Butch Biendara

SUMMARY

Issues - Should the City Council uphold the Hearing Officer's and Planning Commission's certification of Mitigated Negative Declaration No. 63208?

Staff Recommendations

1. DENY the appeal and UPHOLD the Environmental Determination (Mitigated Negative Declaration No. 63208 with associated Mitigation, Monitoring and Reporting Program).
2. Make an express finding that the information provided by the appellant is not substantial evidence of significant unmitigated impacts, because it is "...argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous...." (Reference: State CEQA Guidelines Section 15384(a)).

Environmental Review - The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) prepared an Initial Study and completed a Mitigated Negative Declaration (No. 63208).

Fiscal Impact Statement - None with this action. All costs associated with the processing of this appeal are paid by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - None with this action.

BACKGROUND

A Site Development Permit, Planned Development Permit and Conditional Use Permit for the Genesee Plaza Expansion project was approved by the City of San Diego Hearing Officer on November 15, 2006. The project was appealed to the Planning Commission and on January 25, 2007, the Planning Commission denied the appeal and upheld the Hearing Officer's decision to approve the Site Development Permit, Planned Development Permit and Conditional Use Permit, and certify Mitigated Negative Declaration (MND) No. 63208.

The only issue before the Council today is the appeal of the environmental document. However, information about the project has been included in this report to provide a context for Council's discussion of the Mitigated Negative Declaration. Any project details and conditions discussed relate to an already approved project, and they cannot be changed. However, if Council grants the appeal, the project will be subject to additional environmental review.

Project Description

The approved Site Development Permit, Planned Development Permit and Conditional Use Permit allows the demolition or modification of seven buildings totaling 355,490 square feet and construction or modification of five buildings totaling 397,811 square feet in a phased development, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center at the northeast corner of Genesee and Balboa Avenues. The 43.84 acre site located at properties including 5502-6050 Balboa Avenue & 4203-4375 Genesee Avenue within the CC-1-3 zone and the Clairemont Mesa Height Limit and Community Plan Implementation Overlay Zones (CPIOZ, Type B) of the Clairemont Mesa Community Plan area. The Project required a Site Development Permit as it is located in the CPIOZ Type B, a Planned Development Permit in accordance with the Community Plan and a Conditional Use Permit for auto service related businesses. The proposal amends the existing Community Plan Implementation Overlay Zone Permit No. 95-0199, Planned Commercial Development Permit and Conditional Use Permit No. 89-0740 and Planned Commercial Development No. 92-0216.

Project Setting

The proposed project site is an existing commercial retail shopping center that has been developed over the last forty years. It is located at the northeast intersection of Balboa and Genesee Avenues including 5502-6050 Balboa Avenue & 4203-4375 Genesee Avenue. Balboa Avenue was a State highway in 1996 when State legislators formed the Balboa Avenue Citizens Advisory Committee (BACAC) for community involvement in the upgrading of the highway. Soon after, the State relinquished the highway to the City of San Diego to be a local street. The City of San Diego and the BACAC worked together to form a vision of a more pedestrian friendly upgrade of Balboa Avenue including enhanced medians and increased pedestrian connectivity across the former highway. On September 12, 2005, the City Council adopted the

Balboa Avenue Revitalization Action Program (BARAP) that identified desired enhancements to this corridor. The proposed project is in response to the desire by the community to have a pedestrian crossing between Genesee Avenue and Mount Abernathy Drive to the east. The project would demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet in a phased development, for a new total of approximately 516,948 square feet of commercial retail space at the existing retail center.

The Clairemont Mesa Community Plan designates this site as a portion of the Community Core and places it in the CPIOZ, Type B, recommending that a Planned Development Permit be obtained. Recommendations include improved internal circulation for vehicles, pedestrians and bicyclists, along with improved landscaping along Balboa Avenue. In addition, the Community Plan and the BARAP recommend a pedestrian crossing between this center and the commercial retail center to the south. A project feature would be the installation of a pedestrian and vehicle crossing (traffic signal) between the two centers and the installation of a new bike lane on Balboa Avenue, thus meeting the intent of the Plan. The proposed project would demolish older structures and construct new commercial retail structures while adding pedestrian walkways and plazas, further implementing the Plan.

DISCUSSION

Environmental Review

The City's Land Development Code (Section 128.0103) assigns the responsibility for implementation of CEQA to the Development Services Department (DSD). The Environmental Analysis Section (EAS) of DSD evaluates all discretionary project proposals to determine whether there is a potential for such actions to result in physical impacts on the environment.

In February 2005, the Genesee Plaza Expansion project was submitted for discretionary review. After preparing an Initial Study, EAS staff determined that an MND was the appropriate environmental document for the project. The Initial Study, contained in MND No. 63208, identified potentially significant but mitigable impacts in the issue areas of human health and public safety, and transportation/circulation. The Initial Study also addressed water quality. (Prior to preparing the Initial Study, staff also evaluated potential impacts in all of the issue areas listed in the MND's Initial Study Checklist.)

Environmental Issues Raised in the Appeal

Pursuant to Section 21151(c) of the CEQA statutes, Mr. Butch Biendara filed an appeal of the City of San Diego Hearing Officer's certification of the MND for the Genesee Plaza Expansion project, and of the Planning Commission's validation of the Hearing Officer's certification. It should be noted that the appellant has also stated that they are preserving their right to appeal the project. However, all project appeal rights have been exhausted. The only issue before the Council today is the appeal of the environmental determination.

Staff has highlighted the issue areas pertaining to the environmental document and summarized the main topics addressed in the appeal received February 5, 2007, (Attachment 1), as follows:

Appeal Issue: Segmentation of the project as it relates to the California Environmental Quality Act.

Staff Response: The California Environmental Quality Act (CEQA) defines a project as "the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment" where the activity "involve[s] the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA Guidelines, sec. 15378; Public Resources Code sec. 21065). The phrase "whole of the action" has been interpreted by the California Supreme Court to mean that it is generally unacceptable to "segment" a project into small pieces or smaller projects to avoid preparing an Environmental Impact Report (EIR) or in an effort to avoid full disclosure of certain environmental impacts when it is known or is foreseeable that one or more of the segmented smaller projects would require the other (See *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263.). Thus, an agency may not treat each separate permit or approval as a separate project when evaluating environmental impacts.

The appellant claims that the Genesee Plaza Expansion project and the Balboa Mesa Expansion project are one project as defined by CEQA and therefore preparing an environmental document for each project is segmenting the "whole of the action" and attempting to avoid full disclosure of the environmental impacts and/or the preparation of an EIR. However, segmentation does not occur for the following reasons:

1) <u>Genesee Plaza and Balboa Mesa are separate projects pursuant to CEQA because either project may be approved, while the other is denied, and still be implemented by the respective applicant.</u> There is no reason to assume that approval of Genesee Plaza means Balboa Mesa would necessarily be approved or vice versa. In other words, neither project is a reasonably foreseeable consequence of the other; the projects could be approved or denied independent of one another. In addition, neither project is providing needed access to the other, nor is one project a phase of the other or an expansion of the other. Moreover, neither would rely on essential public services that would be provided by the other project (i.e. no aspect of Genesee Plaza relies on a service (such as public utilities) that would be provided by Balboa Mesa, and vice versa).

2) <u>The preparation of separate environmental documents for the two independent projects was appropriate, assumed a worse case scenario, and evaluated all potential direct, indirect, and cumulative environmental impacts.</u> It should be noted that for environmental purposes, each project assumed implementation of the other in their respective environmental analyses. Thus, should both projects be approved and implemented, all impacts have been disclosed and mitigated to a level below significance. Likewise, should one project be approved and the other not, because separate documents have been prepared for each project, all potential impacts have been disclosed and mitigated and the approved project would not be left to rely on the other project's environmental analysis or on an incomplete environmental analysis.

The environmental documents for each project examined all potential direct and cumulative impacts. The findings of the environmental Initial Study determined that there would not be any significant direct or cumulative unmitigable impacts from either project, nor would there be any significant direct or cumulative unmitigable impacts if one or the other project is implemented, but not both. Thus, a Mitigated Negative Declaration was appropriate. An Environmental Impact Report would not be appropriate and is not warranted.

It is worth mentioning that segmentation of a project to avoid full disclosure of potential environmental impacts should not be confused with two separate project applicants collaborating to provide two separate complementary projects (i.e. ensuring driveway design coordinates with a traffic signal/pedestrian crossing).

Appeal Issue: Conformance with the Clairemont Mesa Community Plan as stated in the Mitigated Negative Declaration (MND).

Staff Response: The MND states that the project is consistent with the goals and objectives of the community plan. The phrase "Consistent with the goals and objectives of the community plan" is used throughout the MND, Initial Study, Initial Study Checklist, and the Response to Comments received during the public review. The word conformance is used once in the Initial Study checklist in response to the question "Would the project result in a substantial alteration to the existing character of the area?" The response: "The proposed project is in conformance with the general character of the area and the recommendations of the community plan."

The project site is designated in the Clairemont Mesa Community Plan as being within the Community Core and subject to the Community Plan Implementation Overlay Zone (CPIOZ) Type B.

The Plan contains a number of CPIOZ design guidelines in order to ensure that development occurs with a unifying architectural, sign and landscape theme and creates a pedestrian environment in the Community Core area. The project as proposed, replaces the existing buildings, which do not meet the architectural character envisioned for the center, with new buildings which do. The proposed buildings include articulation, varying roof lines, canopies, trellises and pedestrian plaza areas. The public plaza areas include seatwalls, landscaping and hardscape elements, also allowing for additional space to accommodate outdoor dining areas.

Further, in accordance with the Balboa Avenue Revitalization Action Program (BARAP), some building footprints will move closer to the edge of the street, thus encouraging pedestrian activity along the street frontages. Also included in the project proposal are a network of pathways throughout the shopping center, including areas of enhanced paving and landscaping. In order to improve pedestrian circulation and promote walkability, the applicant worked with staff to expand this network of pathways as to provide several options to pedestrians, rather than provide one ten-foot wide walkway.

In order to promote bicycle circulation, bicycle lanes will be added to both sides of Balboa Avenue as a feature of this project. In regards to parking, the Community Plan states that "Parking in the community core should be underground, behind the building or within the building." and further states that large surface parking areas should be screened from the public right-of-way and include colored-concrete paving (pg. 48). A significant portion of the proposed parking is located behind buildings, as a portion of the proposed buildings will be located along the edge of the street, and new landscaping will be added throughout the parking area as well as all along the project street frontage in order to screen the parking area, and finally areas of enhanced colored concrete paving will be included throughout the parking lot.

In regards to the pedestrian bridge, it is no longer the preferred option, as noted in the BARAP. A signalized crossing is the preferred option which came out of the community workshops that were held in order to develop the BARAP, as part of the SANDAG Walkable Communities Demonstration Grant Program.

In summary, the proposed project is in conformance with the Community Plan, as all of the improvements outlined above will help to create an architecturally unified shopping center with an improved pedestrian environment.

Appeal Issue: Mitigated Negative Declaration does not adequately address safety impacts of proposed traffic signal for pedestrians.

Staff Response: The proposed traffic signal would provide a safe pedestrian crossing that would also improve interconnectivity between the two shopping centers, without resulting in a significant impact on circulation. The Mitigated Negative Declaration for the project notes that the standard driveway traffic signal phasing for this location would be permissive left turn phasing to address vehicular, pedestrian and bicycle crossings. In response to comments through the process, the phasing of the signal was modified to protected/permissive left turn phasing, as noted in the document. Either scenario would be safer than the current situation where pedestrians illegally cross Balboa Avenue at unprotected mid-block locations.

Appeal Issue: Discussion of alternatives for the location of the traffic signal in the Mitigated Negative Declaration.

Staff Response: Discussion of Alternatives occurs as a required section in an Environmental Impact Report. The purpose of this discussion section is to present a project alternative that lessens or avoids an environmental impact that was not successfully mitigated (i.e. significant traffic impacts due to high Average Daily Trips counts could be lessened by reducing the project's number of residential units or building square footage).

Project design alternatives, particularly when an unmitigated significant impact is <u>not</u> present, are not required discussion in a Mitigated Negative Declaration. The conclusion reached by the City Traffic Engineer was that the intersection met traffic design and pedestrian crossing standards and is thus safe for pedestrian use. Because an unmitigated environmental impact does not result, a discussion of an environmentally superior alternative is not warranted.

The installation of the traffic signal is proposed as a project feature and is not a mitigation measure. Prior to the project being submitted to the City for review, alternative locations were considered by City staff and the applicant. These alternative locations were noted and discussed during the two public hearings on the project. The ultimate location of the proposed traffic signal was chosen by the applicant as working best for the development while conforming to the intent of the community plan. Several operating assumptions are noted in the environmental documentation as being necessary to ensure the signal will operate effectively at the proposed location.

CONCLUSION

Staff believes that MND No. 63208 adequately addresses the project's potential impacts, and that implementation of the Mitigation, Monitoring and Reporting Program would avoid or reduce such impacts to below a level of significance.

ALTERNATIVES

1. GRANT the appeal, set aside the environmental determination, and REMAND the matter to the Development Services Director for reconsideration, with direction or instruction the City Council deems appropriate.

3. GRANT the appeal and make a superceding environmental determination or CEQA findings. If Council chooses this alternative, staff respectfully requests direction from Council regarding the existence of substantial evidence, as required by Section 21082.2 of the California Public Resources Code, supporting a fair argument that the project would result in significant environmental effects.

Respectfully submitted,

Marcela Escobar-Eck
Director, Development Services Department

Approved: James T. Waring
Deputy Chief of Land Use and
Economic Development

Attachment: Appeal Application (Dated and Received by the City Clerk's Office February 5, 2007)

000720

City of San Diego
Development Services
1222 First Ave. • 3rd Floor
San Diego, CA 92101-4154
(619) 446-5210

THE CITY OF SAN DIEGO

RECEIVED
CITY CLERK'S OFFICE
FEB -5 PM 2:
SAN DIEGO, CALIF.

Development Permit/ Environmental Determination Appeal Application

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
- ☐ Process Two Decision - Appeal to Planning Commission
- ☐ Process Three Decision - Appeal to Planning Commission
- ☑ Process Four Decision - Appeal to City Council
- ☑ Environmental Determination - Appeal to City Council
- ☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant *Please check one* ☐ Applicant ☐ Officially recognized Planning Committee ☑ "Interested Person" (Per M.C. Sec. 113.0103)

Name				
Butch Biendara				
Address	**City**	**State**	**Zip Code**	**Telephone**
4041 Mt. Everest Blvd.	San Diego	CA	92111-2624	858-279-5054

3. Applicant Name *(As shown on the Permit/Approval being appealed). Complete if different from appellant.*

John Ziebarth / TGF CO

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Proj. No. 63208 GENNESEE PLAZA EXPANSION	January 25, 2007	Jeannette Temple

Decision (describe the permit/approval decision):

Approved the project and the Mitigated Negative Declaration

5. Grounds for Appeal *(Please check all that apply)*
- ☑ Factual Error (Process Three and Four decisions only)
- ☐ Conflict with other matters (Process Three and Four decisions only)
- ☑ Findings Not Supported (Process Three and Four decisions only)
- ☐ New Information (Process Three and Four decisions only)
- ☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal *(Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)*

This project is actually a segmented portion of another joint project, (No. 70797 - Balboa Mesa), directly across Balboa Ave. that will jointly contribute to a new signalized intersection for the added traffic impacts. That issue alone, is a conflict with CEQA. Also the MND makes false claims of compliance with the Clairemont Mesa Community Plan in spite of missing elements of: underground parking, park-like plazas that break up large parking areas, outdoor dining areas, internal bike and pedestrian paths, and landscaping between curb and sidewalk. This proposal is also in violation of the Urban Design Element of the City's General Plan. Additionally the MND for this project fails to address the safety shortcomings of the proposed traffic signal with pedestrians crossing Balboa Ave. This is in conflict with the clearly indicated desire for a safe PEDESTRIAN crossing in the CMCP and the Balboa Ave. RAP. It further violates the City Traffic Manual directive to give preference to pedestrian needs and not sacrifice pedestrian safety for added vehicle capacity. The CMCP clearly indicated the need for a MID-BLOCK crossing and the Balboa RAP twice states it at the Longs Drug driveway. The relocation of the signal to a poor location is entirely overlooked with no discussion of alternatives done by City staff in the MND and is another fatal flaw. And the extensive public controversy of this project certainly requires a review of alternate signal locations and designs that have been done by City staff and not reviewed in this MND.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Butch Biendara Date: 2-5-07

Note: Faxed appeals are not accepted.

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Upon request, this information is available in alternative formats for persons with disabilities.

000721

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 19, 2007 **REPORT NO. PC-07-013**

ATTENTION: **Planning Commission, Agenda of January 25, 2007**

SUBJECT: GENESEE PLAZA EXPANSION - PROJECT NO. 63208. PROCESS 3

REFERENCE: Hearing Officer Report No. HO-06-253

OWNER: T.G.F. Company (Attachment 11)

APPLICANT: John Ziebarth and Associates

SUMMARY

Issue(s): Should the Planning Commission deny the appeal of the Hearing Officer's decision to approve the demolition or modification of seven buildings totaling 355,490 square fee, and construction or modification of five buildings totaling 397,811 square feet in a phased development, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center?

Staff Recommendation:

1. CERTIFY Mitigated Negative Declaration No. 63208 and adopt the Mitigation, Monitoring and Reporting Program; and

2. DENY the Appeal and APPROVE Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103.

Community Planning Group Recommendation: On July 18, 2006, the Clairemont Mesa Planning Committee voted 14-1-0 to recommend approval of the project with concerns as outlined in this report (Attachment 9).

Environmental Review: Mitigated Negative Declaration No. 63208 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will

DIVERSITY

be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: None with this action. A deposit account is maintained for this project by the applicant.

Code Enforcement Impact: None with this action

Housing Impact Statement: This proposed project is located in the Commercial Core area of the Clairemont Mesa Community Plan area. There are no existing residential units on site and none are proposed.

BACKGROUND

The proposed project site is an existing commercial retail shopping center that has been developed over the last forty years. It is located at the northeast intersection of Balboa and Genesee Avenues including 5502-6050 Balboa Avenue & 4203-4375 Genesee Avenue (Attachment 1). Balboa Avenue was a State highway in 1996 when State legislators formed the Balboa Avenue Citizens Advisory Committee (BACAC) for community involvement in the upgrading of the highway. Soon after, the State relinquished the highway to the City of San Diego to be a local street. The City of San Diego and the BACAC worked together to form a vision of a more pedestrian friendly upgrade of Balboa Avenue including enhanced medians and increased pedestrian connectivity across the former highway. On September 12, 2005, the City Council adopted the Balboa Avenue Revitalization Action Program (RAP) that identified desired enhancements to this corridor. The proposed project is in response to the desire by the community to have a pedestrian crossing between Genesee Avenue and Mount Abernathy Drive to the east. This project would demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet in a phased development, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center (Attachment 5).

Project Description:

The project would demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet in a phased development, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center at the northeast corner of Genesee and Balboa Avenues. The 43.84 acre site located at properties including 5502-6050 Balboa Avenue & 4203-4375 Genesee Avenue within the CC-1-3 zone and the Clairemont Mesa Height Limit and Community Plan Implementation Overlay Zones (CPIOZ, Type B) of the Clairemont Mesa Community Plan area (Attachment 2). The Project requires a Site Development Permit as it is located in the CPIOZ, Type B, and a Planned Development Permit as recommended in the Community Plan. The Proposal would amend the existing Community Plan Implementation Overlay Zone Permit No. 95-0199 and Planned Commercial Development Permit and Conditional Use Permit No. 89-0740 and Planned Commercial

Development No. 92-0216. The Conditional Use Permit is for the automotive repair service and car wash on site. This project will not alter those existing uses.

Community Plan Analysis:

The Clairemont Mesa Community Plan designates this site as a portion of the Community Core and places it in the CPIOZ, Type B, recommending that a Planned Development Permit be obtained. Further recommendations include improved internal circulation for vehicles, pedestrians and bicyclists, along with improved landscaping along Balboa Avenue. In addition, the Community Plan and the RAP recommend a pedestrian crossing between this center and the commercial retail center to the north. A project feature would be the installation of a pedestrian and vehicle crossing between the two centers, thus meeting the intent of the Plan. The proposed project would demolish older structures and construct new commercial retail structures in the interior of the center with pedestrian walkways and plazas, further implementing the Plan.

Environmental Analysis:

A Mitigated Negative Declaration was prepared for this project in accordance with the California Environmental Quality Act. A Mitigation Monitoring and Reporting Program would be implemented with this project to reduce potential impacts to Human Health and Public Safety, and Transportation/Circulation to levels below significance.

Project Analysis:

The proposed project would implement The BARAP and the Clairemont Mesa Community Plan. The proposed project enhances the aesthetics and image of the buildings and the center as a whole by articulating the new buildings, creating varying roof lines, canopies and trellises in front of the large retail uses, replacing the existing buildings that do not match the architectural character of the center with four new buildings which do. Further, the new proposed retail/ commercial buildings have the potential to relocate existing tenants and provide new tenant space in order to accommodate commercial facilities within the community core to meet the needs of the existing and projected residential population of Clairemont Mesa.

A proposed project feature is the installation of a new traffic signal on Balboa Avenue. This will allow pedestrians and vehicles to traverse between the existing center and the commercial center to the south. In addition there will be pathways through the center using enhanced paving. This feature is recommended in the Balboa Avenue Revitalization Action Plan as well in the Community Plan. In addition, a project feature is the creation of a bike lane on Balboa Avenue, and would provide enhanced landscaping both in the parking areas and at the street, which is recommended in the Plan. Further a mitigation requirement would be the widening of Balboa Arms Drive for a portion to the north of the center.

The proposed project is consistent with the San Diego Municipal Code, the intent of the land use plan for the commercial core identified in the Clairemont Community Plan, and enhances the

existing land use development on the property.

Community Planning Committee Recommendation

On July 18, 2006, the Clairemont Mesa Planning Committee voted 14-1-0 to recommend approval of the project with the stipulation that the responsibility for protecting pedestrian safety remains that of the City of San Diego Transportation Department, Traffic Engineering, and noting that the Committee still feels the crossing is unsafe (Attachment 9).

City staff has responded both in the Mitigated Negative Declaration and to the community at the July 18, 2006, meeting that the proposed location of the signalized crossing has been reviewed by a professional traffic engineer and the Transportation Development Section of the City of San Diego. It has concluded that the proposed location would provide a safe pedestrian crossing that would also provide improved interconnectivity between the two shopping centers without resulting in a significant impact on traffic circulation. Further, it has been concluded that safe pedestrian crossing at a protected/permissive intersection is a valid alternative to a pedestrian bridge as recommended, but not required in the community plan. In fact, as noted in the BARAP, the pedestrian bridge is no longer the preferred option for safely crossing Balboa Avenue.

Hearing Officer's Decision

On November 15, 2006, the project was heard by the Hearing Officer. Testimony was taken and the discussion centered around conformance with the California Environmental Quality Act (CEQA), conformance with the Clairemont Mesa Community Plan and the Balboa Avenue Revitalization Program, and the location of the proposed traffic signal on Balboa Avenue. Based on the discussion and evidence presented at the hearing, the Hearing Officer certified the Mitigated Negative Declaration and approved Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103.

Appeal of Hearing Officer's Decision:

On November 29, 2006, Butch Biendara, filed an appeal (Attachment 10) of the Process Three, Hearing Officer decision to certify Mitigated Negative Declaration No. 63208 and approval of Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, citing factual error and findings not supported as the reason for appeal.

DISCUSSION:

While the appeal itself is lengthy, staff has summarized the main issues addressed in the appeal received November 29, 2006. Therefore, staff has the following responses:

1. Segmentation of the project as it relates to the California Environmental Quality Act.

The California Environmental Quality Act (CEQA) defines a project as "the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment" where the activity "involve[s] the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA Guidelines, sec. 15378; Public Resources Code sec. 21065). The segmentation, or piece-mealing, of a project occurs when a single project, or "the whole of the action," is broken down into two or more smaller projects. The phrase "whole of the action" has been interpreted by the California Supreme Court to mean that it is generally unacceptable to segment a project into small pieces or smaller projects to avoid preparing an Environmental Impact Report (EIR) or in an effort to avoid full disclosure of certain environmental impacts when it is known or is foreseeable that one or more of the segmented smaller projects would require the other (See *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263.). Therefore, an agency may not treat each separate permit or approval as a separate project when evaluating environmental impacts.

The appellant claims that the Genesee Plaza Expansion project and the Balboa Mesa Expansion project are one project as defined by CEQA and therefore preparing an environmental document for each project is segmenting the "whole of the action" and attempting to avoid full disclosure of the environmental impacts and/or the preparation of an EIR.

However, staff asserts that Genesee Plaza and Balboa Mesa are, in fact, separate projects pursuant to CEQA because either project may be approved, while the other is disapproved, and still be implemented by the respective applicant. Furthermore, Staff asserts that the preparation of separate environmental documents for the two separate projects was appropriate, and that segmentation as defined by CEQA has <u>not</u> occurred. It should be noted that each project assumed implementation of the other in their analyses, so should both projects be approved and implemented, all impacts have been disclosed. The analyses did not find that there are any significant direct or cumulative unmitigable impacts from each project, nor would there be any significant direct or cumulative unmitigable impacts if one or the other project is implemented, and not both.

Staff also believes that segmentation has <u>not</u> occurred because neither project is a reasonably foreseeable consequence of the other in that the projects could be approved independent of the other, and there is no reason to assume that approval of Genesee Plaza means Balboa Mesa is approved or vice versa. Neither project is providing needed access to the other, nor is one project a phase of the other. Additionally, Genesee Plaza is not a future expansion of Balboa Mesa, and vice versa, that would result in significant impacts because one would not contribute to the impacts of the other that are not disclosed with the separate project documents. The environmental documents for each project did look at the potential cumulative impacts, and no cumulative impacts were identified. Additionally, neither action project relies on essential public services that would be provided by the other project, as no aspect of Genesee Plaza relies on a service (such as public utilities) that would be provided by Balboa Mesa, and vice versa.

Finally, segmentation of a project should not be confused with two separate project applicants collaborating to provide two separate complementary projects.

2. Conformance with the Clairemont Mesa Community Plan as stated in the Mitigated Negative Declaration and the approved findings for Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103.

The project site is designated in the Clairemont Mesa Community Plan as being within the Community Core and subject to the Community Plan Implementation Overlay Zone (CPIOZ) Type B.

The Plan contains a number of CPIOZ design guidelines in order to ensure that development occurs with a unifying architectural, sign and landscape theme and creates a pedestrian environment in the Community Core area. The project as proposed, replaces the existing buildings, which do not meet the architectural character envisioned for the center, with new buildings which do. The proposed buildings include articulation, varying roof lines, canopies, trellises and pedestrian plaza areas. The public plaza areas include seatwalls, landscaping and hardscape elements, also allowing for additional space to accomodate outdoor dining areas.

Further, in accordance with the Balboa Avenue Revitalization Action Program (RAP), some building footprints will move closer to the edge of the street, thus encouraging pedestrian activity along the street frontages. Also included in the project proposal are a network of pathways throughout the shopping center, including areas of enhanced paving and landscaping. In order to improve pedestrian circulation and promote walkability, the applicant worked with staff to expand this network of pathways as to provide several options to pedestrians, rather than provide one ten-foot wide walkway.

In order to promote bicycle circulation, bicycle lanes will be added to both sides of Balboa Avenue as a feature of this project. In regards to parking, the Community Plan states that "Parking in the community core should be underground, behind the building or within the building." and further states that large surface parking areas should be screened from the public right-of-way and include colored-concrete paving (pg. 48). A significant portion of the proposed parking is located behind buildings, as a portion of the proposed buildings will be located along the edge of the street, and new landscaping will be added throughout the parking area as well as all along the project street frontage in order to screen the parking area, and finally areas of enhanced colored concrete paving will be included throughout the parking lot.

In regards to the pedestrian bridge, it is no longer the preferred option, as noted in the Balboa Avenue RAP. A signalized crossing is the preferred option which came out of the community workshops that were held in order to develop the RAP, as part of the SANDAG Walkable Communities Demonstration Grant Program.

In summary, the proposed project is in conformance with the Community Plan, as all of the improvements outlined above will help to create an architecturally unified shopping center with an improved pedestrian environment.

3. Safety of the operation of the proposed traffic signal.

Staff believes that the proposed traffic signal would provide a safe pedestrian crossing that would also improve interconnectivity between the two shopping centers, without resulting in a significant impact on circulation. The Mitigated Negative Declaration for the project notes that the standard driveway traffic signal phasing for this location would be permissive left turn phasing to address vehicular, pedestrian and bicycle crossings. In response to comments through the process, the phasing of the signal was modified to protected/permissive left turn phasing, as noted in the document. Either scenario would be safer than the current situation where pedestrians illegally cross Balboa Avenue at unprotected mid-block locations.

Conclusion:

Staff has reviewed the proposed project in conformance with local, state, and federal regulations and requirements. The issues raised in the appeal are the same issues raised at the Hearing Officer meeting. Therefore, staff recommends denying the appeal and approving Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, subject to the conditions in the draft permit. Staff can also make the appropriate findings as described in the draft Resolution.

ALTERNATIVE:

GRANT the appeal and DENY Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

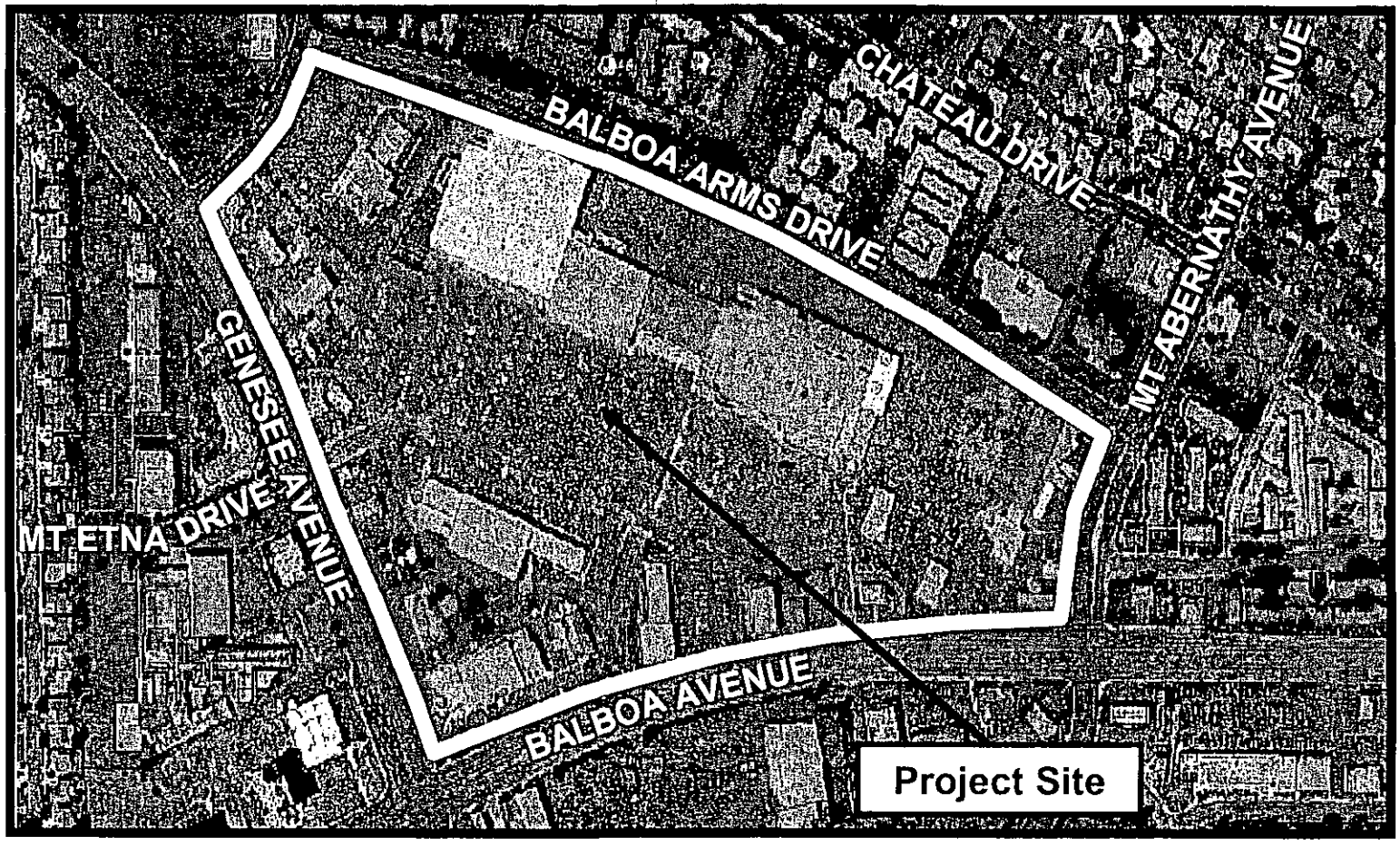
Mike Westlake
Program Manager
Development Services Department

Jeannette Temple
Project Manager
Development Services Department

WESTLAKE/JT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Copy of Recorded (existing) Permits
9. Copy of Appeal Dated November 29, 2006
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement



Aerial Photo

Genesee Plaza Expansion – Project Number 63208

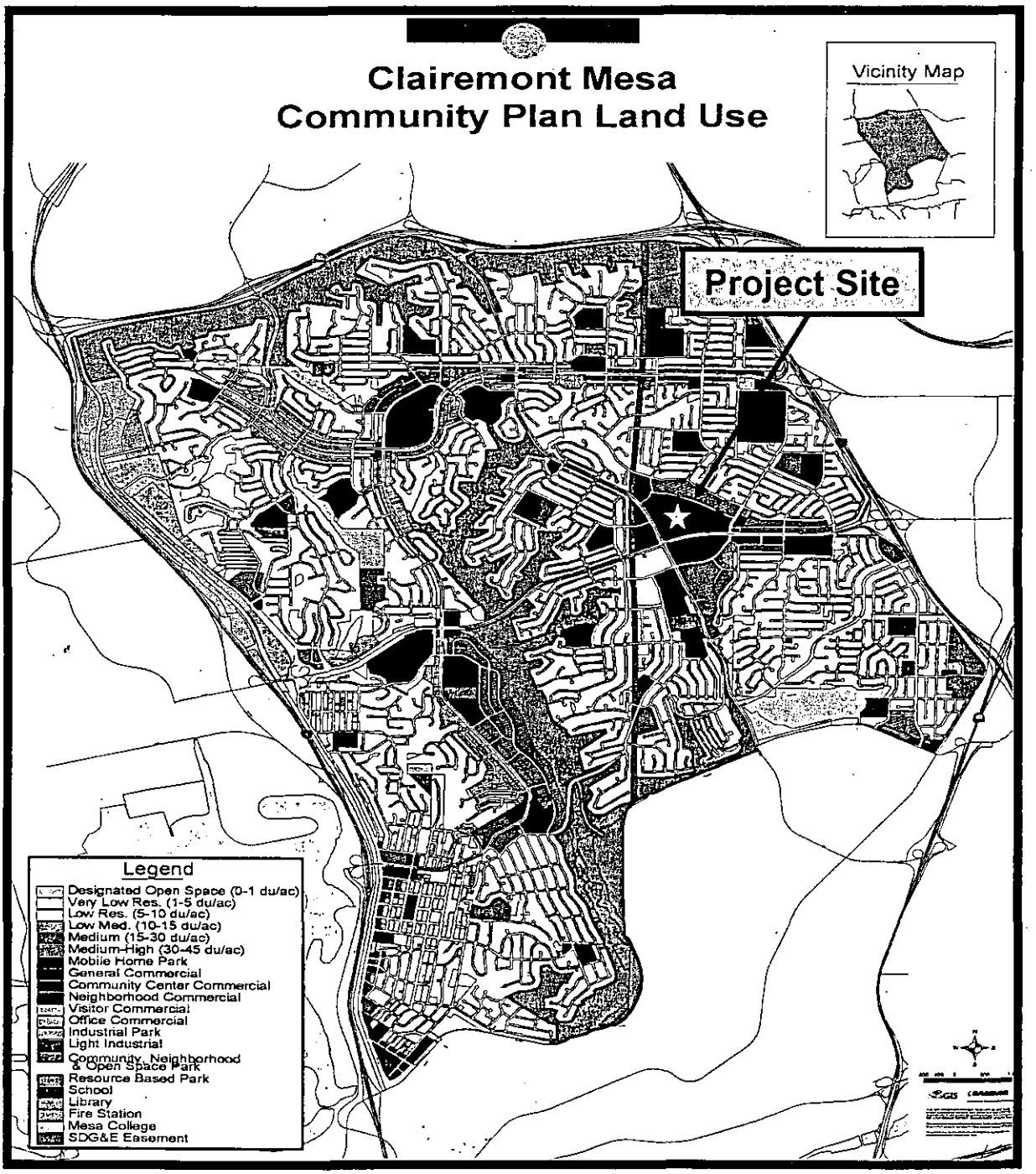
5522 Balboa Avenue

North

ATTACHMENT 1

000730

ATTACHMENT 2

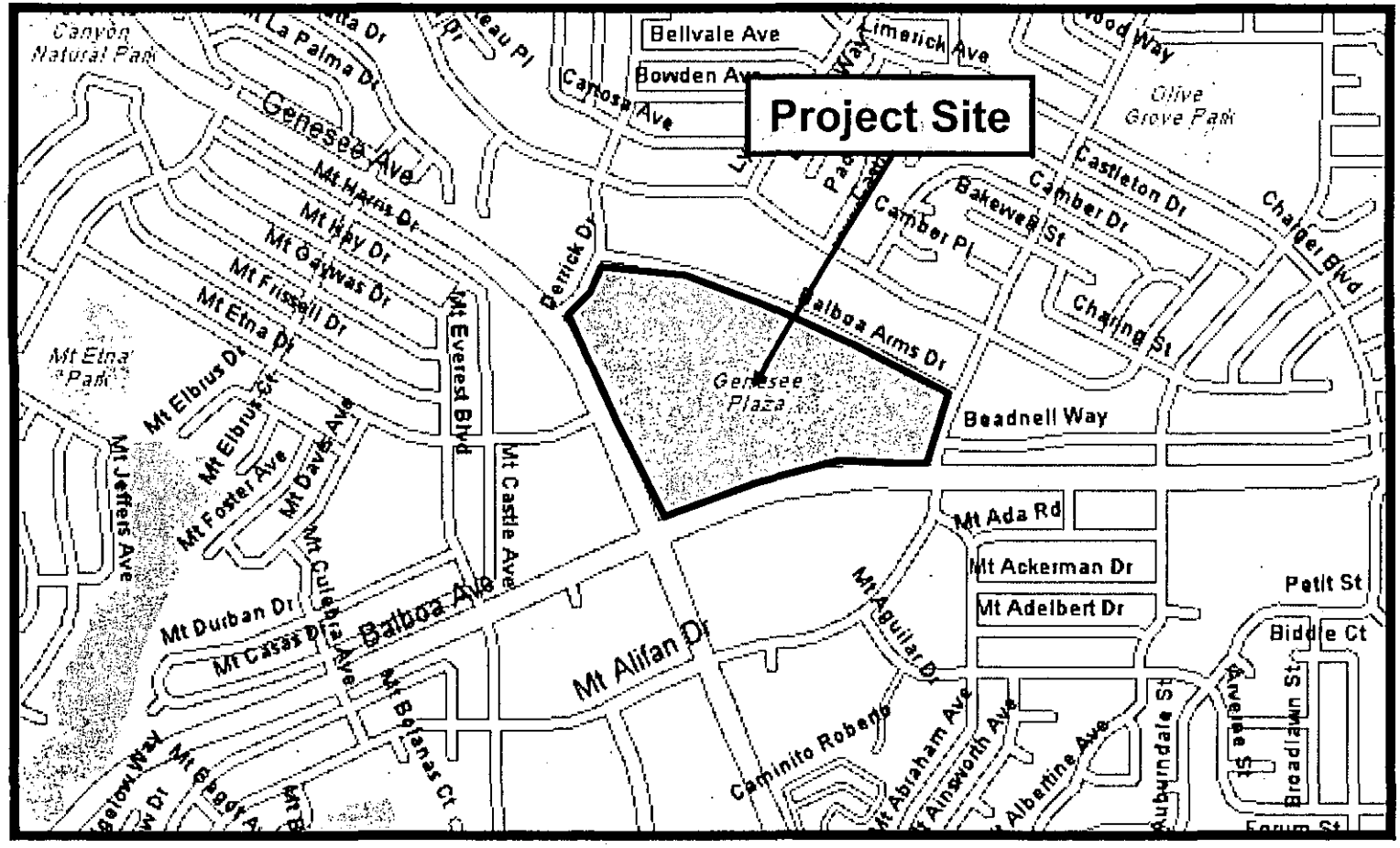


Community Plan Land Use Map

Genesee Plaza Expansion – Project Number 63208

5522 Balboa Avenue – Clairemont Mesa

North



Project Location Map

Genesee Plaza Expansion – Project Number 63208

5522 Balboa Avenue

North

ATTACHMENT 3

000732

ATTACHMENT 4

PROJECT DATA SHEET

PROJECT NAME:	Genesee Plaza Expansion
PROJECT DESCRIPTION:	The demolition or modification of seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center
COMMUNITY PLAN AREA:	Clairemont Mesa
DISCRETIONARY ACTIONS:	Site Development Permit and Planned Development Permit and Conditional Use Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial Core

ZONING INFORMATION:

ZONE: CC-1-3, and Community Implementation Overlay Zone (CPIOZ) and Clairemont Mesa Height Limit Overlay Zone

HEIGHT LIMIT: 30-Foot maximum height limit.

LOT SIZE: 5,000 square-foot minimum lot size.

FLOOR AREA RATIO: 1.0 maximum

FRONT SETBACK: none

SIDE SETBACK: 10 feet with an optional zero foot setback.

STREETSIDE SETBACK: none

REAR SETBACK: 10 feet with an optional zero foot setback

PARKING: 2414 parking spaces required at final build out

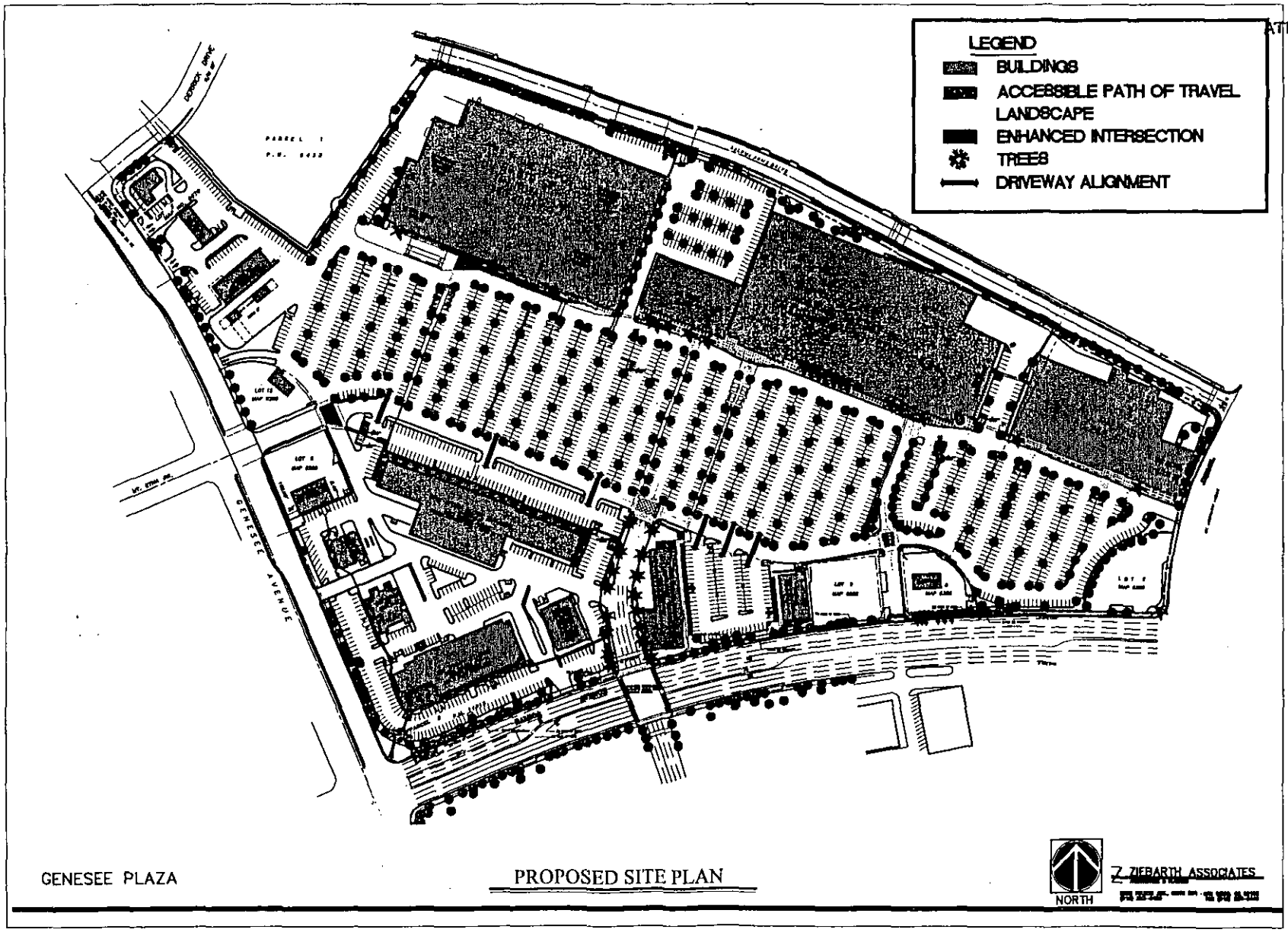
ADJACENT PROPERTIES:	**LAND USE DESIGNATION & ZONE**	**EXISTING LAND USE**
NORTH:	Multi-Family Residential RM-3-7	Multi-Family Residential
SOUTH:	Commercial; CN-1-2 and CC-1-3	Commercial Uses/Large Retail Shopping Center
EAST:	Commercial CN-1-2 and RS-1-7	Commercial and Residential Uses
WEST:	Commercial;CC-1-3, CO-1-2 and CN-1-2	Commercial Retail and Office Uses

ATTACHMENT 4

DEVIATIONS OR VARIANCES REQUESTED:	None
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Clairemont Mesa Planning Committee voted 14-1-0 to recommend approval with concerns regarding the pedestrian safety at the new intersection on Balboa Avenue.

ATTACHMENT

000734



GENESEE PLAZA

PROPOSED SITE PLAN

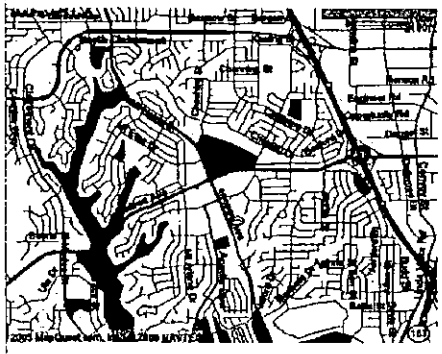
ATTACHMENT 5

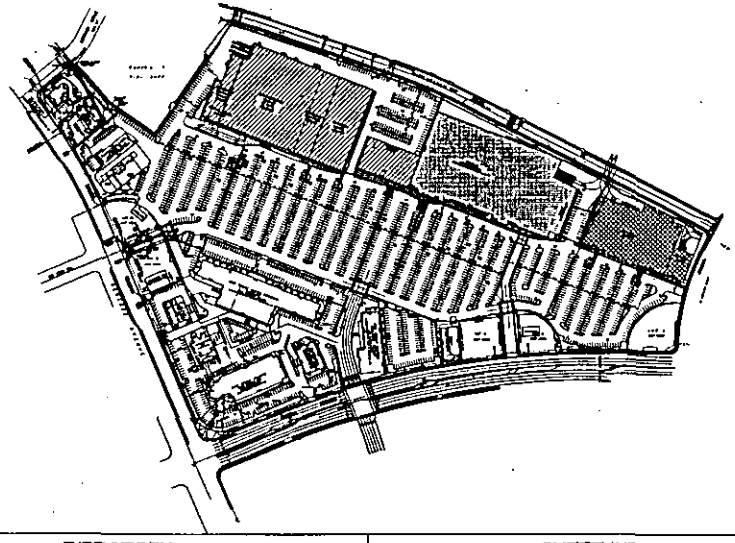
SUBMITTAL FOR:
SITE DEVELOPMENT PERMIT
PDP AMENDMENT
(PCD 89-0740)

GENESEE PLAZA

NORTH OF BALBOA AVENUE
BETWEEN GENESEE + MT. ABERNATHY

VICINITY MAP





GRAPHIC SYMBOLS

- MATERIAL / COLOR
- ELEVATION / ELEVATION IDENTIFICATION / SHEET WHERE ELEVATION DRAWN
- KEYNOTE
- SECTION / SECTION IDENTIFICATION / SHEET WHERE SECTION DRAWN

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CONTACT: JOHN ZIEBARTH, YVONNE ST PIERRE

CLIENT:
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SAN DIEGO, CA 92111
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4403 MANCHESTER AVENUE
ENCINITAS, CA 92024
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CIVIL ENGINEER
PACIFIC LAND SERVICES, LLC
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CONCORD, CA 94520
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FUSCOE ENGINEERING
6390 GREENWICH DRIVE
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TRAFFIC CONSULTANT
KIMLEY-HORN & ASSOCIATES
517 4TH AVE., SUITE 301
SAN DIEGO, CA 92101
619-234-8411 (T) 619-234-9433 (F)
CONTACT: JON COLLINS

SHEET INDEX

SHT #	DESCRIPTION
DRAWINGS	
1	TITLE SHEET
2	EXISTING SITE PLAN
3	NEW SITE PLAN
3.1	NEW SITE PLAN - ALTERNATE PARKING
4	PHASE 1
5	PHASE 2
6	PHASE 3
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8	PHASE 5
9	ACCESSIBILITY SITE PLAN
10	LANDSCAPE PLAN
11	LANDSCAPE PLAN
12	LANDSCAPE PLAN
13	LANDSCAPE PLAN
14	LANDSCAPE CALCULATIONS
15	HOME DEPOT/RETAIL 1 FLOOR PLAN
17	RALPHS/RETAIL 2 FLOOR PLAN
18	HOME DEPOT/RETAIL 1 ROOF PLAN
19	TARGET, RALPHS AND RETAIL 2 ROOF PLAN
20	HOME DEPOT ELEVATIONS
21	RETAIL 1 ELEVATIONS
22	TARGET ELEVATIONS
23	RALPHS/RETAIL 2 ELEVATIONS
24	SITE SECTIONS
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26	ENHANCED PAVING / PLAZA EXHIBITS
27	ENHANCED PAVING / PLAZA EXHIBITS
28	PRELIMINARY GRADING PLAN
29	PRELIMINARY GRADING PLAN
30	PRELIMINARY GRADING PLAN
31	PRELIMINARY UTILITY PLAN
32	PRELIMINARY UTILITY PLAN
33	PRELIMINARY UTILITY PLAN
34	EXISTING CONDITIONS
35	EXISTING CONDITIONS
36	EXISTING CONDITIONS
37	EXISTING CONDITIONS
38	RIGHT OF WAY DEDICATION PLAN

PROJECT DATA

PROJECT NAME: GENESEE PLAZA
PROJECT ADDRESS: 5600 BLOCK OF BALBOA AVENUE, SAN DIEGO, CA 92111
ZONE DESIGNATIONS: CC-1-3 ZONE WITHIN CLAIREMONT MESA COMMUNITY PLAN IMPLEMENTATION ZONE, TYPE B, WITH EXISTING PLANNED COMMERCIAL DEVELOPMENT (PCD) PEMUNIT 89-0740
WITHIN CLAIREMONT MESA 30' HEIGHT LIMIT OVERLAY ZONE - CMHLOZ 30
COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE - CPIOZ B
COUNCIL DISTRICT 6 OF THE CLAIREMONT MESA COMMUNITY PLAN
LEGAL OWNER OF PROPERTY: TGF CO., 8395 OTHELLO AVE., SAN DIEGO, CA 92111
A.P.N.: 361-261-17, 24, 32, 34, & 35
LEGAL DESCRIPTION: [illegible]

SCOPE OF WORK:
PHASE 1: A NEW INTERSECTION WILL BE ADDED ON BALBOA AVENUE BETWEEN THE BALBOA MESA CENTER AND GENESEE PLAZA TO PROVIDE BETTER CIRCULATION BETWEEN THE TWO SHOPPING CENTERS. TWO RETAIL BUILDING WILL BE DEMOLISHED AND TWO NEW ONES WILL BE BUILT IN THEIR PLACE. AT THE GENESEE PLAZA SITE, THE ENTRANCE TO THE CENTER WILL BE WIDENED TO FOUR LANES TO ACCOMMODATE NEW INTERSECTION.
PHASE 2: A NEW TARGET BUILDING WILL BE BUILT TO REPLACE THE OLD ONE ON THE GENESEE PLAZA SITE. THE EXISTING FIRESTONE WILL BE DEMOLISHED AND THE EXISTING PARKING WILL BE RE-CONFIGURED IN FRONT OF THE TARGET, RALPHS AND HOME DEPOT.
PHASE 3: DEMOLISH SEASIDE BUCK DEAN DRIVE. CONSTRUCT NEW RALPHS AND RETAIL SHOPS. PROVIDE NEW PARKING SOUTH OF RALPHS AND NEW RETAIL.
PHASE 4: EXPAND EXISTING HOME DEPOT AND BUILD NEW RETAIL SHOPS NEXT TO TARGET BUILDING.
PHASE 5: DEMOLISH LESLIE'S POOL SUPPLY AND PROVIDE ADDITIONAL PARKING FOR RALPHS ON ITS PLACE.

OCC. CLASSIFICATION(S): M & A-2 & S
BLDG TYPE CLASSIFICATION: TYPE V-- NR (NO YARDS FOUR SIDES W/ FIRE SPRINKLERING--UNLIMITED AREA
NUMBER OF STORIES: ONE
MAXIMUM BUILDING HEIGHT: ALLOWED: 30' PROPOSED: 30'
EXISTING SITE AREA: 1,709,031 SF 39.19 ACRES NEW SITE AREA: 1,806,760 SF 43.64 ACRES
ALLOWABLE SETBACKS: FRONT: — STREET SIDE: — SIDE: 10' REAR: 10'
FAR ALLOWED: .75 FAR PROPOSED: .35
BUILDING AREA/ PARKING RATIO/ SPACES REQUIRED:

EXISTING BUILDINGS	AREA	PARKING
BUILDINGS BEING MODIFIED		
(E) SUNBELT SUN DEVIL SHOPPING CENTER	169,799 SF / 15,486 SF	1/200 = 848 / —
(E) HOME DEPOT BUILDING SHOPPING CENTER	99,872 SF / 24,000 SF	1/200 = 499 / —
(E) RALPHS	45,279 SF	1/200 = 226
(E) FIRESTONE (+ SAVE)	5,135 SF	1/200 = 26
(E) PARTY CITY	24,848 SF	1/200 = 124
(E) BUCK DEAN DRIVE	10,720 SF	—
(E) LESLIE'S POOLS	5,187 SF	1/200 = 26
	364,484 SF	= 1,729
BUILDINGS NOT BEING MODIFIED		
JACK IN THE BOX	2,415 SF	1/200 = 12
EZ LUBE (E SAVE)	2,267 SF	1/200 = 12
DRIVEUP BAR (E SAVE)	6,600 SF	1/200 = 33
CAR WASH	2,133 SF	—
CALIFORNIA COAST CREDIT UNION	6,000 SF	1/200 = 30
UNION BANK	5,700 SF	1/200 = 28
TRESTLE	24,363 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	45,440 SF	1/200 = 213
BLOOMINGDALE'S	15,400 SF	1/200 = 77
MISC. BLDG	6,000 SF	1/200 = 30
	115,123 SF	= 568
Parking required		2,297
Parking provided		1,719

* = Parking requirement based on Genesee Station guidelines

PROPOSED BUILDINGS	AREA	PARKING
BUILDINGS BEING MODIFIED		
(N) SUNBELT BUILDING SHOPPING CENTER (SUN DEVIL 8*)	143,351 SF	1/200 = 717 / —
(N) HOME DEPOT BUILDING SHOPPING CENTER	105,000 SF / 45,000 SF	1/200 = 525 / 1/400 = 113
(N) RALPHS	56,000 SF	1/200 = 280
(N) RETAIL BUILDING 1	10,000 SF	1/200 = 50
(N) RETAIL BUILDING 2	8,000 SF	1/200 = 40
	367,351 SF	= 1,725
BUILDINGS NOT BEING MODIFIED		
JACK IN THE BOX	2,415 SF	1/200 = 12
EZ LUBE (N SAVE)	2,267 SF	1/200 = 12
DRIVEUP BAR (N SAVE)	6,600 SF	1/200 = 33
CAR WASH	2,133 SF	—
CALIFORNIA COAST CREDIT UNION	6,000 SF	1/200 = 30
UNION BANK	5,700 SF	1/200 = 28
TRESTLE	24,363 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	45,440 SF	1/200 = 213
BLOOMINGDALE'S	15,400 SF	1/200 = 77
MISC. BLDG	6,000 SF	1/200 = 30
	115,123 SF	= 568
Parking required		2,293
Parking provided		2,400

* = Parking requirement based on Genesee Station guidelines

EXISTING PARKING SUMMARY
PROPOSED PARKING SUMMARY

EXISTING USES: COMMERCIAL
PROPOSED USES: COMMERCIAL
YEAR (E) BLDG CONSTRUCTED: LAST 40 YEARS

SUBMITTAL FOR:
GENESEE PLAZA
SITE DEVELOPMENT PERMIT
PDP AMENDMENT (PCD 89-0740)

APPROVED DISCRETIONARY PERMIT -- PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2900 FOURTH AVE., SUITE 204 · SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-6448

PREPARED BY: ZIEBARTH ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-6448
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 2427.0
DATE: 10/16/06

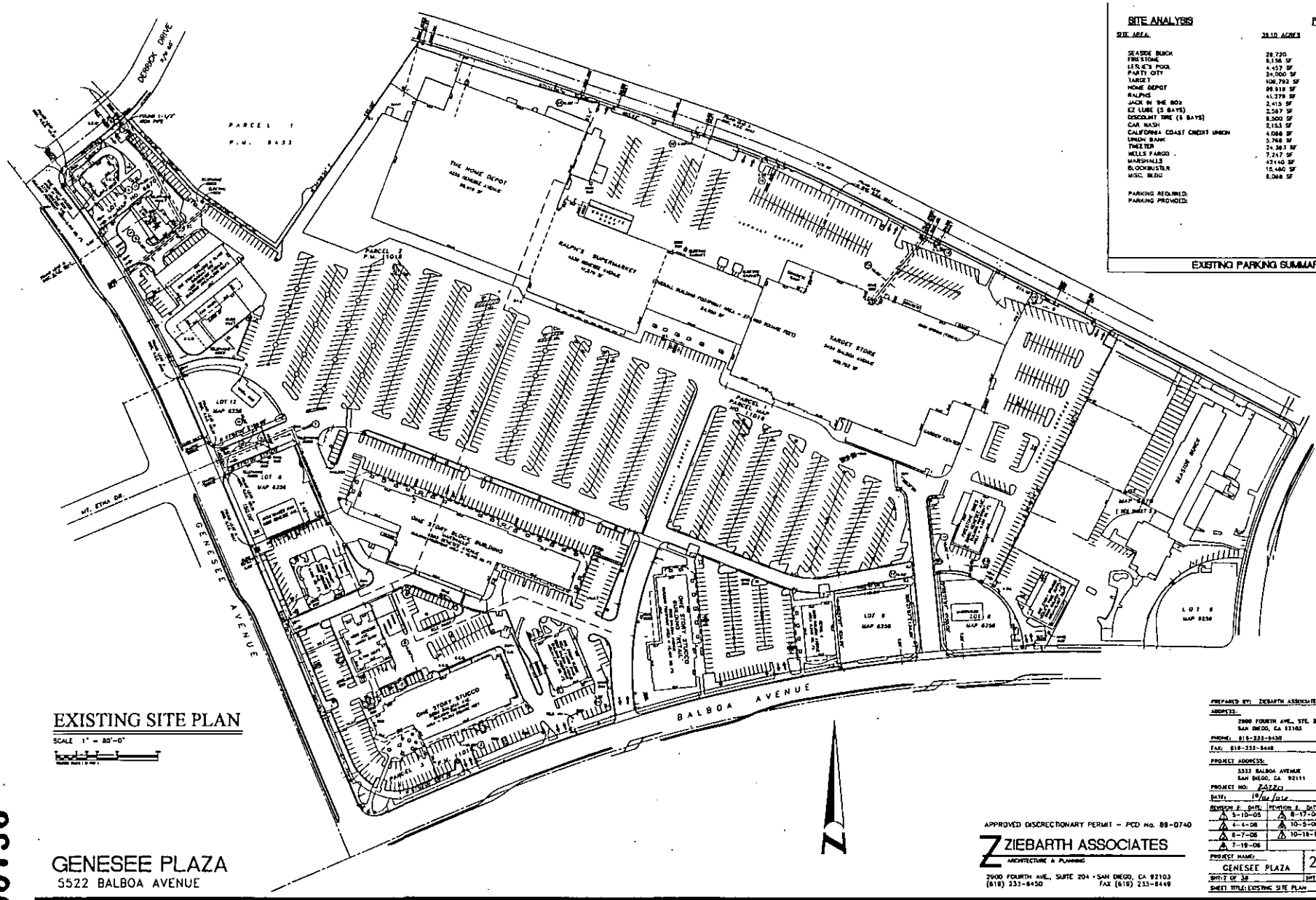
REVISION #	DATE	REVISION #	DATE
1	5-10-05	4	8-17-06
2	4-4-06	5	10-5-06
3	6-7-06	6	10-16-06
4	7-19-06		

PROJECT NAME: GENESEE PLAZA
SHT. 1 OF 38 — SHT # 1
SHEET TITLE: TITLE SHEET

GENESEE PLAZA
5522 BALBOA AVENUE

000735

ATTACHMENT 5



SITE ANALYSIS

SITE AREA: 38.10 ACRES

SEASIDE BLOCK	28,720	- - -
FIRESTONE	8,136 SF	1/200 = 31
LESLIE'S POOL	4,457 SF	1/200 = 22
PARTY CITY	24,000 SF	1/200 = 120
TARGET	108,792 SF	1/200 = 544
HOME DEPOT	99,618 SF	1/200 = 498
RALPHS	41,279 SF	1/200 = 206
JACK IN THE BOX	2,410 SF	1/200 = 12
EZ LUBE (5 BAYS)	2,567 SF	1/200 = 13
DISCOUNT TIRE (6 BAYS)	6,500 SF	1/200 = 33
CAR WASH	2,153 SF	- - -
CALIFORNIA COAST CREDIT UNION	4,088 SF	1/200 = 21
UNION BANK	5,768 SF	1/200 = 29
TWEETER	24,363 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	42,140 SF	1/200 = 212
BLOCKBUSTER	15,480 SF	1/200 = 77
MISC. BLDG	6,048 SF	1/200 = 30
PARKING REQUIRED:		3,011
PARKING PROVIDED:		1,875

PARKING

EXISTING PARKING SUMMARY

EXISTING SITE PLAN

SCALE 1" = 80'-0"

GENESEE PLAZA

5522 BALBOA AVENUE

APPROVED DISCRETIONARY PERMIT - PCD No. 89-0740

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(619) 233-6450 FAX (619) 233-6449

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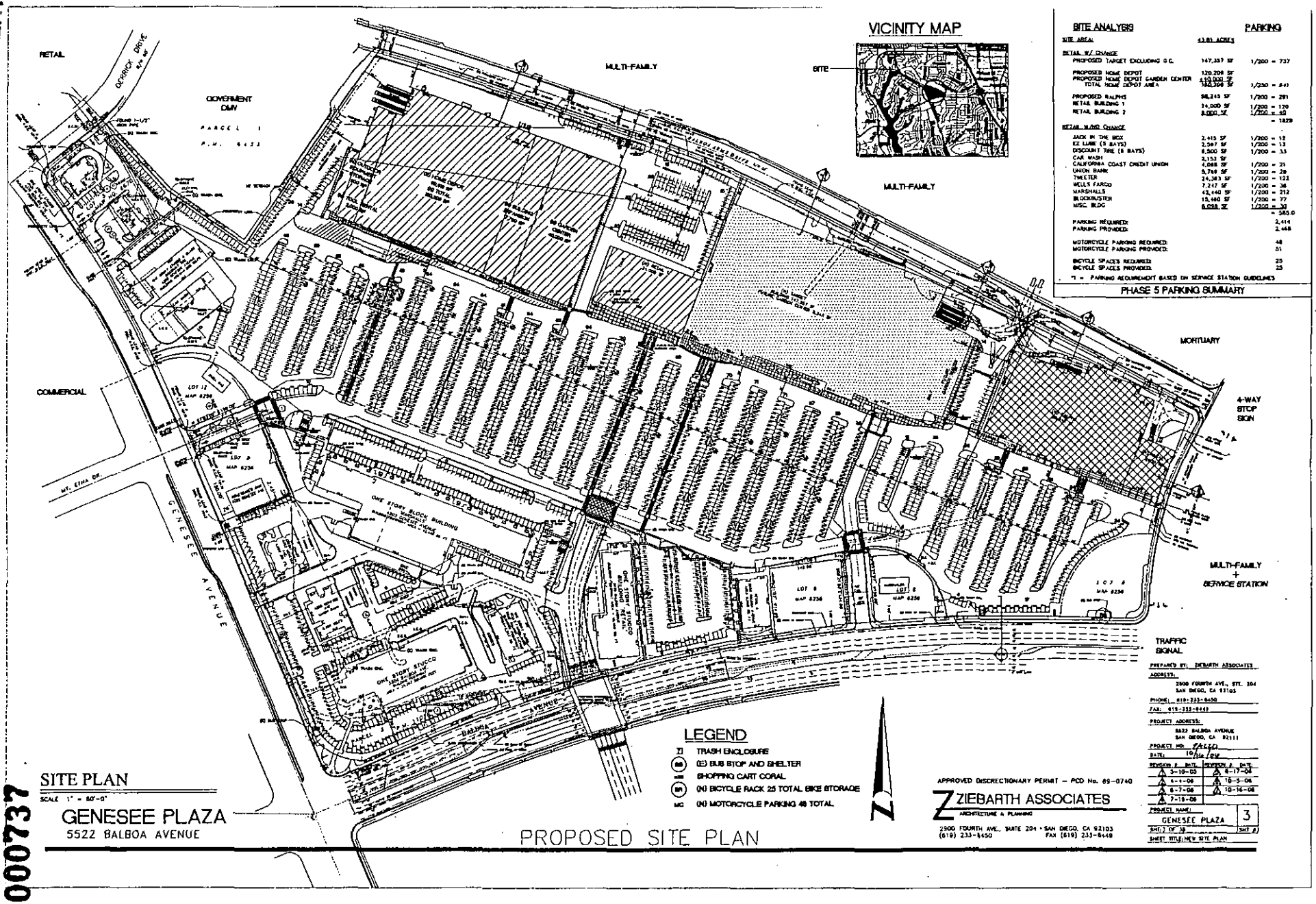
PHONE: 619-233-6450
FAX: 619-233-6449
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 8222
DATE: 10 Mar 06

REVISION #	DATE	REVISION #	DATE
1	5-10-05	3	8-17-06
2	6-6-06	4	10-5-06
3	6-7-06	5	10-18-06
4	7-19-06		

PROJECT NAME: GENESEE PLAZA
SHT. 2 OF 38 — SHT. 2
SHEET TITLE: EXISTING SITE PLAN

000736

ATTACHMENT 5



BITE ANALYSIS		PARKING
SITE AREA:	43.81 ACRES	
RETAIL W/ CHANGE		
PROPOSED TARGET EXCLUDING G.C.	147,337 SF	1/200 = 737
PROPOSED HOME DEPOT	120,208 SF	
PROPOSED HOME DEPOT GARDEN CENTER	42,000 SF	
TOTAL HOME DEPOT AREA	162,208 SF	1/250 = 649
PROPOSED RALPHS	56,245 SF	1/200 = 281
RETAIL BUILDING 1	24,000 SF	1/200 = 120
RETAIL BUILDING 2	8,000 SF	1/200 = 40
		= 1829
RETAIL W/NO CHANGE		
JACK IN THE BOX	2,615 SF	1/200 = 12
EZ LUBE (5 BAYS)	2,567 SF	1/200 = 13
DISCOUNT TIRE (8 BAYS)	6,500 SF	1/200 = 33
CAR WASH	3,153 SF	
CALIFORNIA COAST CREDIT UNION	4,088 SF	1/200 = 21
UNION BANK	5,768 SF	1/200 = 29
THEATER	24,383 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	43,440 SF	1/200 = 212
BLOCKBUSTER	15,460 SF	1/200 = 77
MISC. BLDG	6,058 SF	1/200 = 30
		= 585.0
PARKING REQUIRED:		2,414
PARKING PROVIDED:		2,468
MOTORCYCLE PARKING REQUIRED:		48
MOTORCYCLE PARKING PROVIDED:		51
BICYCLE SPACES REQUIRED:		25
BICYCLE SPACES PROVIDED:		25

*1 = PARKING REQUIREMENT BASED ON SERVICE STATION GUIDELINES

PHASE 5 PARKING SUMMARY

SITE PLAN

SCALE 1" = 60'-0"

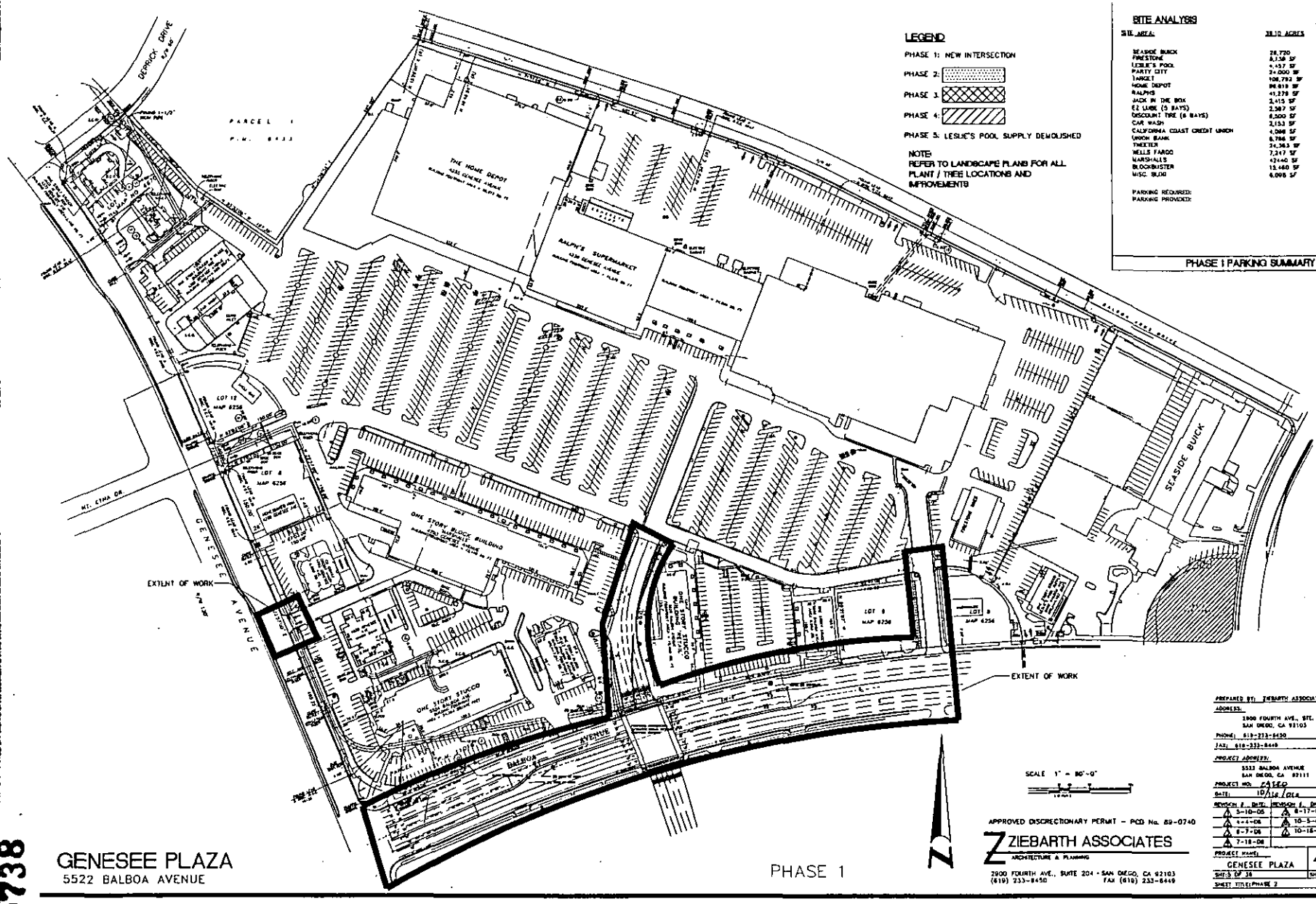
GENESEE PLAZA

5522 BALBOA AVENUE

PROPOSED SITE PLAN

000737

ATTACHMENT 5



LEGEND

PHASE 1: NEW INTERSECTION

PHASE 2:

PHASE 3:

PHASE 4:

PHASE 5: LESLIE'S POOL SUPPLY DEMOLISHED

NOTE:
REFER TO LANDSCAPE PLANS FOR ALL PLANT / TREE LOCATIONS AND IMPROVEMENTS

SITE ANALYSIS / PARKING

SITE AREA: 38.10 ACRES

SEASIDE BUICK	28,720	- - -
FIRESTONE	8,138 SF	1/200 = 31
LESLIE'S POOL	6,457 SF	1/200 = 33
PARTY CITY	24,000 SF	1/200 = 120
TARGET	108,792 SF	1/200 = 544
HOME DEPOT	98,818 SF	1/200 = 494
RALPHS	41,278 SF	1/200 = 206
JACK IN THE BOX	2,415 SF	1/200 = 12
EZ LUBE (5 BAYS)	2,587 SF	1/200 = 13
DISCOUNT TIRE (6 BAYS)	6,500 SF	1/200 = 33
CAR WASH	2,153 SF	
CALIFORNIA COAST CREDIT UNION	4,066 SF	1/200 = 21
UNION BANK	8,786 SF	1/200 = 39
THEATER	24,363 SF	1/200 = 122
WELLS FARGO	7,317 SF	1/200 = 36
MARSHALLS	42,440 SF	1/200 = 212
BLOCKBUSTER	15,460 SF	1/200 = 77
MISC. BLDG	6,008 SF	1/200 = 30
PARKING REQUIRED:		2,011
PARKING PROVIDED:		1,875

PHASE I PARKING SUMMARY

APPROVED DISCRETIONARY PERMIT - PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2900 FOURTH AVE., SUITE 204 - SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-8449

GENESEE PLAZA
5522 BALBOA AVENUE

PHASE 1

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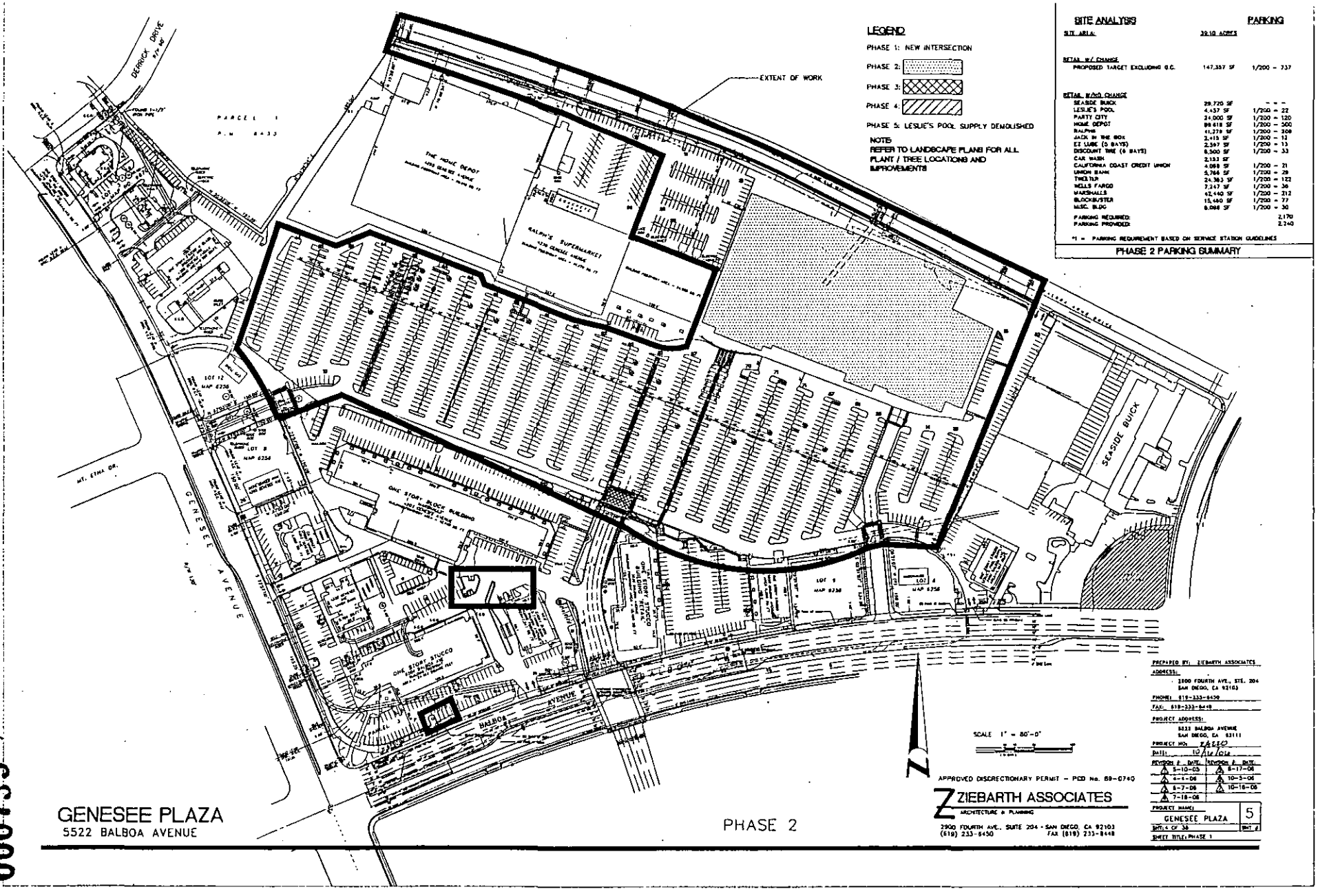
PHONE: 619-233-8450
FAX: 619-233-8449
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 0456
DATE: 10/16/06

REVISION #	DATE	REVISION #	DATE
1	5-10-06	4	8-17-06
2	6-6-06	5	10-5-06
3	6-7-06	6	10-16-06
4	7-18-06		

PROJECT NAME: GENESEE PLAZA
SHEET OF 36: 4
SHEET TITLE: PHASE 2

000738

ATTACHMENT 5



SITE ANALYSIS		PARKING
SITE AREA:	39.10 ACRES	
RETAIL W/ CHANGE		
PROPOSED TARGET EXCLUDING G.C.	147,357 SF	1/200 = 737
RETAIL W/NO CHANGE		
SEASIDE BUICK	29,720 SF	- - -
LESLIE'S POOL	4,437 SF	1/200 = 22
PARTY CITY	24,000 SF	1/200 = 120
HOME DEPOT	99,818 SF	1/200 = 500
RALPHS	41,279 SF	1/200 = 208
JACK IN THE BOX	2,415 SF	1/200 = 13
EZ LUBE (5 BAYS)	2,597 SF	1/200 = 13
DISCOUNT TIRE (6 BAYS)	6,500 SF	1/200 = 33
CAR WASH	2,133 SF	- - -
CALIFORNIA COAST CREDIT UNION	4,088 SF	1/200 = 21
UNION BANK	5,764 SF	1/200 = 29
THEATER	24,383 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	42,440 SF	1/200 = 212
BLOCKBUSTER	15,460 SF	1/200 = 77
MISC. BLDG	6,088 SF	1/200 = 30
PARKING REQUIRED:		2,170
PARKING PROVIDED:		2,740

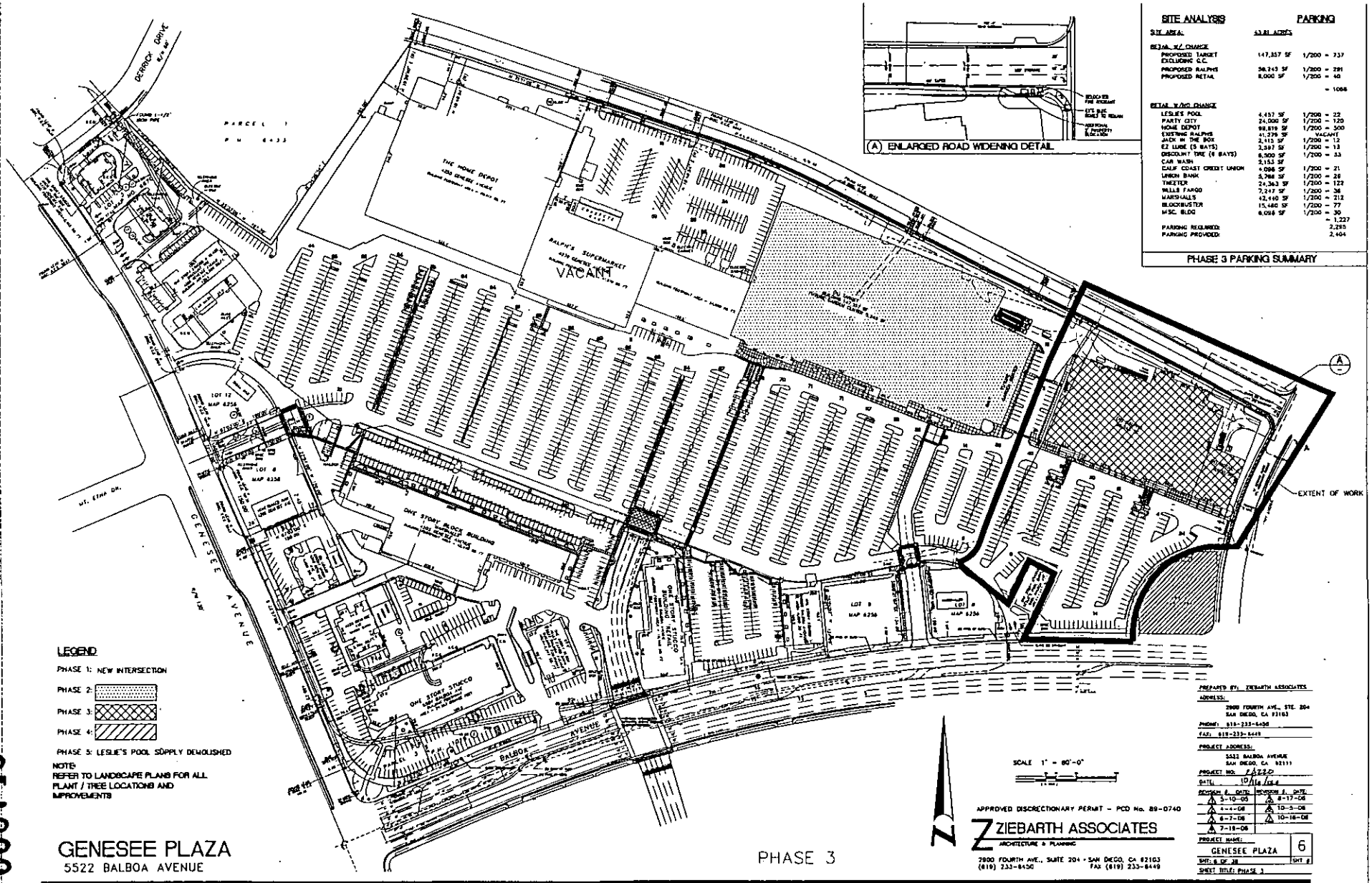
*1 = PARKING REQUIREMENT BASED ON SERVICE STATION GUIDELINES

PHASE 2 PARKING SUMMARY

000739

ATTACHMENT 5

000740



SITE ANALYSIS		PARKING
SITE AREA:	43.81 ACRES	
RETAIL W/ CHANGE		
PROPOSED TARGET EXCLUDING G.C.	147,357 SF	1/200 = 737
PROPOSED RALPHS	56,243 SF	1/200 = 281
PROPOSED RETAIL	8,000 SF	1/200 = 40
		= 1068
RETAIL W/NO CHANGE		
LESLIE'S POOL	4,457 SF	1/200 = 22
PARTY CITY	24,000 SF	1/200 = 120
HOME DEPOT	99,819 SF	1/200 = 500
EXISTING RALPHS	41,279 SF	VACANT
JACK IN THE BOX	2,415 SF	1/200 = 12
EZ LUBE (5 BAYS)	2,597 SF	1/200 = 13
DISCOUNT TIRE (6 BAYS)	6,500 SF	1/200 = 33
CAR WASH	3,153 SF	
CALIF COAST CREDIT UNION	4,096 SF	1/200 = 21
UNION BANK	5,766 SF	1/200 = 29
THEATER	24,363 SF	1/200 = 122
WELLS FARGO	7,217 SF	1/200 = 36
MARSHALLS	42,410 SF	1/200 = 212
BLOCKBUSTER	15,480 SF	1/200 = 77
MISC. BLDG	6,056 SF	1/200 = 30
		= 1,227
PARKING REQUIRED:		2,295
PARKING PROVIDED:		2,404

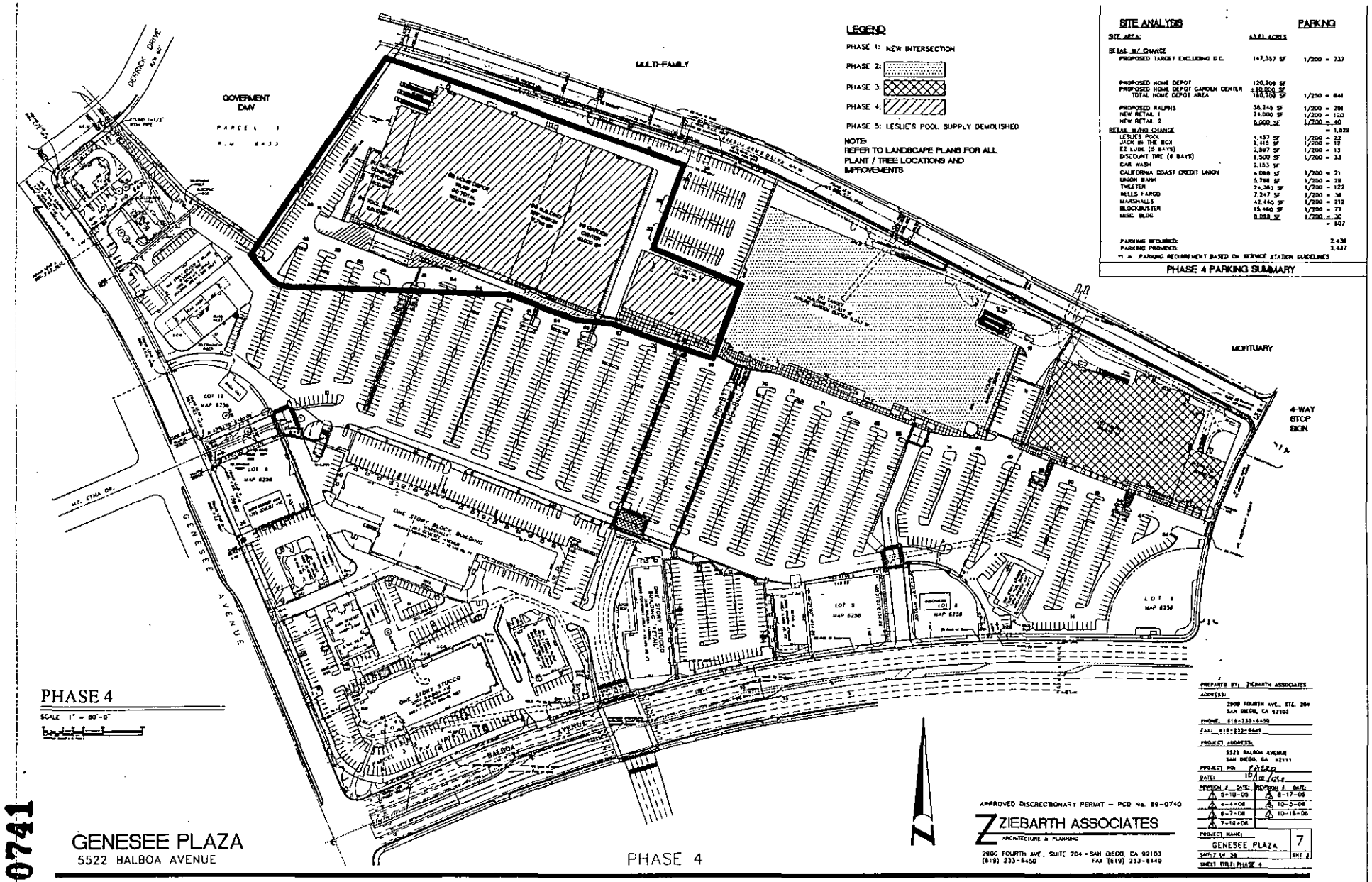
PHASE 3 PARKING SUMMARY

GENESEE PLAZA

5522 BALBOA AVENUE

PHASE 3

ATTACHMENT 5



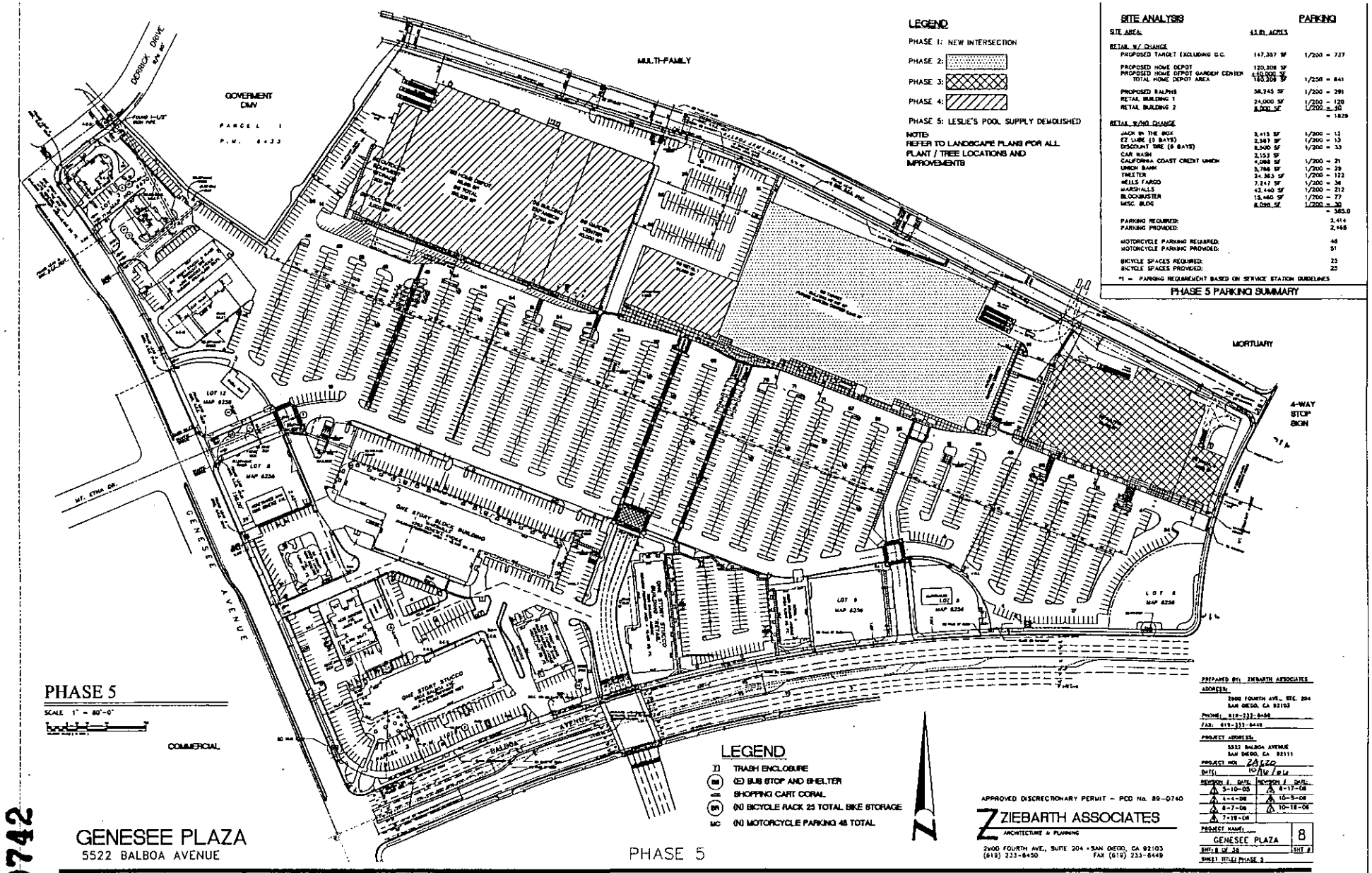
SITE ANALYSIS		PARKING
SITE AREA:	43.81 ACRES	
RETAIL W/ CHANGE		
PROPOSED TARGET EXCLUDING G.C.	147,357 SF	1/200 = 737
PROPOSED HOME DEPOT	120,308 SF	
PROPOSED HOME DEPOT GARDEN CENTER	40,000 SF	
TOTAL HOME DEPOT AREA	160,308 SF	1/250 = 641
PROPOSED RALPHS	58,243 SF	1/200 = 291
NEW RETAIL 1	24,000 SF	1/200 = 120
NEW RETAIL 2	8,000 SF	1/200 = 40
		= 1,828
RETAIL W/NO CHANGE		
LESLIE'S POOL	4,437 SF	1/200 = 22
JACK IN THE BOX	2,615 SF	1/200 = 13
EZ LUBE (5 BAYS)	2,597 SF	1/200 = 13
DISCOUNT TIRE (8 BAYS)	6,500 SF	1/200 = 33
CAR WASH	2,183 SF	
CALIFORNIA COAST CREDIT UNION	4,088 SF	1/200 = 21
UNION BANK	5,798 SF	1/200 = 29
THEATER	24,383 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	42,440 SF	1/200 = 212
BLOCKBUSTER	15,460 SF	1/200 = 77
MISC. BLDG	6,058 SF	1/200 = 30
		= 607
PARKING REQUIRED:		2,438
PARKING PROVIDED:		2,437

* = PARKING REQUIREMENT BASED ON SERVICE STATION GUIDELINES

PHASE 4 PARKING SUMMARY

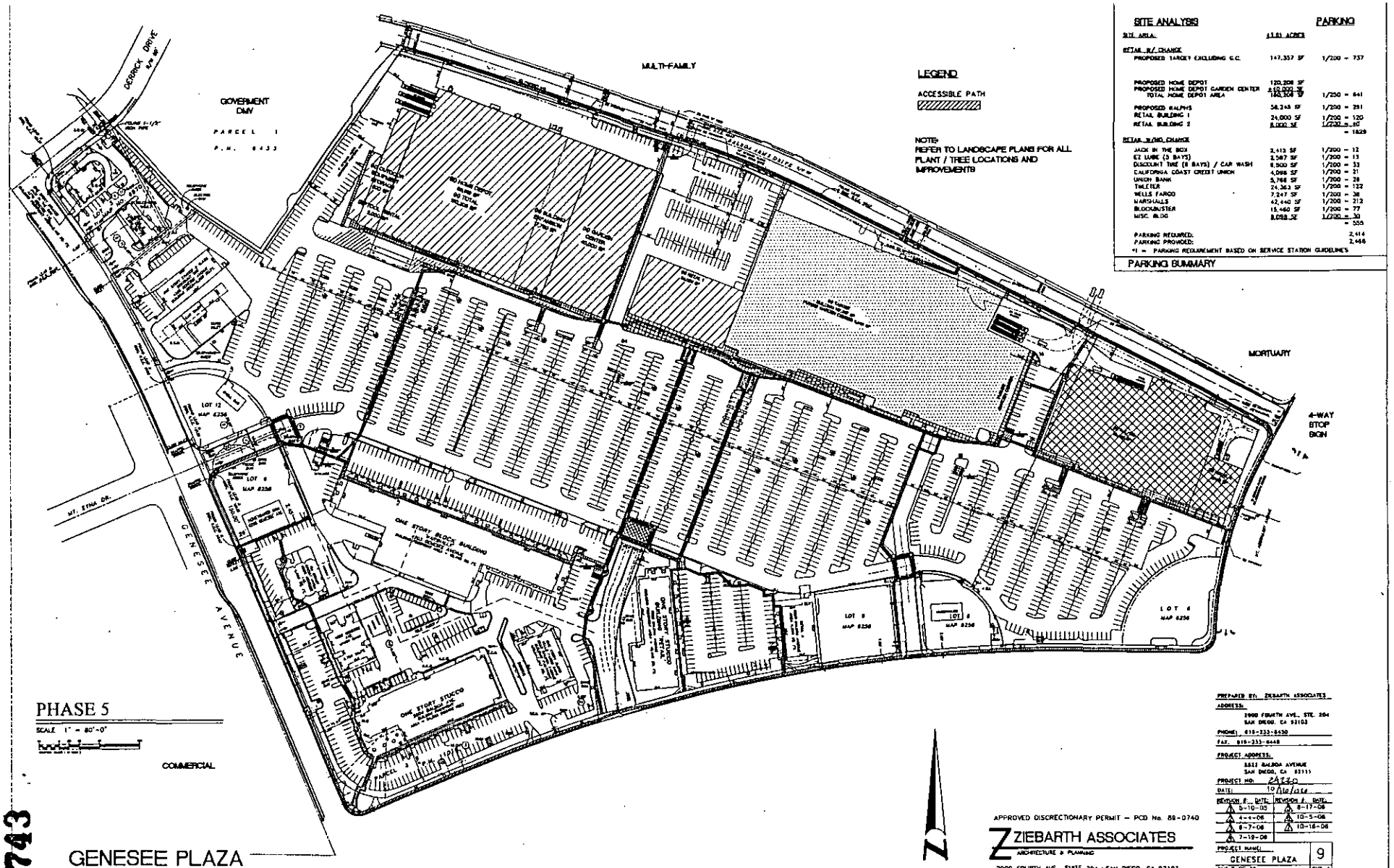
000741

ATTACHMENT 5



000742

ATTACHMENT 5



SITE ANALYSIS		PARKING
SITE AREA:	13.81 ACRES	
RETAIL W/ CHANGE		
PROPOSED TARGET EXCLUDING G.C.	147,357 SF	1/200 = 737
PROPOSED HOME DEPOT	120,208 SF	
PROPOSED HOME DEPOT GARDEN CENTER	42,000 SF	
TOTAL HOME DEPOT AREA	162,208 SF	1/250 = 641
PROPOSED RALPHS	58,248 SF	1/200 = 291
RETAIL BUILDING 1	24,000 SF	1/200 = 120
RETAIL BUILDING 2	8,000 SF	1/200 = 40
		= 1829
RETAIL W/ NO CHANGE		
JACK IN THE BOX	2,413 SF	1/200 = 12
EZ LUBE (3 BAYS)	2,587 SF	1/200 = 13
DISCOUNT TIRE (6 BAYS) / CAR WASH	6,600 SF	1/200 = 33
CALIFORNIA COAST CREDIT UNION	4,098 SF	1/200 = 21
UNION BANK	5,766 SF	1/200 = 29
TWILFILER	24,363 SF	1/200 = 122
WELLS FARGO	7,247 SF	1/200 = 36
MARSHALLS	42,440 SF	1/200 = 212
BLOCKBUSTER	15,460 SF	1/200 = 77
MISC. BLDG	8,098 SF	1/200 = 30
		= 555
PARKING REQUIRED:		2,414
PARKING PROVIDED:		2,466

*1 = PARKING REQUIREMENT BASED ON SERVICE STATION GUIDELINES

PARKING SUMMARY

PHASE 5

SCALE 1" = 60'-0"

APPROVED DISCRECTIONARY PERMIT – PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2900 FOURTH AVE., SUITE 204 • SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-8448

PREPARED BY: ZIEBARTH ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-8448
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 2A220
DATE: 10/16/06

REVISION #	DATE	REVISION #	DATE
1	5-10-05	5	8-17-06
2	4-4-06	6	10-5-06
3	6-7-06	7	10-16-06
4	7-19-06		

PROJECT NAME: GENESEE PLAZA
SHT. 9 OF 30
SHEET TITLE: ACCESSIBILITY PLAN

GENESEE PLAZA
5522 BALBOA AVENUE

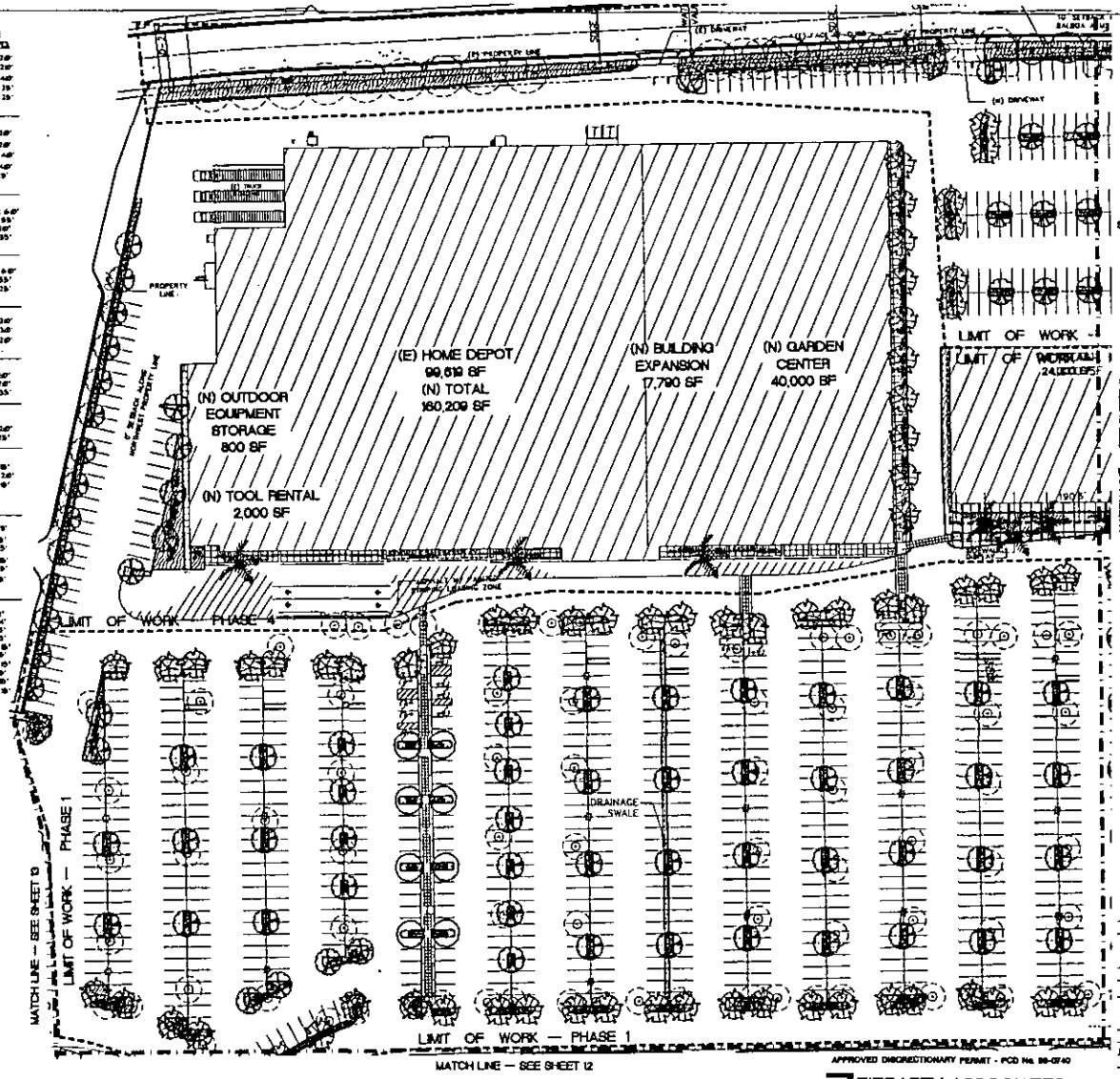
ACCESSIBILITY PLAN

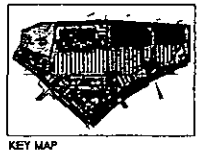
000743

ATTACHMENT 5

PLANT MATERIAL LEGEND

		MATURE HT. x SPRD.
EXISTING TREES TO BE REMOVED		
CUPANIOPSIS ANACARDIOIDES	CARROTWOOD	40' X 30'
EUCALYPTUS SIDEROXYLON	PINK IRONBARK	40' X 30'
FICUS BENJAMINA	WEEPING FIG	30' X 40'
OLEA EUROPAEA	OLIVE	30' X 35'
TRISTANIA CONFERTA	BRISBANE BOX	30' X 35'
EXISTING TREES SUCH AS:		
CUPANIOPSIS ANACARDIOIDES	CARROTWOOD	40' X 30'
EUCALYPTUS SIDEROXYLON	PINK IRONBARK	40' X 30'
EUCALYPTUS CITRIODORA	LEMON-SCENTED GUM	60' X 40'
SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER	30' X 40'
TRISTANIA CONFERTA	BRISBANE BOX	30' X 35'
PROPOSED STREET TREE 100% - 24" BOX MIN.		
SUCH AS:		
PINUS TORREYANA	TORREY PINE	60' X 60'
QUERCUS AGRIFOLIA	COAST LIVE OAK	40' X 55'
JACARANDA MIMOSIFOLIA	JACARANDA	25' X 30'
TIPUANA TIPU	TIPU TREE	40' X 35'
UPRIGHT EVERGREEN PARKING LOT TREE 100% - 24" BOX MIN.		
SUCH AS:		
PINUS TORREYANA	TORREY PINE	60' X 60'
QUERCUS AGRIFOLIA	COAST LIVE OAK	40' X 35'
TRISTANIA CONFERTA	BRISBANE BOX	30' X 35'
PEDESTRIAN CORRIDOR CANOPY TREE 100% - 24" BOX MIN.		
SUCH AS:		
ERIOBOTRYA DEFLEXA	BRONZE LOQUAT	30' X 30'
ULMUS P. 'TRUE GREEN'	EVERGREEN ELM	30' X 30'
RHUS LANCEA	AFRICAN SUMAC	30' X 30'
ENTRY MONUMENT CANOPY TREE 100% - 36" BOX MIN.		
SUCH AS:		
CASSIA LEPTOPHYLLA	GOLD MEDALLION TREE	25' X 30'
JACARANDA MIMOSIFOLIA	JACARANDA	25' X 30'
TIPUANA TIPU	TIPU TREE	40' X 35'
PLAZA PALM TREE 100% - 10' BROWN TRUNK MIN.		
SUCH AS:		
ARECASTRUM ROMANZOFFIANUM	QUEEN PALM	30' X 30'
PHOENIX DACTYLIFERA	DATE PALM	25' X 35'
ENTRY PALM TREE 100% - 10' BROWN TRUNK MIN.		
SUCH AS:		
PHOENIX CANARIENSIS	CANARY ISLAND PALM	40' X 15'
PHOENIX DACTYLIFERA	DATE PALM	40' X 30'
ARECASTRUM ROMANZOFFIANUM	QUEEN PALM	30' X 8'
PARKING LOT SCREEN SHRUBS (30" HIGH MIN.) 100% - 5 GALLON MIN.		
SUCH AS:		
PHORMIUM T. ATROPURPUREUM	BRONZE FLAX - 5 GALLON	3' X 3'
PHOTINIA FRASERI	PHOTINIA - 5 GALLON	5' X 5'
GREVILLIA NOELLII	GREVILLIA - 5 GALLON	4' X 5'
HETEROMELES ARBUTIFOLIA	TOYON - 5 GALLON	15' X 15'
RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE - 5 GALLON	3' X 3'
LIGUSTRUM J. TEXANUM	TEXAS PRIVET - 5 GALLON	5' X 5'
ORNAMENTAL PROJECT SHRUBS	5 GAL. (50%) + 1 GAL. (50%) (40%)	
SUCH AS BUT NOT LISTED TO:		
DIETES BICOLOR	FORTNIGHT LILY - 1 GALLON	2' X 2'
CISTUS SPECIES	ROCK ROSE - 5 GALLON	4' X 4'
LYCHNIS PEREZII	SEA LAVENDER - 1 GALLON	3' X 3'
PHORMIUM T. ATROPURPUREUM	BRONZE FLAX - 5 GALLON	5' X 5'
PHOTINIA FRASERI	PHOTINIA - 5 GALLON	5' X 5'
RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE - 5 GALLON	5' X 5'
VIBURNUM SUSPENSUM	SANDANKWA VIBURNUM - 5 GALLON	5' X 5'
GREVILLIA NOELLII	GREVILLIA - 5 GALLON	4' X 5'
CEANOTHUS SPECIES	WILD LILAC - 5 GALLON	4' X 5'
HETEROMELES ARBUTIFOLIA	TOYON - 5 GALLON	5' X 5'
GROUND COVERS	1 GAL. SIZE (50%) + FLATS (50%)	
SUCH AS:		
AGAPANTHUS AFRICANUS	LILY OF THE NILE - 1 GALLON	
DIETES BICOLOR SPECIES	DWF DIETES - 1 GALLON	
LYCHNIS PEREZII	SEA LAVENDER - 1 GALLON	
GAZANIA 'COPPER KING'	GAZANIA - FLATS @ 12" O.C.	
HEDERA HELIX 'HANNI'	HANI'S IVY - FLATS @ 12" O.C.	
ROSMARINUS PROSTRATUS	DWARF ROSEMARY - 1 GALLON	
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE - 1 GALLON	
DWARF TALL FESCUE	TURF	
VINES	5 GAL. SIZE (100%)	
SUCH AS:		
DISTICTIS BUCCINATORIA	BLOOD RED TRUMPET VINE - 5 GALLON	
FICUS PUMILA	CREEPING FIG - 5 GALLON	
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE - 5 GALLON	
CALLIANDRA HAEMATOCEPHALA	PINK POWDER PUFF, ESPALIER - 5 GALLON	
PARKING LOT LIGHTS TYP. (TYPICAL)		





KEY MAP

SEE SHEET 12 FOR LANDSCAPE NOTES

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

GENESEE PLAZA

5522 BALBOA AVENUE

LANDSCAPE DEVELOPMENT PLAN

APPROVED DISCRETIONARY PERMIT - PCD No. 98-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2900 FOURTH AVE., SUITE 204 • SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-8449

JAMES P. BENEDETTI
LANDSCAPE ARCHITECT

PREPARED BY: ZIEBARTH ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-8449
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 2412D
DATE: 10/04/02

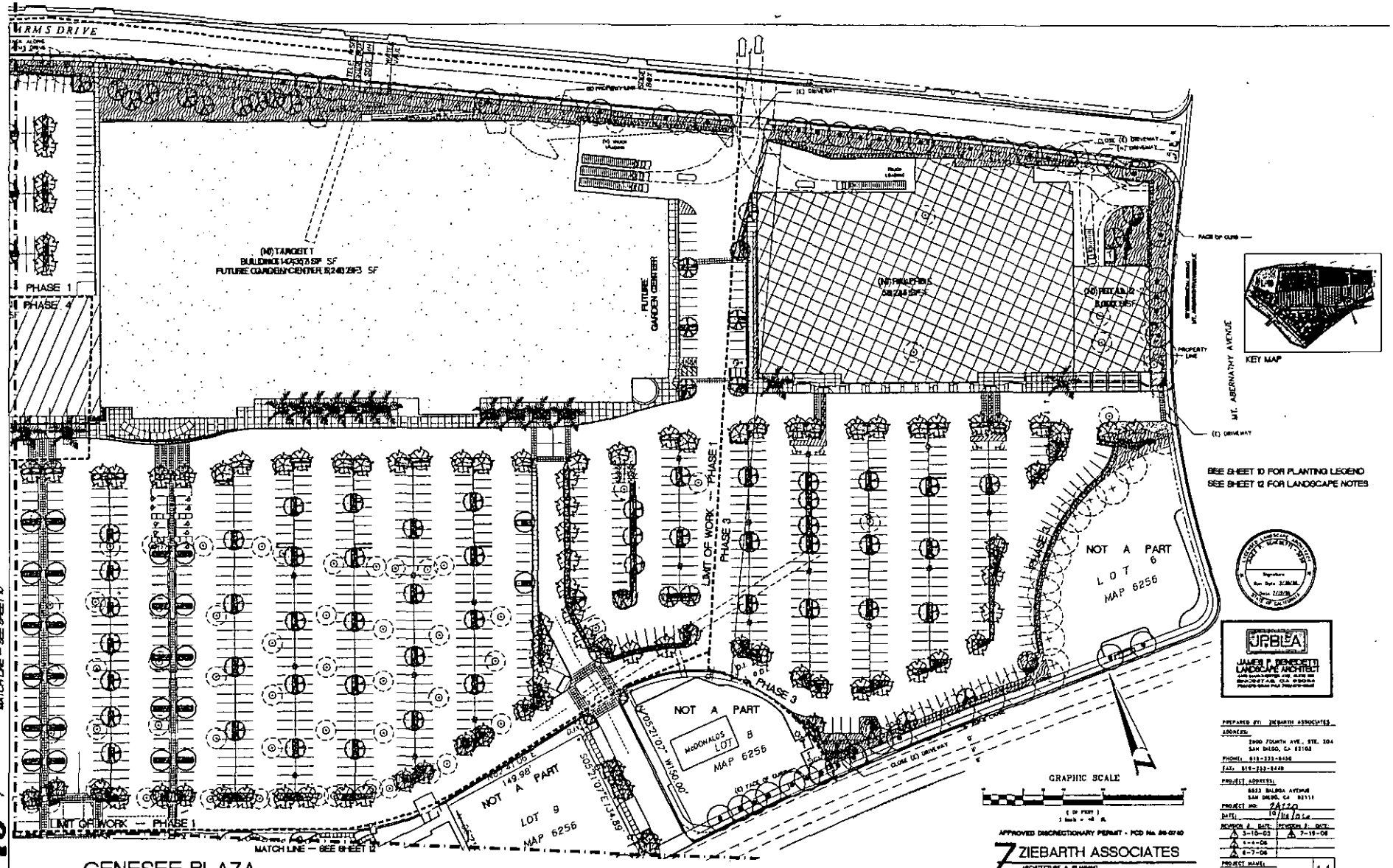
REVISION #	DATE	REVISION #	DATE
1	3-10-03	4	7-19-06
2	4-4-06		
3	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHEET # 10
SHEET TITLE: LANDSCAPE DEVELOPMENT PLAN

000744

ATTACHMENT 5

000745

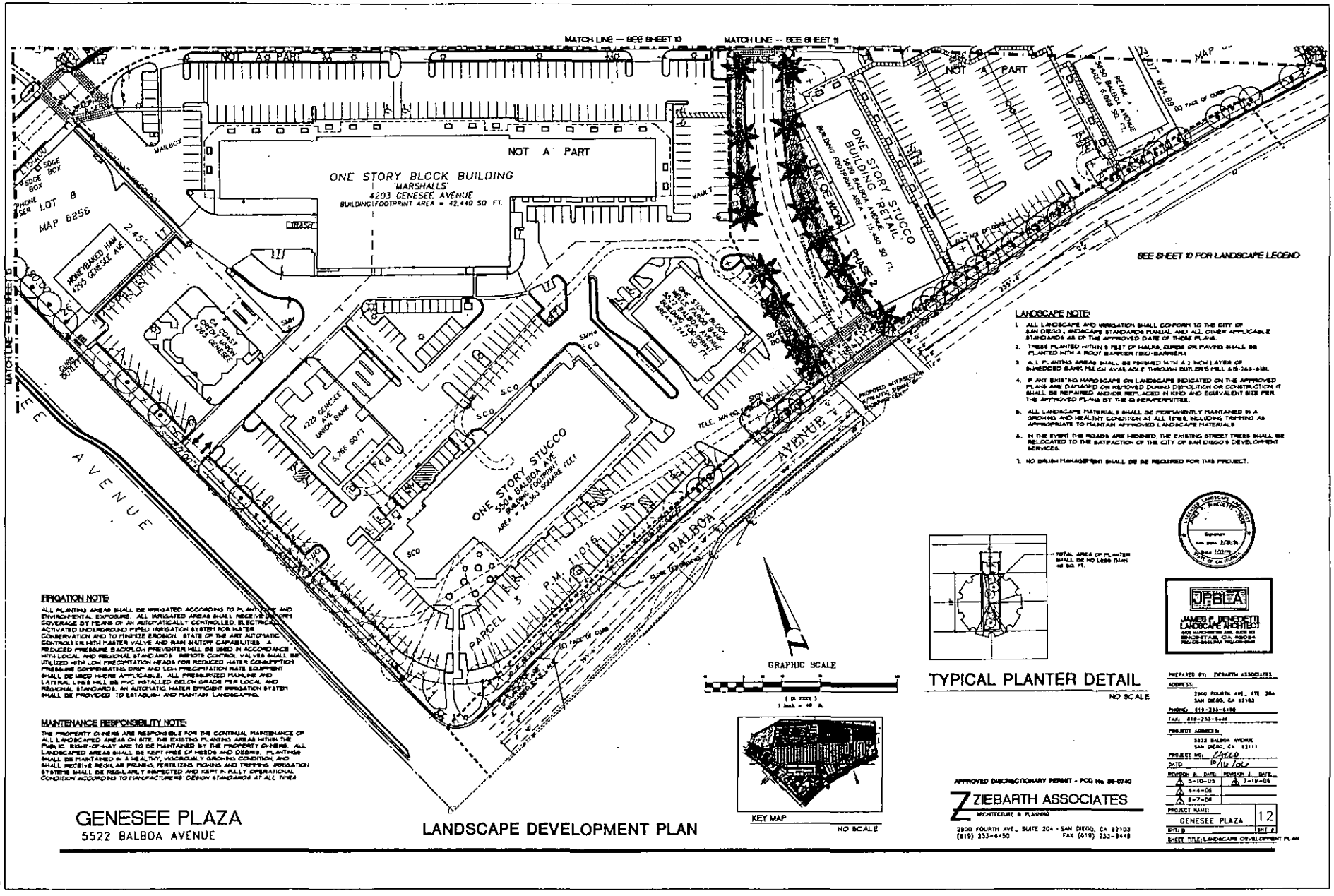


GENESEE PLAZA
5522 BALBOA AVENUE

LANDSCAPE DEVELOPMENT PLAN

ATTACHMENT 5

000746



LANDSCAPE NOTE:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE STANDARDS MANUAL AND ALL OTHER APPLICABLE STANDARDS AS OF THE APPROVED DATE OF THESE PLANS.
2. TREES PLANTED WITHIN 5 FEET OF HARDS, CURBS OR PAVING SHALL BE PLANTED WITH A ROOT BARRIER (BIO-BARRIER).
3. ALL PLANTING AREAS SHALL BE FINISHED WITH A 2 INCH LAYER OF SHREDDED BARK MULCH AVAILABLE THROUGH BUTLER'S FILL 619-263-6181.
4. IF ANY EXISTING HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS ARE DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED PLANS BY THE OWNER/PERMITTEE.
5. ALL LANDSCAPE MATERIALS SHALL BE PERMANENTLY MAINTAINED IN A GROWING AND HEALTHY CONDITION AT ALL TIMES, INCLUDING TRIMMING AS APPROPRIATE TO MAINTAIN APPROVED LANDSCAPE MATERIALS.
6. IN THE EVENT THE ROADS ARE WIDENED, THE EXISTING STREET TREES SHALL BE RELOCATED TO THE SATISFACTION OF THE CITY OF SAN DIEGO'S DEVELOPMENT SERVICES.
7. NO BRUSH MANAGEMENT SHALL BE BE REQUIRED FOR THIS PROJECT.

IRRIGATION NOTE:

ALL PLANTING AREAS SHALL BE IRRIGATED ACCORDING TO PLANT NEEDS AND ENVIRONMENTAL EXPOSURE. ALL IRRIGATED AREAS SHALL RECEIVE 100% COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY ACTIVATED UNDERGROUND PIPED IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE EROSION. STATE OF THE ART AUTOMATIC CONTROLLER WITH MASTER VALVE AND RAIN SHUTOFF CAPABILITIES. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED IN ACCORDANCE WITH LOCAL AND REGIONAL STANDARDS. REMOTE CONTROL VALVES SHALL BE UTILIZED WITH LOW PRECIPITATION HEADS FOR REDUCED WATER CONSUMPTION PRESSURE COMPENSATING DRIP AND LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED WHERE APPLICABLE. ALL PRESSURIZED MAINLINE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE PER LOCAL AND REGIONAL STANDARDS. AN AUTOMATIC WATER EFFICIENT IRRIGATION SYSTEM SHALL BE PROVIDED TO ESTABLISH AND MAINTAIN LANDSCAPING.

MAINTENANCE RESPONSIBILITY NOTE:

THE PROPERTY OWNERS ARE RESPONSIBLE FOR THE CONTINUAL MAINTENANCE OF ALL LANDSCAPED AREAS ON SITE. THE EXISTING PLANTING AREAS WITHIN THE PUBLIC RIGHT-OF-WAY ARE TO BE MAINTAINED BY THE PROPERTY OWNERS. ALL LANDSCAPED AREAS SHALL BE KEPT FREE OF WEEDS AND DEBRIS. PLANTINGS SHALL BE MAINTAINED IN A HEALTHY, VIGOROUSLY GROWING CONDITION, AND SHALL RECEIVE REGULAR PRUNING, FERTILIZING, MOWING AND TRIMMING. IRRIGATION SYSTEMS SHALL BE REGULARLY INSPECTED AND KEPT IN FULLY OPERATIONAL CONDITION ACCORDING TO MANUFACTURERS DESIGN STANDARDS AT ALL TIMES.

GENESEE PLAZA
5522 BALBOA AVENUE

LANDSCAPE DEVELOPMENT PLAN

TYPICAL PLANTER DETAIL
NO SCALE

APPROVED DISCRETIONARY PERMIT - PDO No. 88-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2800 FOURTH AVE., SUITE 204 • SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-8448

PREPARED BY: ZIEBARTH ASSOCIATES
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PHONE: 619-233-8450
FAX: 619-233-8448
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO.: 0420
DATE: 10/16/04

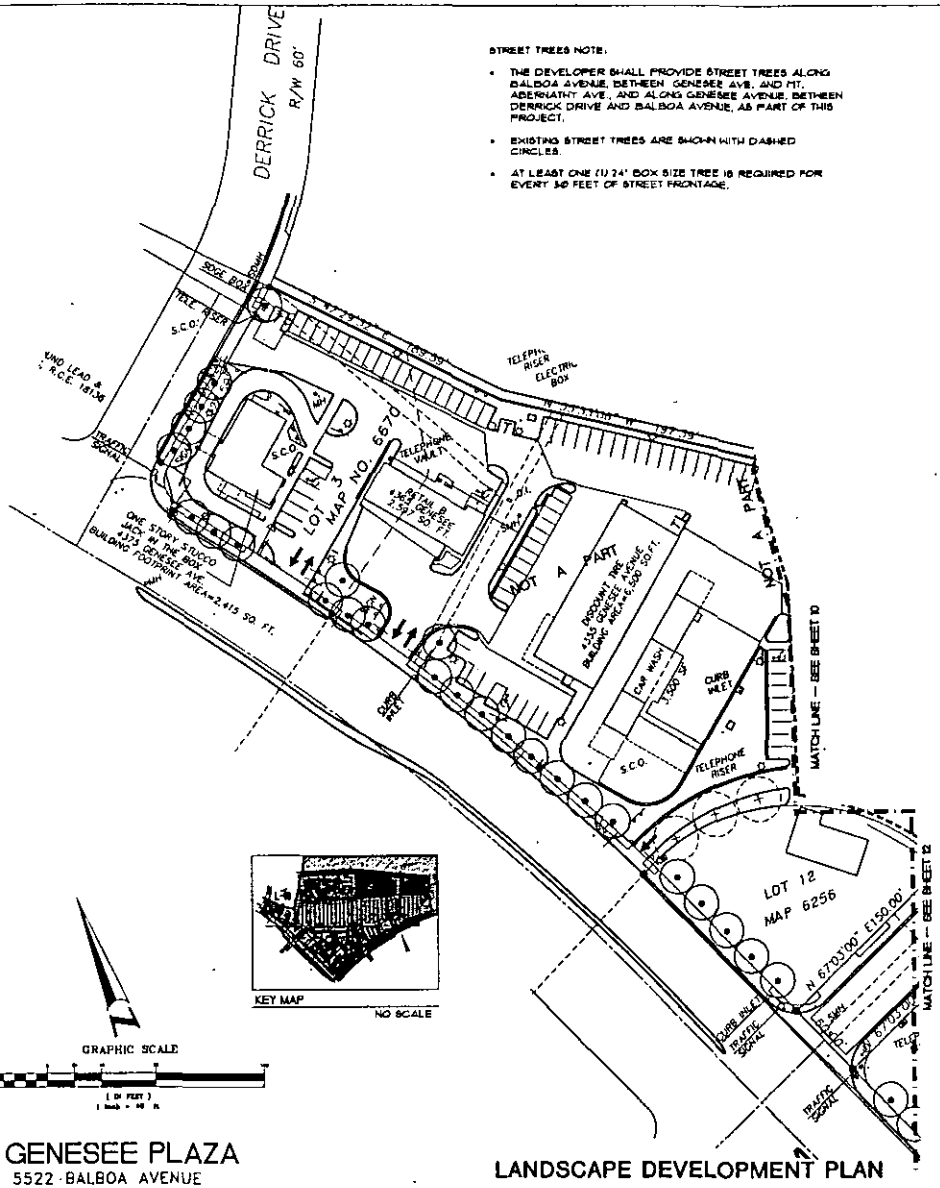
REVISION #	DATE	REVISION #	DATE
1	5-10-05	4	7-19-06
2	4-4-06		
3	8-7-06		

PROJECT NAME: GENESEE PLAZA
SHT. # 12
SHEET TITLE: LANDSCAPE DEVELOPMENT PLAN

ATTACHMENT 5

STREET TREES NOTE:

- THE DEVELOPER SHALL PROVIDE STREET TREES ALONG BALBOA AVENUE, BETWEEN GENESEE AVE. AND MT. ABERNATHY AVE., AND ALONG GENESEE AVENUE, BETWEEN DERRICK DRIVE AND BALBOA AVENUE, AS PART OF THIS PROJECT.
- EXISTING STREET TREES ARE SHOWN WITH DASHED CIRCLES.
- AT LEAST ONE (1) 24" BOX SIZE TREE IS REQUIRED FOR EVERY 30 FEET OF STREET FRONTAGE.



KEY MAP

NO SCALE

GRAPHIC SCALE

(IN FEET)

PLANT MATERIAL LEGEND

		MATURE HT + SPD
EXISTING TREES TO BE REMOVED		
CUPANIOPSIS ANACARDIOIDES	CARROTWOOD	40' X 30'
EUCALYPTUS SIDEROXYLON	PINK IRONBARK	40' X 30'
FICUS BENJAMINA	WEEPING FIG	50' X 40'
OLEA EUROPAEA	OLIVE	30' X 30'
TRISTANIA CONFERTA	BRISBANE BOX	30' X 30'
EXISTING TREES		
SUCH AS:		
CUPANIOPSIS ANACARDIOIDES	CARROTWOOD	40' X 30'
EUCALYPTUS SIDEROXYLON	PINK IRONBARK	40' X 30'
EUCALYPTUS CITRODORA	LEMON-SCENTED GUM	60' X 40'
SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER	30' X 40'
TRISTANIA CONFERTA	BRISBANE BOX	30' X 30'
PROPOSED STREET TREE	100% - 24" BOX MIN	
SUCH AS:		
PINUS TORREYANA	TORREY PINE	60' X 60'
QUERCUS AGRIFOLIA	COAST LIVE OAK	45' X 60'
JACARANDA MIMOSIFOLIA	JACARANDA	35' X 30'
TIPUANA TIPU	TIPU TREE	40' X 30'
UPRIGHT EVERGREEN PARKING LOT TREE	100% - 24" BOX MIN	
SUCH AS:		
PINUS TORREYANA	TORREY PINE	60' X 60'
QUERCUS AGRIFOLIA	COAST LIVE OAK	40' X 60'
TRISTANIA CONFERTA	BRISBANE BOX	30' X 30'
PEDESTRIAN CORRIDOR CANOPY TREE	100% - 24" BOX MIN	
SUCH AS:		
ERIOBOTRYA DEFLEXA	BRONZE LOQUAT	30' X 30'
ULMUS P. 'TRUE GREEN'	EVERGREEN ELM	30' X 30'
RHUS LANCEA	AFRICAN SUMAC	30' X 30'
ENTRY MONUMENT CANOPY TREE	100% - 36" BOX MIN	
SUCH AS:		
CASSIA LEPTOPHYLLA	GOLD MEDALLION TREE	35' X 30'
JACARANDA MIMOSIFOLIA	JACARANDA	35' X 30'
TIPUANA TIPU	TIPU TREE	40' X 30'
PLAZA PALM TREE	100% - 15' BROWN TRUNK MIN	
SUCH AS:		
ARECASTRUM ROMANZOFFIANUM	QUEEN PALM	30' X 30'
PHOENIX DACTYLIFERA	DATE PALM	30 X 30'
ENTRY PALM TREE	100% - 15' BROWN TRUNK MIN	
SUCH AS:		
PHOENIX CANARIENSIS	CANARY ISLAND PALM	40' X 15'
PHOENIX DACTYLIFERA	DATE PALM	30' X 30'
ARECASTRUM ROMANZOFFIANUM	QUEEN PALM	30' X 15'
PARKING LOT SCREEN SHRUBS (30" HIGH MIN)	100% - 5 GALLON MIN	
SUCH AS:		
PHORMIUM T. ATROPURPUREUM	BRONZE FLAX - 5 GALLON	5' X 5'
PHOTINIA FRASERI	PHOTINIA - 5 GALLON	5' X 5'
GREVILLIA NOELLII	GREVILLIA - 5 GALLON	4' X 5'
HETEROMELES ARBUTIFOLIA	TOYON - 5 GALLON	10' X 10'
RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE - 5 GALLON	5' X 5'
LIGUSTRUM J. TEXANUM	TEXAS PRIVET - 5 GALLON	5' X 5'
ORNAMENTAL PROJECT SHRUBS	5 GAL. (60%) + 1 GAL. SIZE (40%)	
SUCH AS BUT NOT LISTED TO:		
DIETES BICOLOR	FORTNIGHT LILY - 1 GALLON	3' X 3'
CISTUS SPECIES	ROCK ROSE - 5 GALLON	4' X 4'
LEPTOSPUM PEREZII	SEA LAVENDER - 1 GALLON	3' X 3'
PHORMIUM T. ATROPURPUREUM	BRONZE FLAX - 5 GALLON	6' X 5'
PHOTINIA FRASERI	PHOTINIA - 5 GALLON	8 X 10'
RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE - 5 GALLON	5' X 5'
VIBURNUM SUBPINNATUM	SANDANKWA VIBURNUM - 5 GALLON	8' X 8'
GREVILLIA NOELLII	GREVILLIA - 5 GALLON	4' X 5'
CEANOTHUS SPECIES	WILD LILAC - 5 GALLON	4' X 5'
HETEROMELES ARBUTIFOLIA	TOYON - 5 GALLON	8' X 8'
GROUND COVERS	1 GAL. SIZE (50%) + FLATS (50%)	
SUCH AS:		
AGAPANTHUS AFRICANUS	LILY OF THE NILE - 1 GALLON	
HEMEROCALLIS SPECIES	DAY LILY - 1 GALLON	
LEPTOSPUM PEREZII	SEA LAVENDER - 1 GALLON	
GAZANIA 'COPPER KING'	GANZANIA - FLATS @ 12" O.C.	
HEDERA HELIX 'HAHNII'	HAHN'S IVY - FLATS @ 12" O.C.	
ROSMARINUS PROSTRATUS	DWARF ROSEMARY - 1 GALLON	
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE - 1 GALLON	
CHAMP TALL FESCUE	TURF	
VINES	5 GAL. SIZE (100%)	
SUCH AS:		
DISTICTIS BUCCINATORIA	BLOOD RED TRUMPET VINE - 5 GALLON	
FICUS PUMILA	CREEPING FIG - 5 GALLON	
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE - 5 GALLON	
CALLIANDRA HAEMATOCEPHALA	PINK POWDER PUFF, ESPALIER - 5 GALLON	
PARKING LOT LIGHTS TYP. SYMBOL		

APPROVED DISCRETIONARY PERMIT - PCD No. 88-0740

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(619) 233-6450 FAX (619) 233-6448

JAMES F. BENEDETTI LANDSCAPE ARCHITECT

PREPARED BY: ZIEBARTH ASSOCIATES
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PHONE: 619-233-6450
FAX: 619-233-6448
PROJECT ADDRESS: 5522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO: 7 AZEO
DATE: 10/10/06

REVISION 1	DATE	REVISION 2	DATE
1	5-10-05	3	7-19-06
2	6-6-06		
4	6-7-06		

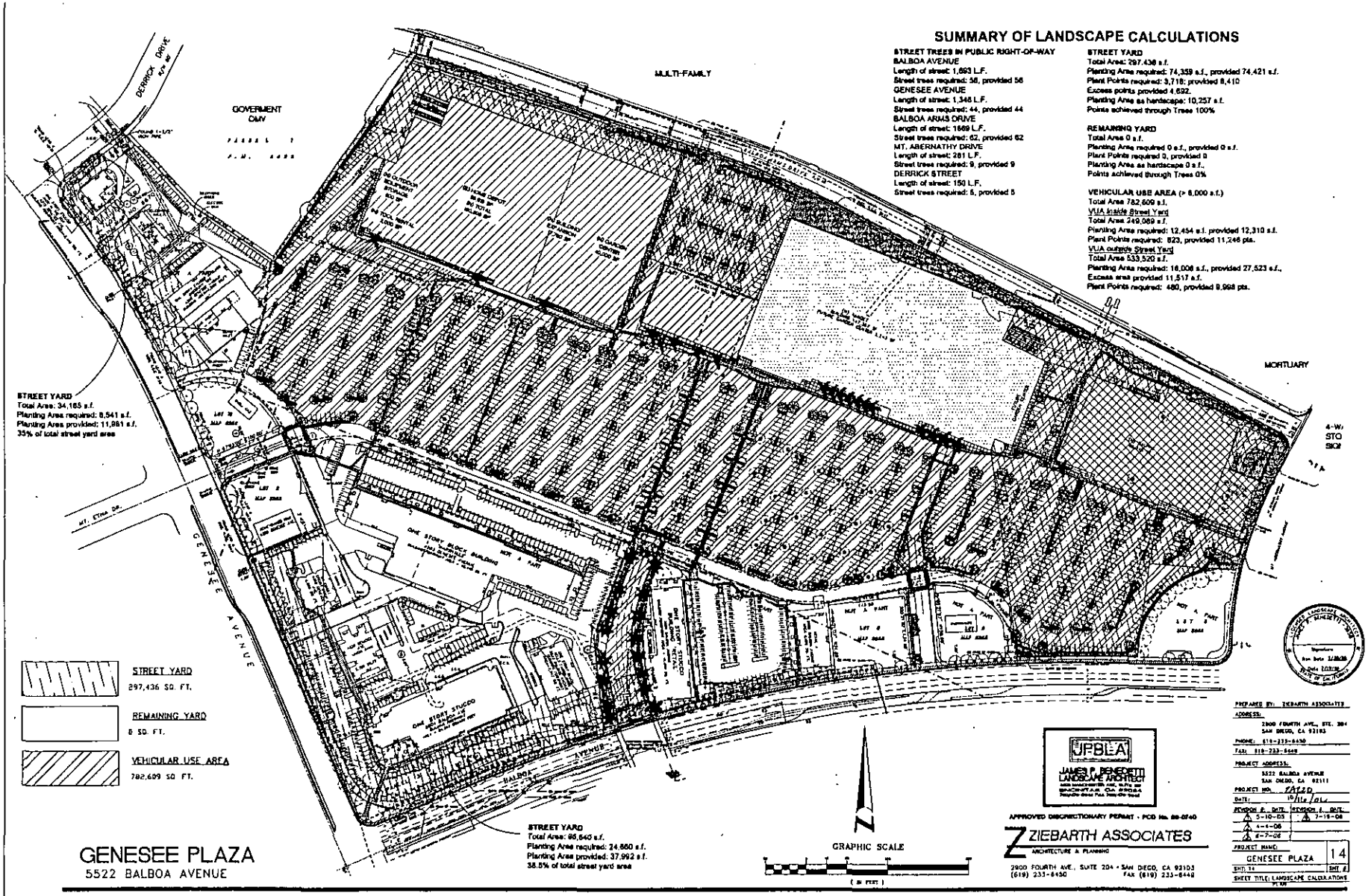
PROJECT NAME: GENESEE PLAZA
SHT. 13 OF SHT. 2
SHEET TITLE: LANDSCAPE DEVELOPMENT PLAN

GENESEE PLAZA
5522 BALBOA AVENUE

LANDSCAPE DEVELOPMENT PLAN

000747

ATTACHMENT 5



SUMMARY OF LANDSCAPE CALCULATIONS

STREET TREES IN PUBLIC RIGHT-OF-WAY

BALBOA AVENUE
Length of street: 1,693 L.F.
Street trees required: 56, provided 56

GENESEE AVENUE
Length of street: 1,346 L.F.
Street trees required: 44, provided 44

BALBOA ARMS DRIVE
Length of street: 1669 L.F.
Street trees required: 62, provided 62

MT. ABERNATHY DRIVE
Length of street: 281 L.F.
Street trees required: 9, provided 9

DERRICK STREET
Length of street: 150 L.F.
Street trees required: 5, provided 5

STREET YARD

Total Area: 297,436 s.f.
Planting Area required: 74,359 s.f., provided 74,421 s.f.
Plant Points required: 3,718; provided 8,410
Excess points provided 4,692.
Planting Area as hardscape: 10,257 s.f.
Points achieved through Trees 100%

REMAINING YARD

Total Area 0 s.f.
Planting Area required 0 s.f., provided 0 s.f.
Plant Points required 0, provided 0
Planting Area as hardscape 0 s.f.,
Points achieved through Trees 0%

VEHICULAR USE AREA (> 6,000 s.f.)

Total Area 782,609 s.f.

VUA inside Street Yard
Total Area 249,089 s.f.
Planting Area required: 12,454 s.f. provided 12,310 s.f.
Plant Points required: 623, provided 11,246 pts.

VUA outside Street Yard
Total Area 533,520 s.f.
Planting Area required: 16,008 s.f., provided 27,523 s.f.,
Excess area provided 11,517 s.f.
Plant Points required: 480, provided 8,998 pts.

GENESEE PLAZA
5522 BALBOA AVENUE

JPBLA
JAMES P. BENEDETTI LANDSCAPE ARCHITECT

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PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO. 7A720
DATE: 10/16/04

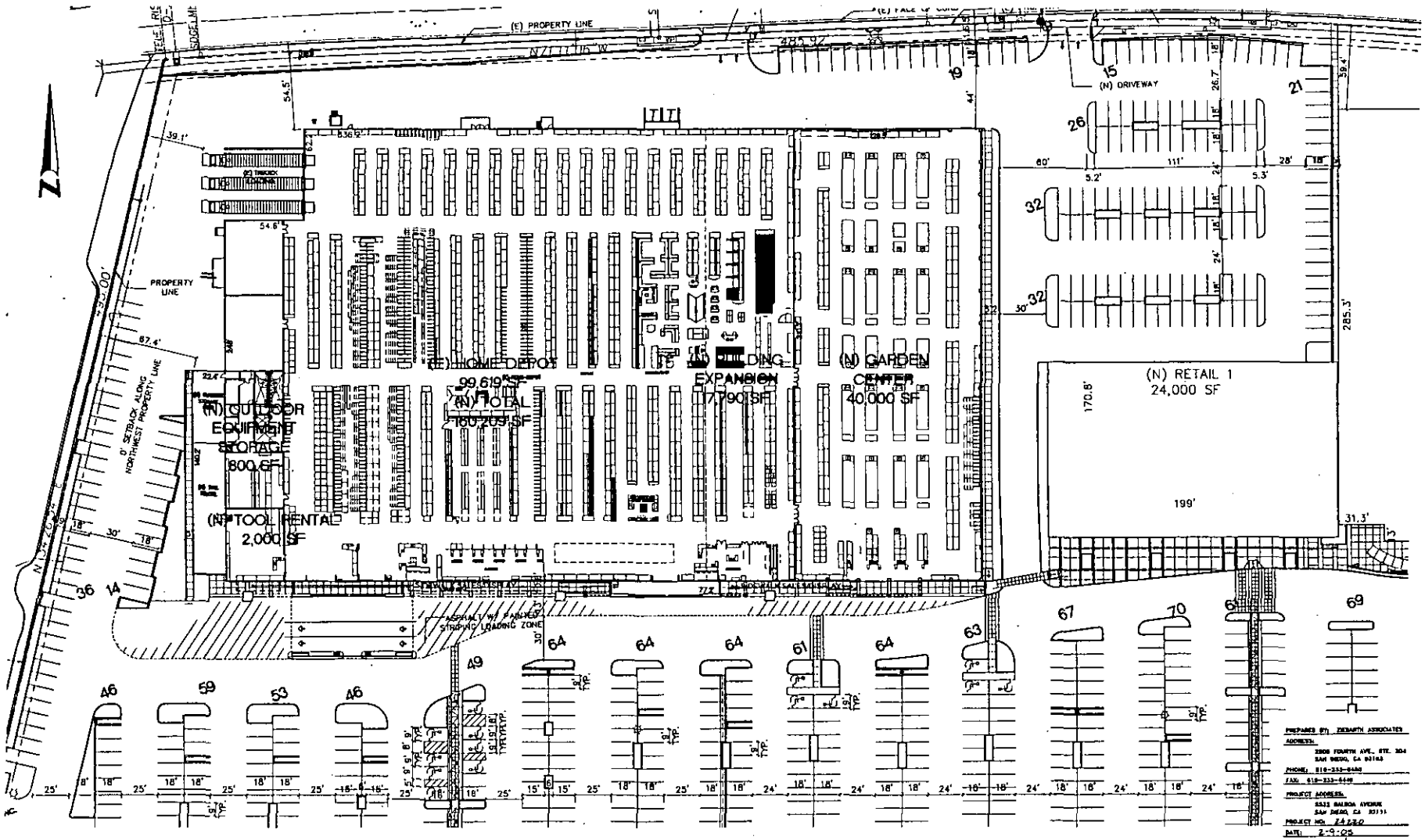
REVISION #	DATE	REVISION #	DATE
1	5-10-05	3	7-19-06
2	4-4-06		
4	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHT. 14 | SHT. 6
SHEET TITLE: LANDSCAPE CALCULATIONS PLAN

14

000748

ATTACHMENT 5



GENESEE PLAZA
5522 BALBOA AVENUE

HOME DEPOT AND RETAIL 1 GROUND FLOOR PLAN

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

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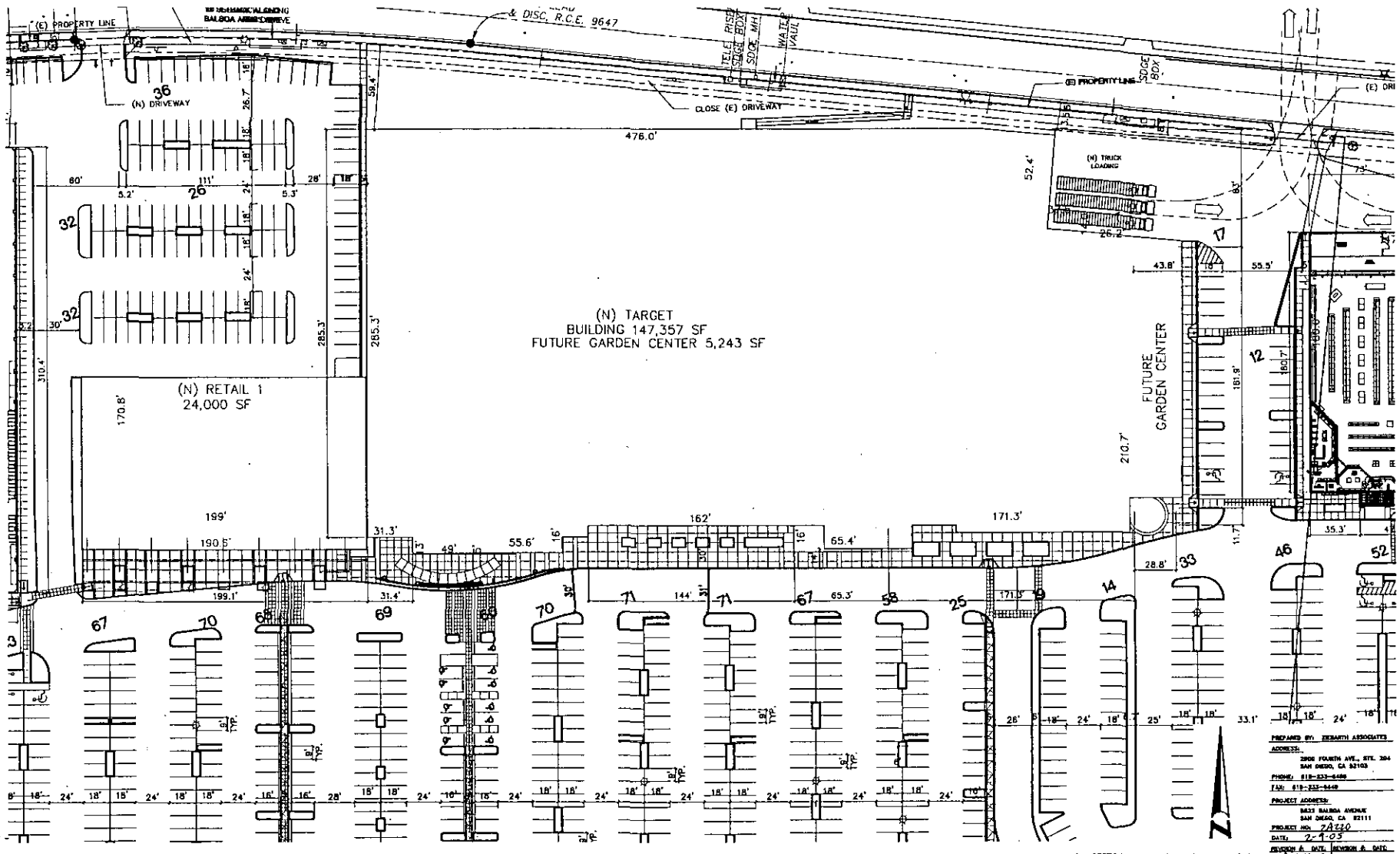
PHONE: 619-233-8450
FAX: 619-233-8449
PROJECT ADDRESS: 5522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO: 24120
DATE: 2-9-05

REVISION #	DATE	REVISION #	DATE
1	5-10-05	4	7-19-06
2	4-4-06		
3	8-7-06		

PROJECT NAME: GENESEE PLAZA
SHEET 15 OF 36 — 15
SHEET TITLE: HOME DEPOT/RETAIL 1 FLOOR PLAN

000749

ATTACHMENT 5



APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

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PHONE: 619-233-6450
FAX: 619-233-6449
PROJECT ADDRESS: 5433 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO: 2A220
DATE: 2-9-05

REVISION #	DATE	REVISION #	DATE
1	5-10-05		
2	4-4-06		
3	5-23-06		

PROJECT NAME: GENESEE PLAZA
SHT: 16 OF 38 SHT # 16
SHEET TITLE: TARGET FLOOR PLAN

GENESEE PLAZA
5522 BALBOA AVENUE

TARGET GROUND FLOOR PLAN

000750

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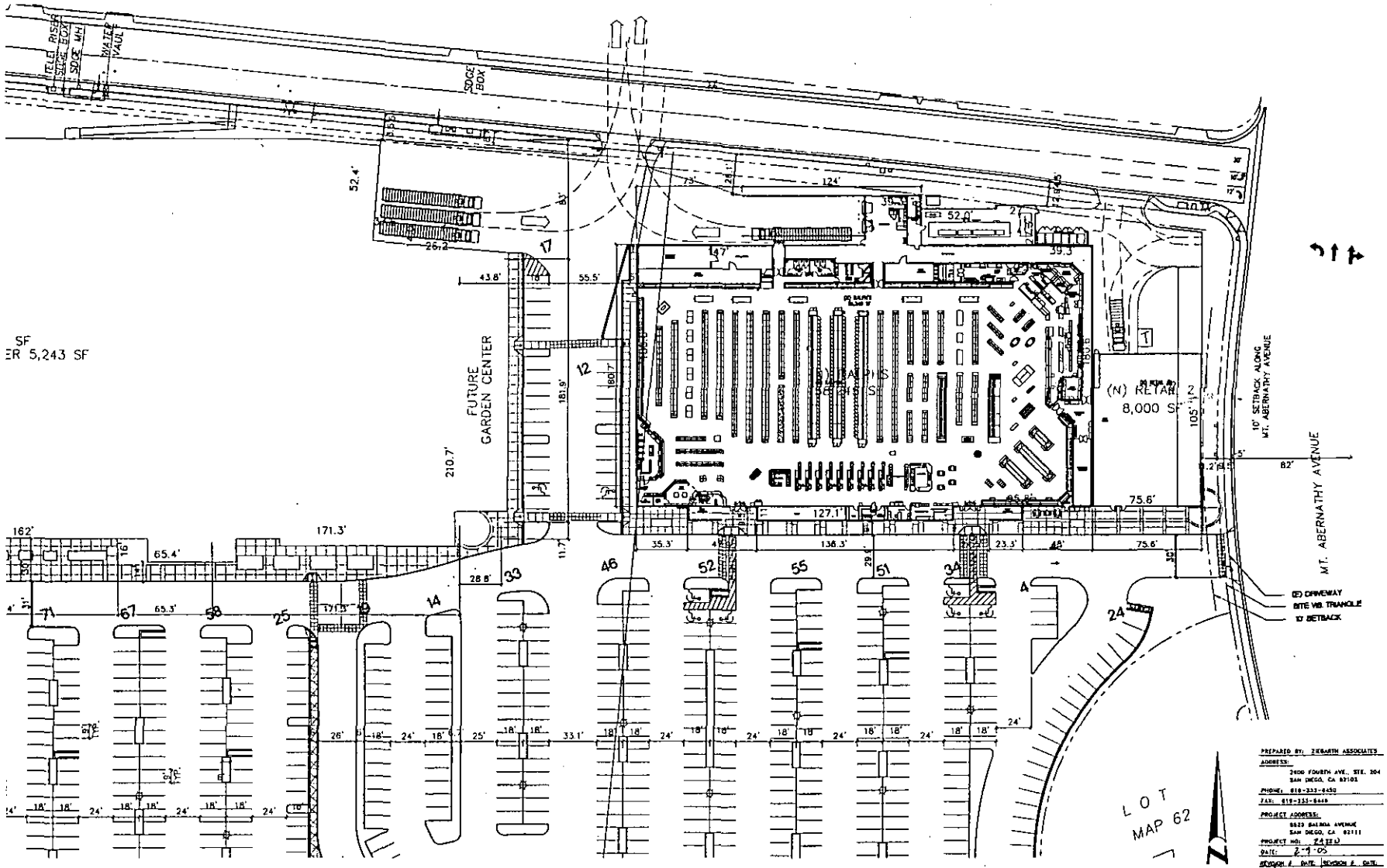
ATTACHMENT 5



GENESEE PLAZA
5522 BALBOA AVENUE

RALPHS AND RETAIL 2 GROUND FLOOR PLAN

APPROVED DISCRECTIONARY PERMIT – PCD No. 89-0740

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PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 2433.0
DATE: 2-9-05

REVISION #	DATE	REVISION #	DATE
1	5-10-05		
2	1-4-06		
3	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHT: 17 OF 38
SHEET TITLE: RALPHS/RETAIL 2 FLOOR PLAN

17

000751

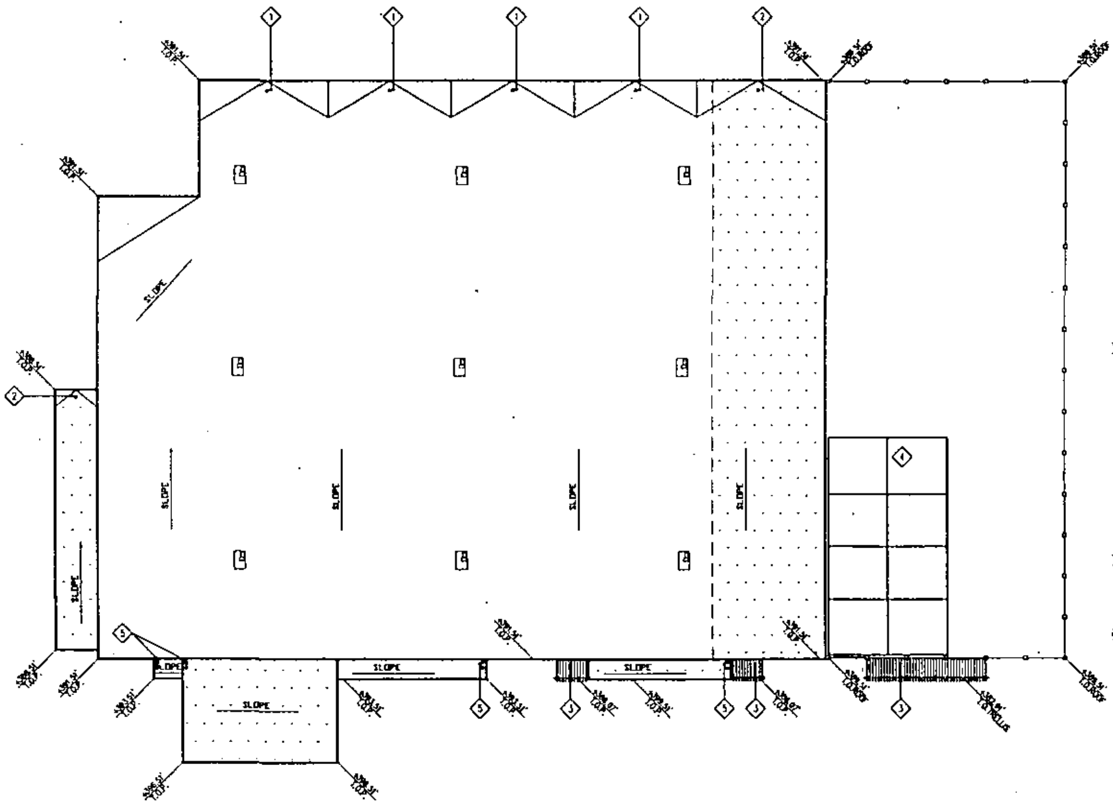
ATTACHMENT 5

LEGEND

1. (E) ROOF DRAIN W/OVERFLOW SCUPPER
2. (N) ROOF DRAIN W/OVERFLOW SCUPPER
3. (N) METAL TRELLIS
4. (N) FABRIC CANOPY
5. (N) ROOF DRAIN W/OVERFLOW DRAIN

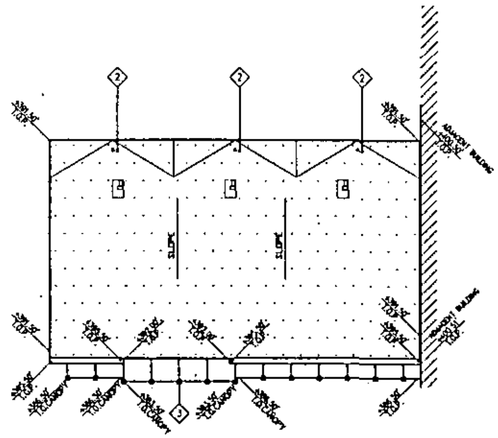
HATCH

(N) ROOF



HOME DEPOT ROOF PLAN

SCALE: 1/16" = 1'-0"



RETAIL 1 ROOF PLAN

SCALE: 1/16" = 1'-0"

N

0 30' 60' 120'

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

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PROJECT ADDRESS: 5522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO. Z4220
DATE: 2/4/05
REVISION & DATE: 1 5-10-05, 2 4-4-06, 3 6-7-06
REVISION & DATE: 4 7-19-06
PROJECT NAME: GENESEE PLAZA
SHT: 18 OF 38
SHT # 18
SHEET TITLE: ROOF PLAN

GENESEE PLAZA
5522 BALBOA AVENUE

HOME DEPOT AND RETAIL 1 ROOF PLANS

000752

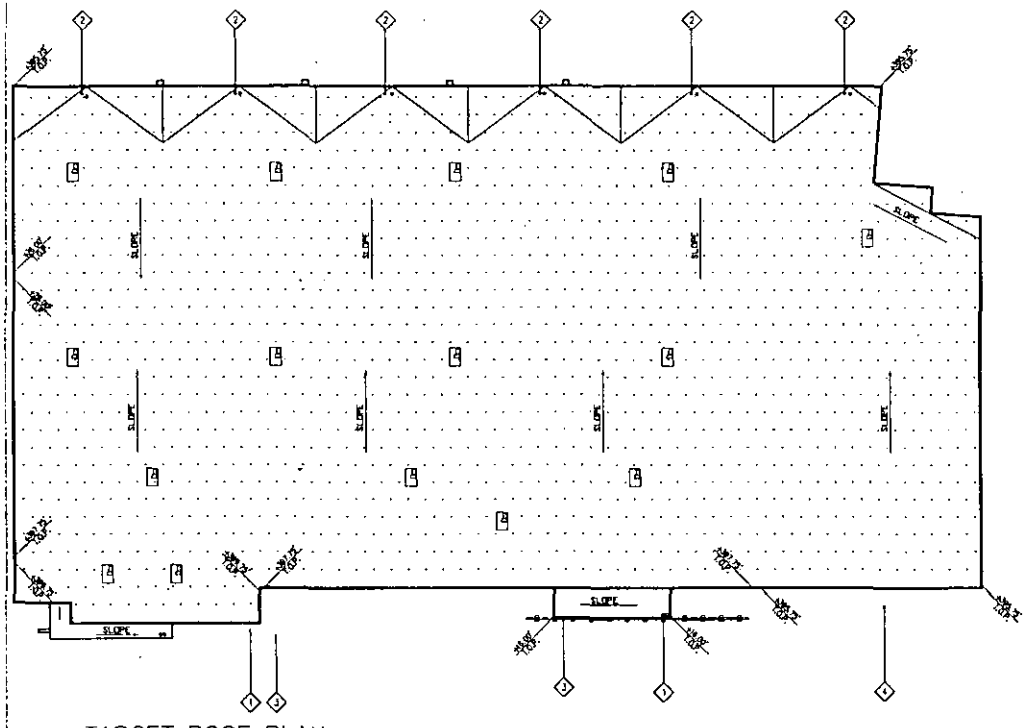
ATTACHMENT 5

LEGEND

1. (N) ROOF DRAIN W/OVERFLOW DRAIN
2. (N) ROOF DRAIN W/OVERFLOW SCUPPER
3. (N) METAL TRELLIS
4. (N) FABRIC CANOPY

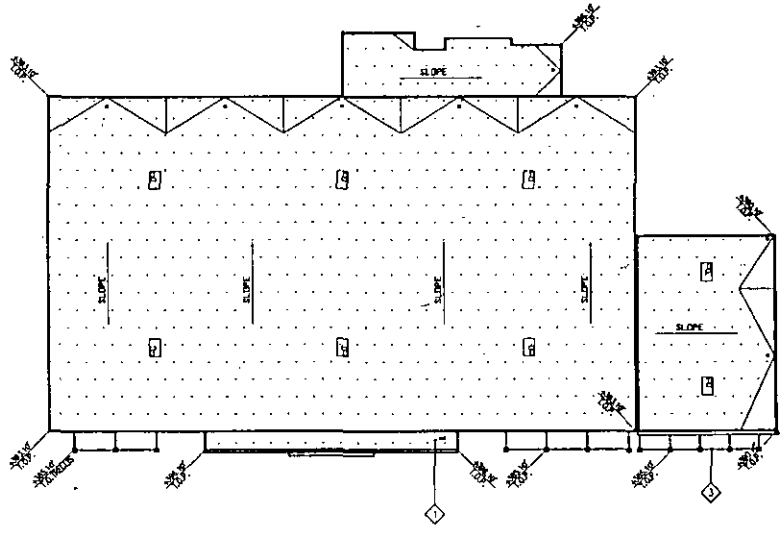
HATCH

(N) ROOF



TARGET ROOF PLAN

SCALE: 1/16" = 1'-0"



RALPHS AND RETAIL 2 ROOF PLAN

SCALE: 1/16" = 1'-0"

0 30' 60' 120'

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

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PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 7A170
DATE: 7-4-05

REVISION #	DATE	REVISION #	DATE
1	9-10-05		
2	4-4-06		
3	5-23-06		

PROJECT NAME: GENESEE PLAZA
SHEET 19 OF 38 — SHEET #: 19
SHEET TITLE: TARGET, RALPHS AND RETAIL 2 ROOF PLAN

GENESEE PLAZA

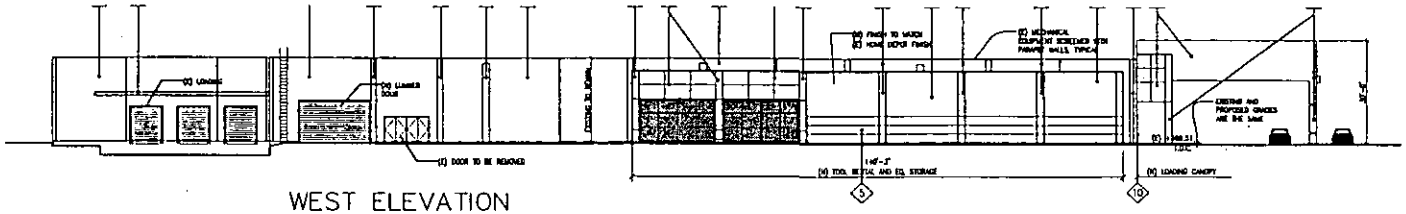
5522 BALBOA AVENUE

TARGET, RALPHS AND RETAIL 2 ROOF PLANS

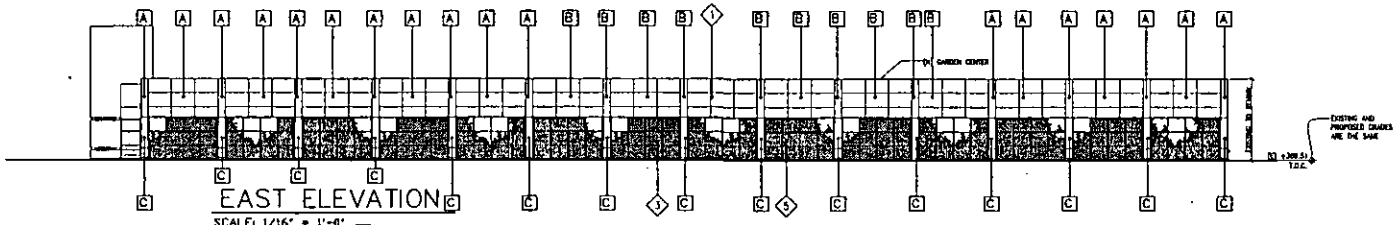
000753

H:\Projects\2004\24130 Gen Pl\PCP 11-17-05\Sheet 18-Ralphs Roof Plan.dwg, 5/23/2006 10:26:47 AM, jpierce

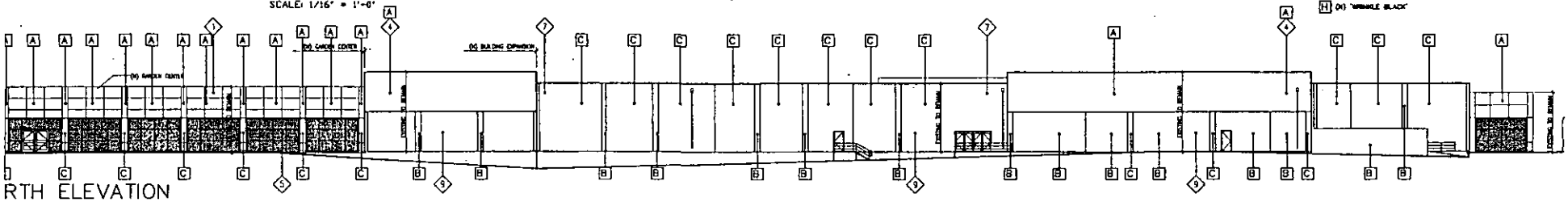
ATTACHMENT 5



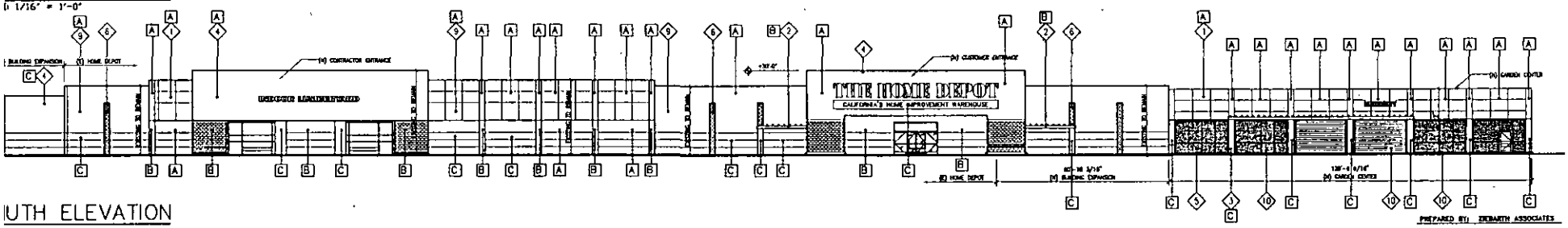
WEST ELEVATION
SCALE: 1/16" = 1'-0"



EAST ELEVATION
SCALE: 1/16" = 1'-0"



RTH ELEVATION
1/16" = 1'-0"



UTH ELEVATION
1/16" = 1'-0"

1. (N) PRE-FAB PANEL TO MATCH (E) HOME DEPOT
2. (N) LEDGER STONE VENEER
3. (N) COLUMN TO MATCH (E) HOME DEPOT COLUMNS
4. (N) EIFS FINISH
5. (N) WROUGHT IRON FENCE
6. (N) BRICK PILASTER TO MATCH TARGET BUILDING
7. (N) ARCHITECTURAL BAND TO MATCH TARGET BUILDING
8. (N) 3/4" REVEAL
9. (E) HOME DEPOT
10. (N) ROLL UP DOOR

COLOR LEGEND

- A (N) FRAZEE CW030 W 'APPLE PEEL'
- B (N) FRAZEE 82230 'BRASS BUCKET'
- C (N) FRAZEE 8183 M 'WINTER GARDEN'
- D (N) TARGET RED
- E (N) COLOR TO MATCH U.S. CLEAR ANODIZED
- F (N) AEROLITE HARDCOAT 'BRIGHT SILVER'
- G (N) CULTURED STONE 'RUSTIC SOUTHERN LEDGESTONE'
- H (N) 'WRINKLE BLACK'

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PROJECT ADDRESS: 5522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT No: 2422U
DATE: 2-4-05

REVISION #.	DATE:	REVISION #.	DATE:
1	5-10-05		
2	4-4-06		
3	5-23-06		

PROJECT NAME: GENESEE PLAZA
SHT: 20 OF 36 SHT. # 20
SHEET TITLE: HOME DEPOT ELEVATIONS

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
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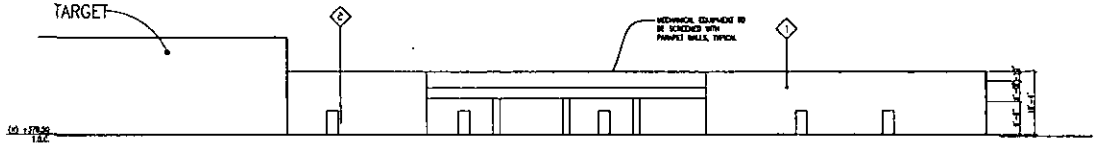
GENESEE PLAZA
5522 BALBOA AVENUE

HOME DEPOT ELEVATIONS

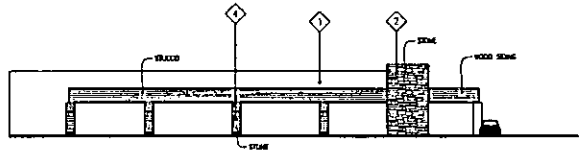
000754

ATTACHMENT 5



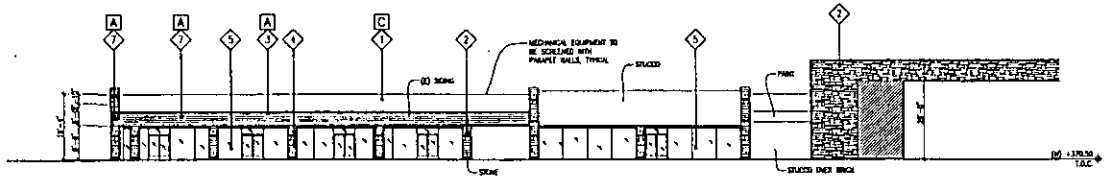
NORTH ELEVATION

SCALE: 1/16" = 1'-0"



WEST ELEVATION

SCALE: 1/16" = 1'-0"



SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

MATERIAL LEGEND

1. STUCCO FINISH
2. LEDGER STONE VENEER
3. TRELLIS W/EXPOSED STEEL SUPPORTS TO MATCH (E) CENTER
4. ROUND CONCRETE COLUMNS TO MATCH (E) CENTER
5. ALUMINUM STOREFRONT
6. WOOD BAND FOR SIGNAGE TO MATCH (E) CENTER
7. PROJECTED STUCCO BAND
8. STONE VENEER
9. ARCHITECTURAL BAND TO MATCH TARGET BUILDING
10. 3/4" REVEAL

COLOR LEGEND

- A FRAZEE CW030 W "APPLE PEEL"
- B FRAZEE S3250 "BRASS BUCKET"
- C FRAZEE 8183 W "WINTER GARDEN"
- D TARGET RED
- E COLOR TO MATCH U.S. CLEAR ANODIZED
- F ACRODIZE HARDCOAT "BRIGHT SILVER"
- G CULTURED STONE "RUSTIC SOUTHERN LEDGESTONE"
- H "WRINKLE BLACK"

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

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FAX:	619-233-6449
PROJECT ADDRESS:	5522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO:	2471.0
DATE:	2-9-05
REVISION #, DATE:	1 5-10-05
	2 6-4-06
	3 8-23-06
REVISION #, DATE:	
PROJECT NAME:	GENESEE PLAZA
SHT. 21 OF 30	SHT. # 21
SHEET TITLE:	

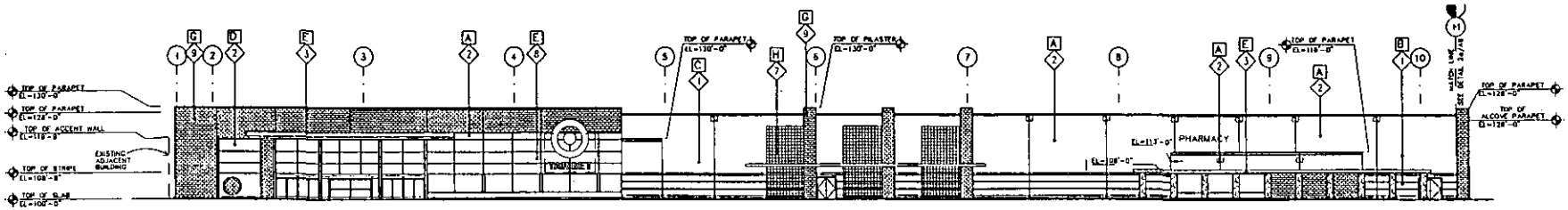
GENESEE PLAZA

5522 BALBOA AVENUE

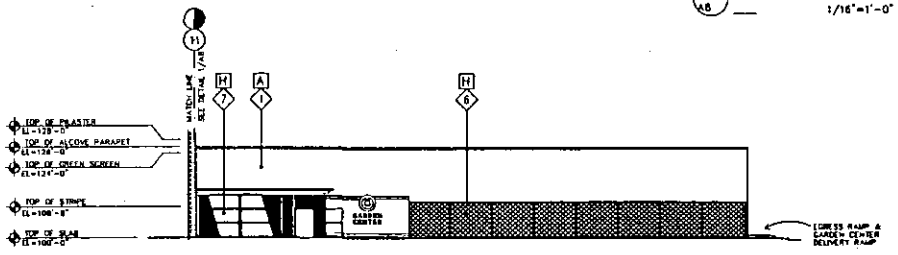
RETAIL 1 ELEVATIONS

000755

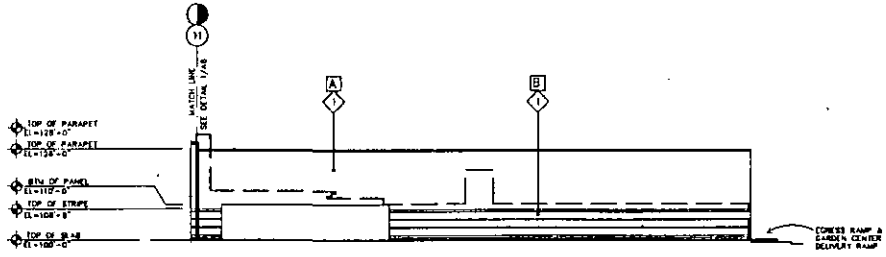
ATTACHMENT 5



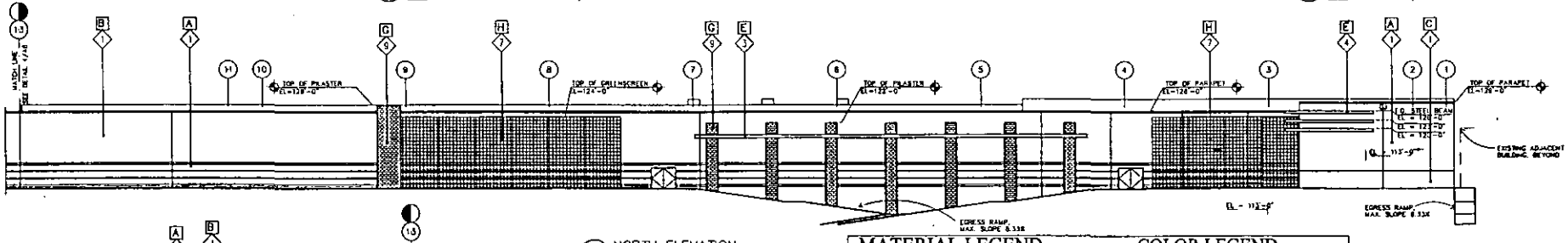
1/A8 SOUTH ELEVATION 1/16"=1'-0"



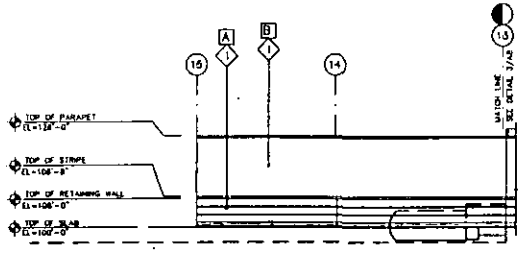
2a/A8 SOUTH ELEVATION – GARDEN CENTER 1/16"=1'-0"



2b/A8 SOUTH ELEVATION 1/16"=1'-0"



3/A8 NORTH ELEVATION 1/16"=1'-0"



4/A8 NORTH ELEVATION 1/16"=1'-0"

MATERIAL LEGEND

1. TILT UP WALL W/TEXTURED FINISH
2. EIFS
3. METAL CANOPY
4. DECORATIVE METAL BEAM
5. ALUMINUM STOREFRONT
6. PAINTED METAL FENCE
7. METAL GREEN SCREEN
8. ALUMINUM REVEALS
9. INTEGRAL COLOR BLOCK VENEER

COLOR LEGEND

- A FRAZEE CM030 W 'APPLE PEEL'
- B FRAZEE B2250 'BRASS BUCKET'
- C FRAZEE B193 M 'WINTER GARDEN'
- D TARGET RED
- E COLOR TO MATCH U.S. CLEAR ANODIZED
- F ACRECLIZE HARDCOAT 'BRIGHT SILVER'
- G ANGELUS BLOCK 'OAK SPLIT FACE'
- H 'ORANGE BLACK'

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2800 FOURTH AVE., SUITE 204 • SAN DIEGO, CA 92103
(619) 233-6450 FAX (619) 233-6449

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PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 9.6.2.2.0
DATE: 7-9-05

REVISION & DATE	REVISION & DATE
1 5-10-06	
2 6-4-06	
3 5-23-06	

PROJECT NAME: GENESEE PLAZA
SHT: 22 OF 36
SHEET TITLE: TARGET ELEVATIONS

22

GENESEE PLAZA
5522 BALBOA AVENUE

TARGET ELEVATIONS

000756

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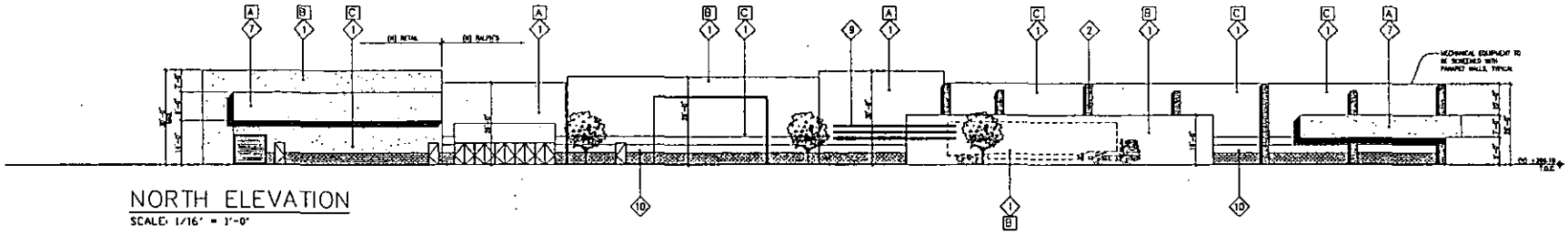
ATTACHMENT 5



NORTH ELEVATION
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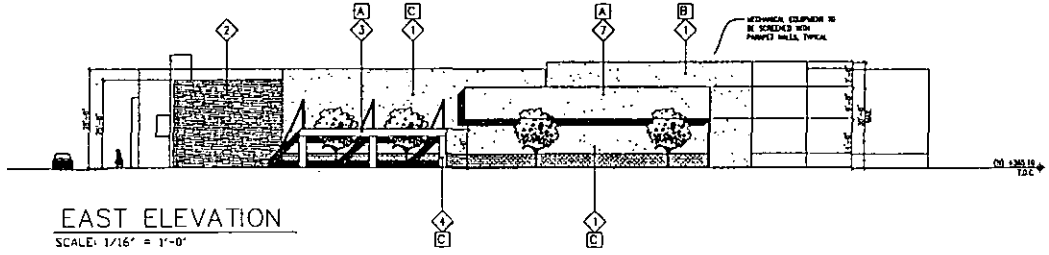

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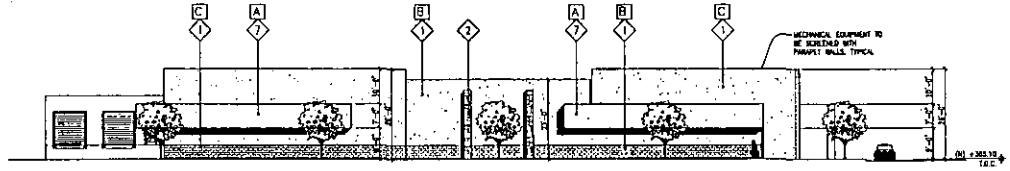


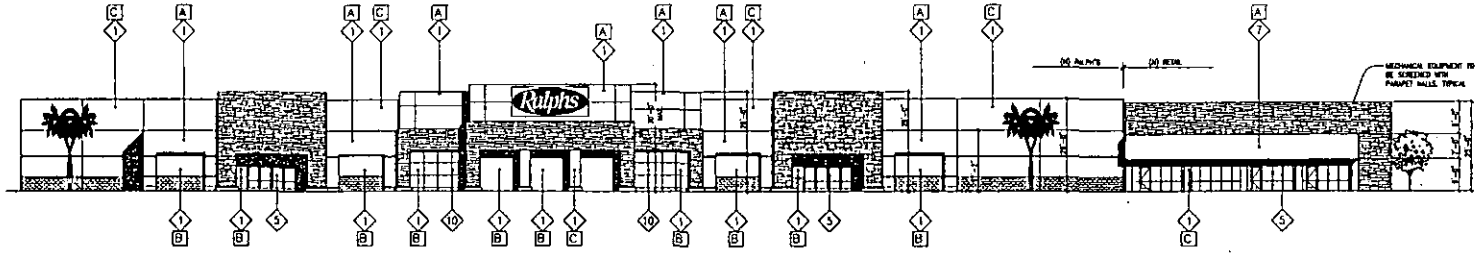
WEST ELEVATION
SCALE: 1/16" = 1'-0"

MATERIAL LEGEND

1. STUCCO FINISH
2. LEDGER STONE VENEER
3. TRELLIS W/EXPOSED STEEL SUPPORTS TO MATCH (E) CENTER
4. ROUND CONCRETE COLUMNS TO MATCH (E) CENTER
5. ALUMINUM STOREFRONT
6. WOOD BAND FOR SIGNAGE TO MATCH (E) CENTER
7. PROJECTED STUCCO BAND
8. STUCCO PILASTER
9. ARCHITECTURAL BAND TO MATCH TARGET BUILDING
10. 3/4" REVEAL

COLOR LEGEND

- A FRAZEE C9030 W 'APPLE PEEL'
- B FRAZEE 82250 'BRASS BUCKET'
- C FRAZEE 8193 M 'WINTER GARDEN'
- D TARGET RED
- E COLOR TO MATCH U.S. CLEAR ANODIZED
- F ACRODIZE HARDCOAT 'BRIGHT SILVER'
- G CULTURED STONE 'RUSTIC SOUTHERN LEDGESTONE'
- H 'MONKLE BLACK'



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2900 FOURTH AVE., SUITE 204 • SAN DIEGO, CA 92103
(619) 233-6450 FAX (619) 233-6449

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PROJECT ADDRESS: 5523 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO. 7221.0
DATE: 2-9-05

REVISION #	DATE	REVISION #	DATE
1	3-10-05		
2	4-6-06		
3	8-7-06		

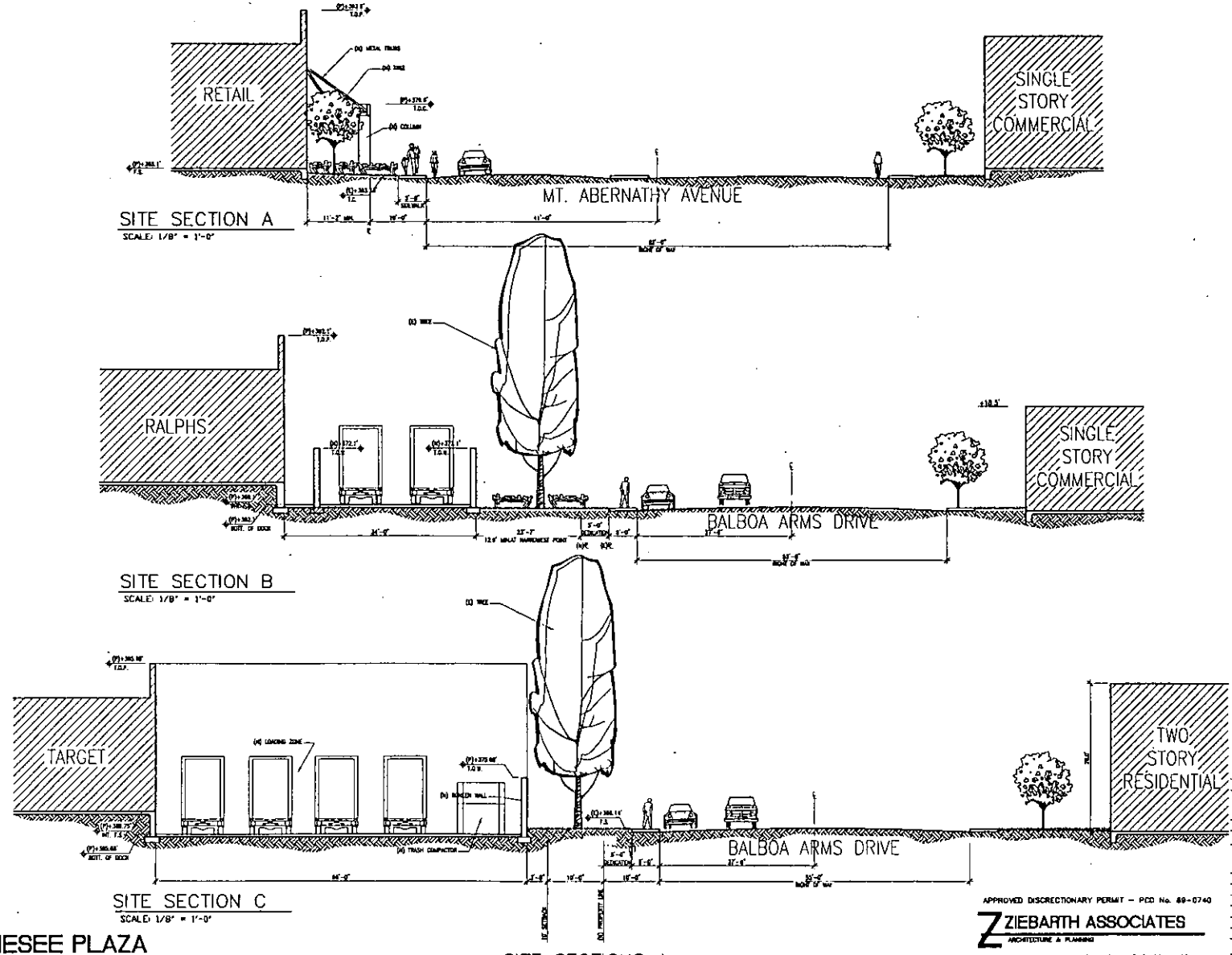
PROJECT NAME: GENESEE PLAZA
SHT. 23 OF 38 — SHT. #: 23
SHEET TITLE: RALPHS/RETAIL 2 ELEVATIONS

GENESEE PLAZA
5522 BALBOA AVENUE

RALPHS AND RETAIL 2 ELEVATIONS

000757

ATTACHMENT 5



GENESEE PLAZA

5522 BALBOA AVENUE

SITE SECTIONS A

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

ZIEBARTH ASSOCIATES
ARCHITECTURE & PLANNING
2900 FOURTH AVE., SUITE 204 • SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-8448

PREPARED BY: ZIEBARTH ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-8448
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 24220
DATE: 7-14-05

REVISION #	DATE	REVISION #	DATE
1	5-10-06		
2	6-4-06		
3	5-23-08		

PROJECT NAME: GENESEE PLAZA
SHT. 24 OF 36
SHEET TITLE: SITE SECTION A
24

000758

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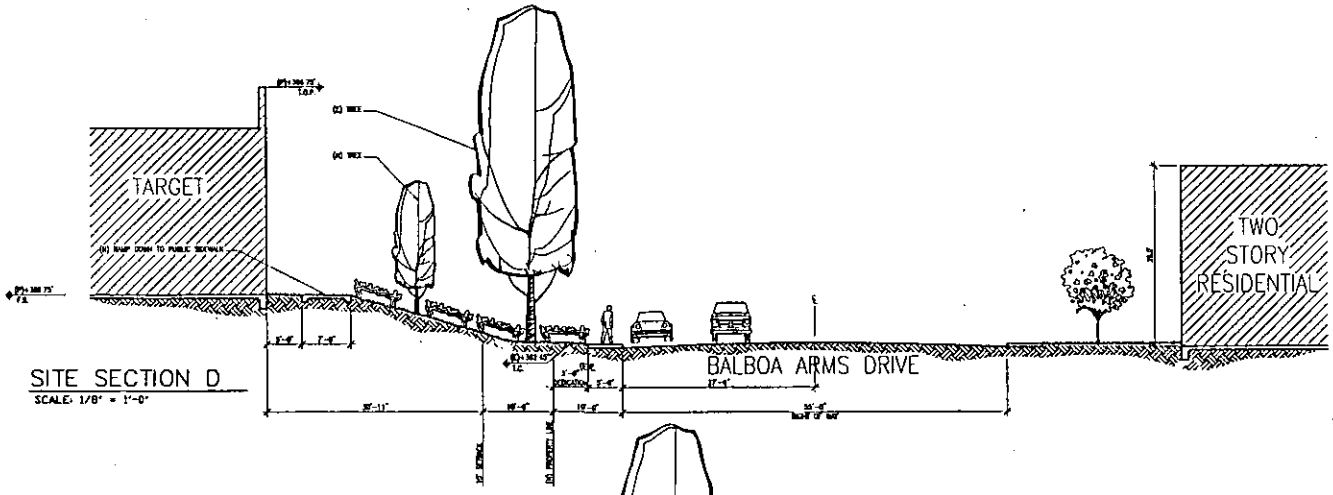
ATTACHMENT 5



SITE SECTION D
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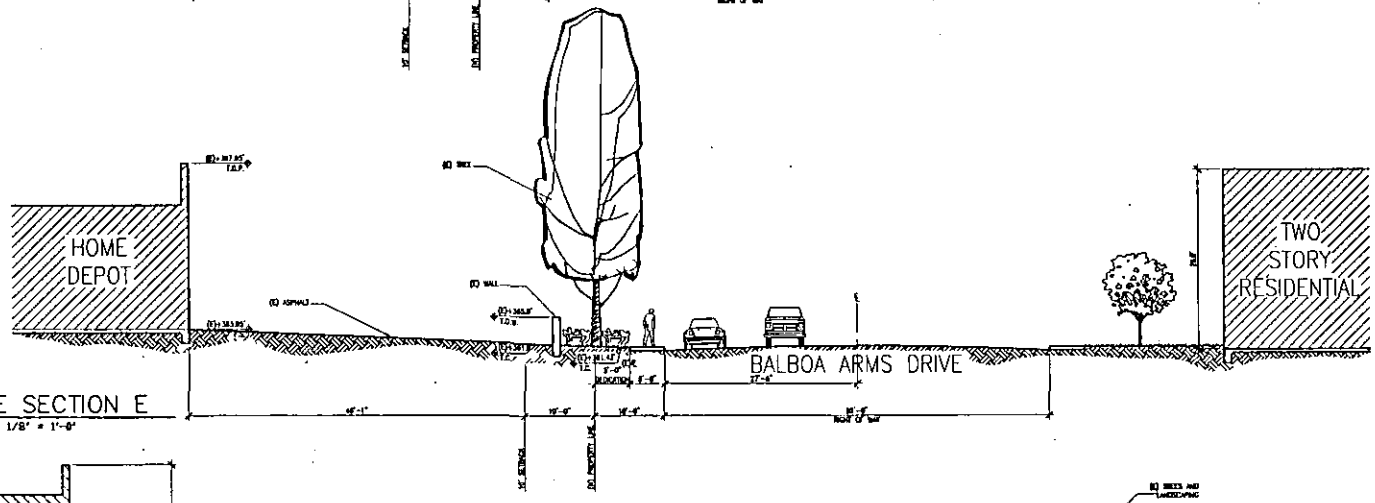

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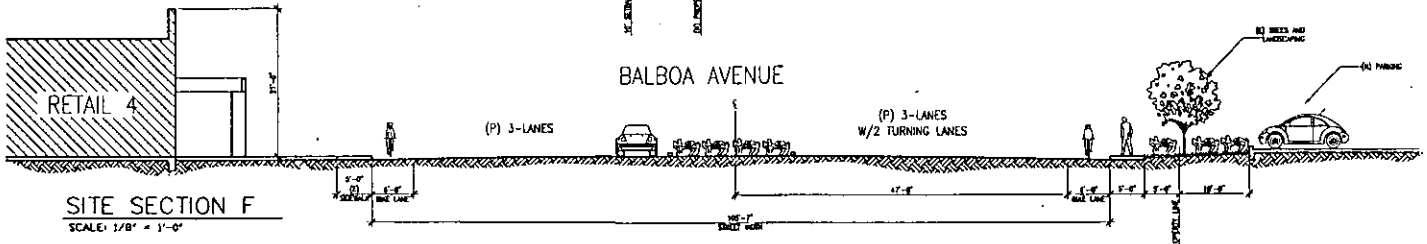

SITE SECTION F
SCALE: 1/8" = 1'-0"

APPROVED DISCRETIONARY PERMIT - PCD No. 89-0740

ZIEBARTH ASSOCIATES
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2900 FOURTH AVE., SUITE 204 · SAN DIEGO, CA 92103
(619) 233-8450 FAX (619) 233-8448

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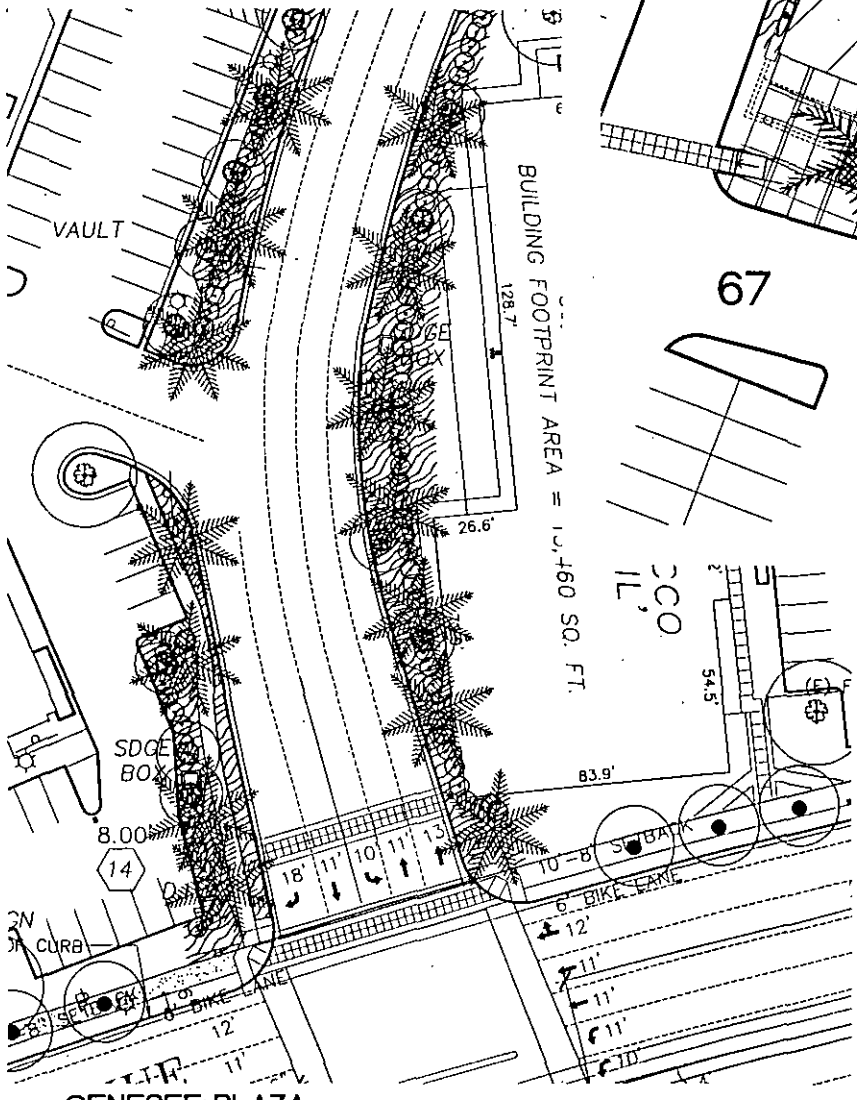
ADDRESS: 2900 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-8448
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 2A.210
DATE: 7-9-05
REVISION #, DATE, REVISION #, DATE:
1 3-10-06
2 4-4-06
3 5-23-06
PROJECT NAME: GENESEE PLAZA
SHT: 25 OF 36
SHEET TITLE: SITE SECTION B

GENESEE PLAZA
5522 BALBOA AVENUE

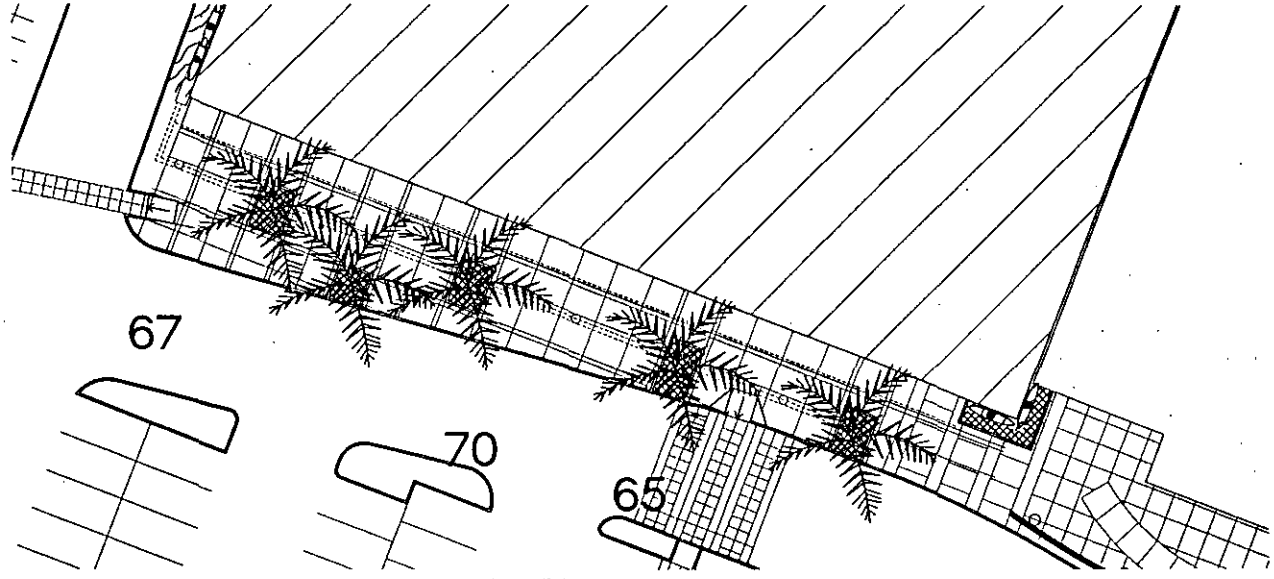
SITE SECTIONS B

000759

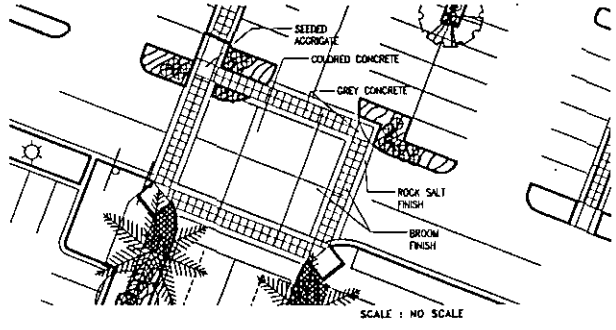
ATTACHMENT 5



GENESEE PLAZA
5522 BALBOA AVENUE



ENHANCED PAVING
TYP @ PLAZA SCALE : NO SCALE



TYP @ PATH/ INTERSECTIONS
ENHANCED PAVING

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

ZIEBARTH ASSOCIATES
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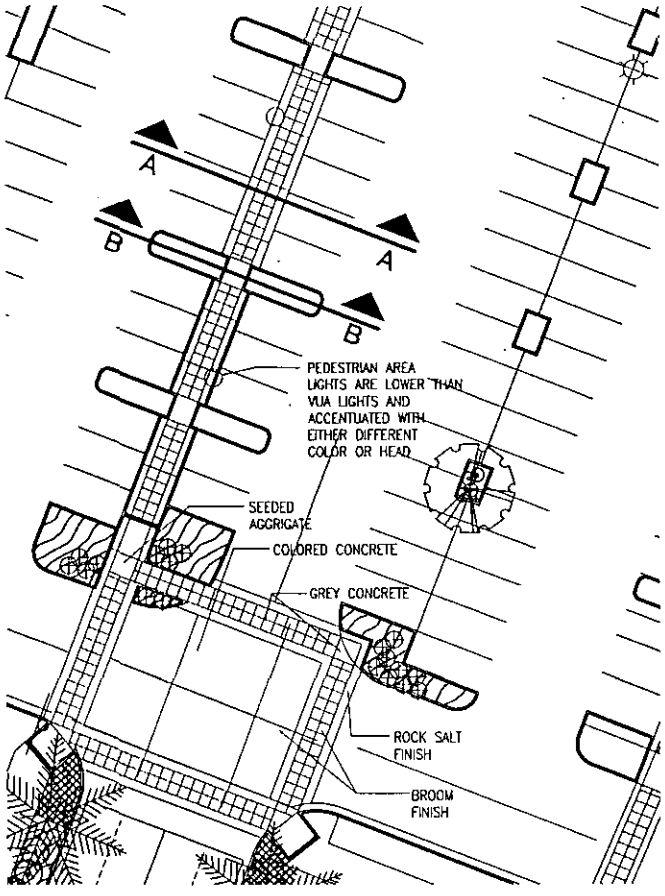
PROJECT ADDRESS: 5522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO. ZA220
DATE: 2-4-05

REVISION #	DATE	REVISION #	DATE
1	5-10-05		
2	4-4-08		
3	5-23-08		

PROJECT NAME: GENESEE PLAZA
SHT: 26 OF 36
SHT #: 26
SHEET TITLE:

000760

ATTACHMENT 5



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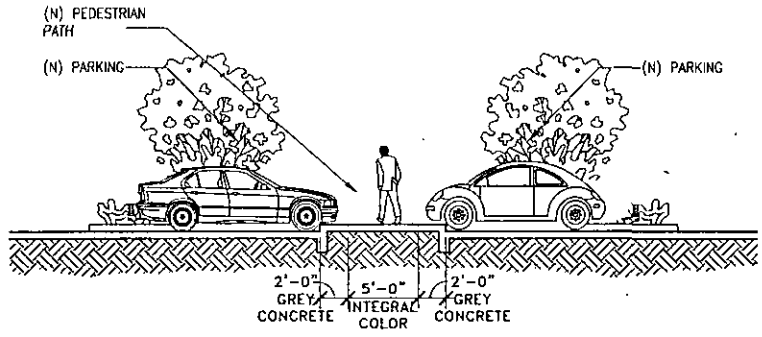

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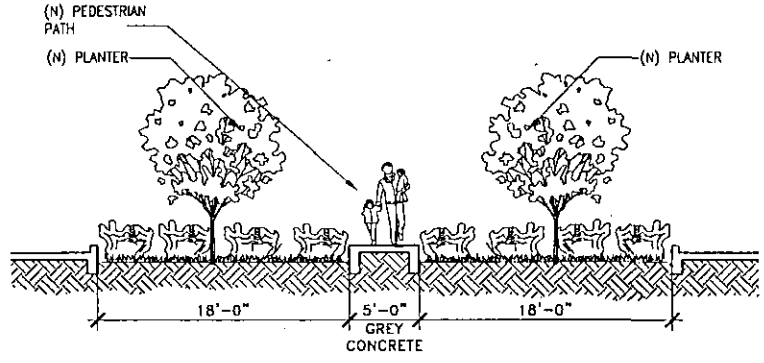

SECTION - BB
AT FINGER PLANTER

SCALE : NO SCALE

APPROVED DISCRETIONARY PERMIT – PCD No. 89-0740

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2900 FOURTH AVE., SUITE 204 · SAN DIEGO, CA 92103
(619) 233-6450 FAX (619) 233-6449

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FAX: 619-233-6449
PROJECT ADDRESS: 5622 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT No: 24720
DATE: 3/1/05

REVISION #:	DATE:	REVISION #:	DATE:
1	5-10-05	4	7-19-06
2	6-4-06		
3	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHT. 27 OF 29 — SHT. #: 27
SHEET TITLE:

GENESEE PLAZA
5522 BALBOA AVENUE

000761

ATTACHMENT 5

ABBREVIATIONS

AB	AGGREGATE BASE	LF	LINEAR FEET
AC	ASPHALT CONCRETE	M/W	MONITORING WELL
AD	AREA DRAIN	OHE	OVERHEAD ELECTRIC
ASB	AGGREGATE SUBBASE	OHT	OVERHEAD TELEPHONE
BFP	BACKFLOW PREVENTER	PAE	PUBLIC ACCESS EASEMENT
CB	CATCH BASIN	PB	PULL BOX
CL	CENTERLINE	PIV	POST INDICATOR VALVE
DCV	DIRECT CHECK VALVE	PUE	PUBLIC UTILITY EASEMENT
DWY	DRIVEWAY	PVC	POLYVINYL CHLORIDE PIPE
E	ELECTRICAL LINE	R	RIDGE LINE
EB	ELECTRIC BOX	RCP	REINFORCED CONCRETE PIPE
EP	EDGE OF PAVEMENT	SD	STORM DRAIN PIPE
EX	EXISTING	SS	SANITARY SEWER PIPE
FDC	FIRE DEPARTMENT CONNECTION	SSCO	SANITARY SEWER CLEANOUT
FF	FINISHED FLOOR	SSMH	SANITARY SEWER MANHOLE
FL	FLOWLINE	SW	SIDEWALK
FS	FINISHED SURFACE	T	TELEPHONE LINE
G	GAS PIPE	TC	TOP OF CURB
GB	GRADE BREAK	TP	TELEPHONE POLE
GM	GAS METER	TS	TRAFFIC SIGNAL
GP	GUARD POST	TSB	TRAFFIC SIGNAL BOX
GR	GRATE	VG	VALLEY GUTTER
HCR	HANDICAP RAMP	W	WATER PIPE
INV	INVERT	WM	WATER METER
JP	JOINT POLE		
JT	JOINT TRENCH		

LEGEND:

51	EXISTING CONTOUR
51.00	EXISTING ELEVATION
TC 51.00 FS 50.00	TC - TOP OF CURB ELEVATION FS - FINISHED SURFACE
GR 50.00	GR - GRATE ELEVATION
FL 50.00	FL - FLOW LINE
55	PROPOSED CONTOUR
	RIDGE LINE
	GRADE BREAK
	SAWCUT LINE
3.0%	SLOPE

GRADING TABULATIONS:

TOTAL AMOUNT OF SITE TO BE GRADED: 21 AC 4468 OF SITE

AMOUNT OF CUT: 17,000 CY
MAXIMUM DEPTH OF CUT: 4-1/2 FT
AMOUNT OF FILL: 21,100 CY
MAXIMUM DEPTH OF FILL: 7 FT

MAXIMUM HEIGHT OF FILL SLOPE(S): 5 FEET 2:1 SLOPE RATIO
MAXIMUM HEIGHT OF CUT SLOPE(S): 2 FEET 2X:1 SLOPE RATIO

AMOUNT OF IMPORT/EXPORT SOIL: 4,100 CY EXPORT

RETAINING/CRIB WALLS: 85 FT LONG, 5 FT MAXIMUM HEIGHT (TRUCK DOCK WALLS)

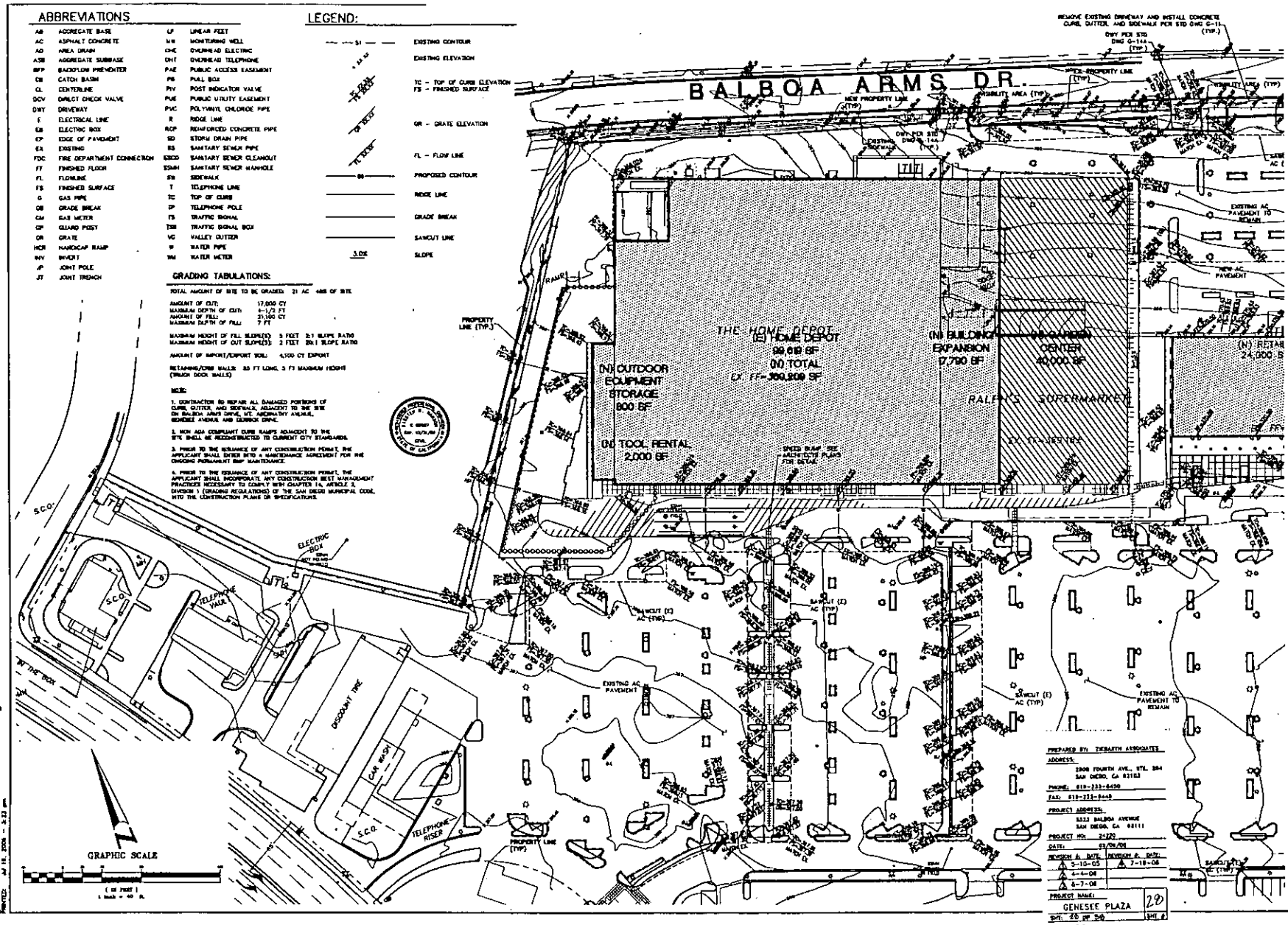
NOTE:

1. CONTRACTOR TO REPAIR ALL DAMAGED PORTIONS OF CURB, GUTTER, AND SIDEWALK ADJACENT TO THE SITE ON BALBOA ARMS DRIVE, MT. ABERNATHY AVENUE, GENESEE AVENUE AND DERRICK DRIVE.

2. NON ADA COMPLIANT CURB RAMPS ADJACENT TO THE SITE SHALL BE RECONSTRUCTED TO CURRENT CITY STANDARDS.

3. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE.

4. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.



PREPARED BY: THOMAS ASSOCIATES
ADDRESS: 2908 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-8440
PROJECT ADDRESS: 5333 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 21-270
DATE: 03/09/06
REVISION #, DATE: 1 5-10-05; 2 4-4-06; 3 6-7-06; 4 7-18-06
PROJECT NAME: GENESEE PLAZA
SHT. 28 OF 30
SHT. #: 28
SHEET TITLE:

DATE	BY	DESCRIPTION

DATE 07/19/06 | REV # BY
SCALE 1"=40' | DESIGNED MS
DRAWN MS | CHECKED DA
PROJ MGR RM | FILE PATH N:\5095\Grading\5095GRADING.dwg

PACIFIC LAND SERVICES
2181 SALVIO STREET, SUITE 200, CONCORD, CA 94520
510-685-8400 FAX 510-685-8407
DEVELOPMENT | SURVEYING | LANDSCAPE ARCHITECTURE
CIVIL ENGINEERS

C-1 PRELIMINARY GRADING PLAN
GENESEE PLAZA
5622 BALBOA AVENUE
SAN DIEGO COUNTY CALIFORNIA

5095 SAN DIEGO

000762

ATTACHMENT 5

000763

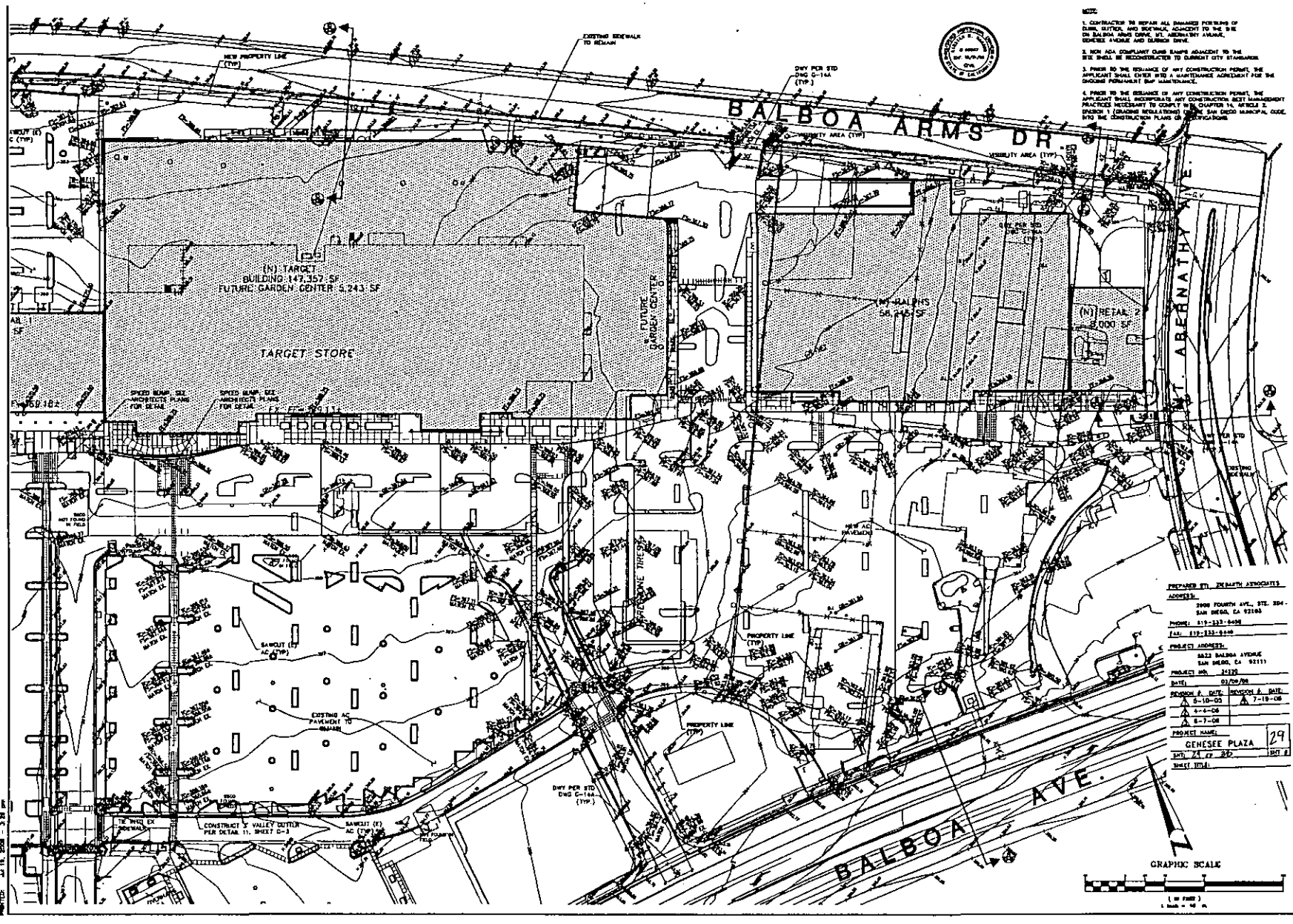
NOTES:

1. CONTRACTOR TO REPAIR ALL DAMAGED PORTIONS OF CURB, GUTTER, AND SIDEWALK ADJACENT TO THE SITE ON BALBOA ARMS DRIVE, ST. ABERNATHY AVENUE, GENESEE AVENUE AND BURTON DRIVE.

2. NON ADA COMPLIANT CURB RAMPS ADJACENT TO THE SITE SHALL BE RECONSTRUCTED TO CURRENT CITY STANDARDS.

3. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE.

4. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.



PREPARED BY: ZIEGENFUS ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204 - SAN DIEGO, CA 92103
PHONE: 619-233-8408
FAX: 619-233-8409
PROJECT ADDRESS: 8622 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO: 2-120
DATE: 01/09/08

REVISION #	DATE	REVISION #	DATE
1	5-10-05	4	7-19-06
2	4-4-06		
3	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHEET TITLE:
SHT. 29 OF 30 SHT #

PACIFIC LAND SERVICES
ENGINEERING SURVEYING SUBDIVISION LANDSCAPE ARCHITECTURE
2151 SALVIO STREET, SUITE 246, CONCORD, CA 94520
PHONE: 925-685-8400 FAX: 925-685-8407

DATE	07/19/06	REV #	BY	DATE	DESCRIPTION
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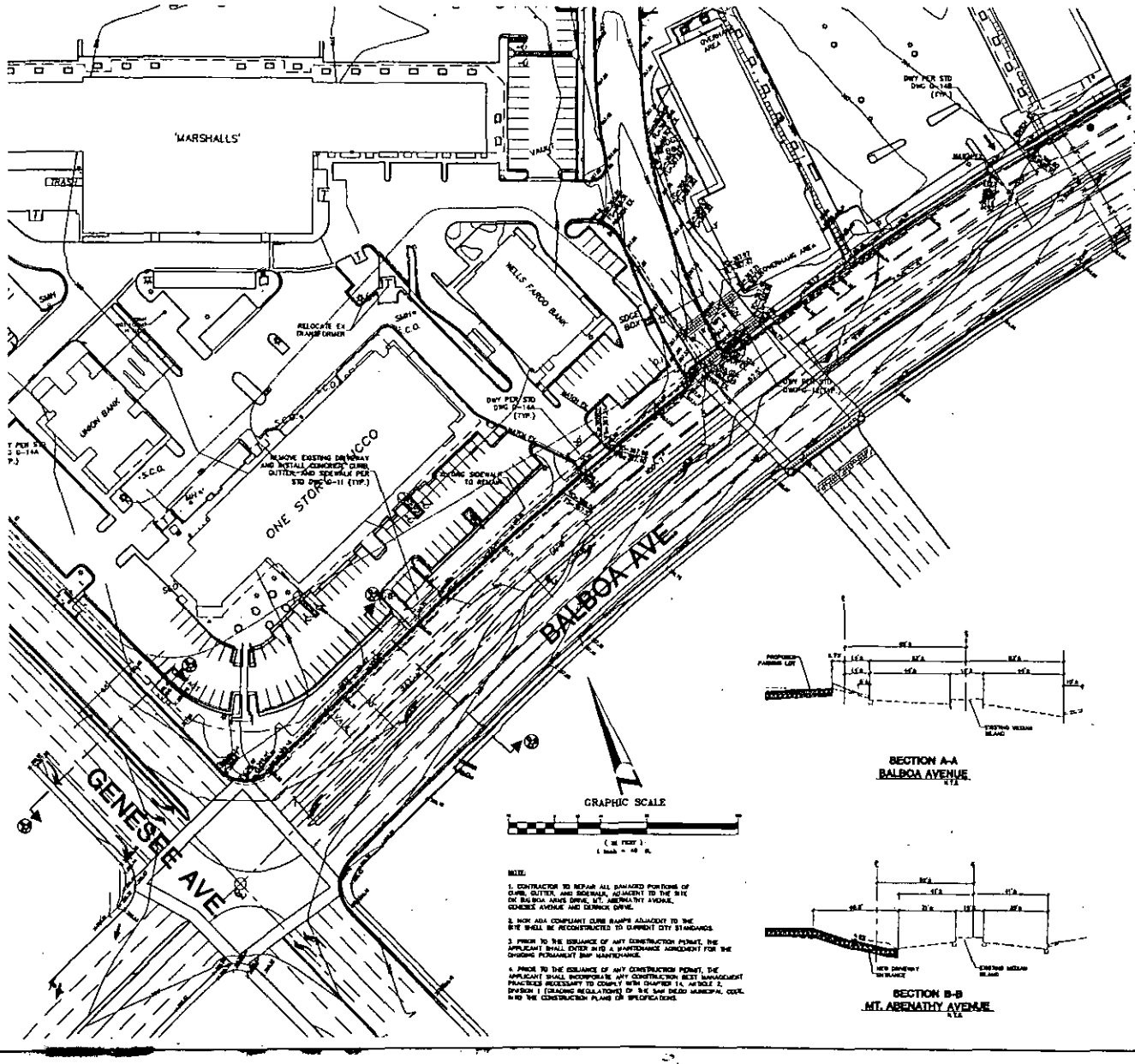
DRAWN	MTS				
CHECKED	DRL				
PROJ. MGR.	DJH				
PLE PATH	H:\2005\Jan\C2-18-06 Preliminary\5086C-02.dwg				

C-2 OF 5086

PRELIMINARY GRADING PLAN
GENESEE PLAZA
8622 BALBOA AVENUE
SAN DIEGO COUNTY CALIFORNIA
SAN DIEGO

ATTACHMENT 5



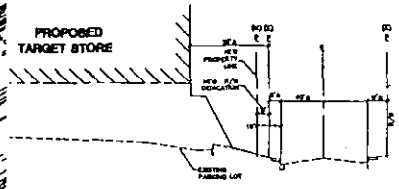
NOTE:

1. CONTRACTOR TO REPAIR ALL DAMAGED PORTIONS OF CURB, GUTTER, AND SIDEWALK, ADJACENT TO THE SITE ON BALBOA ARMS DRIVE, MT. ABERNATHY AVENUE, GENESEE AVENUE AND DERRICK DRIVE.

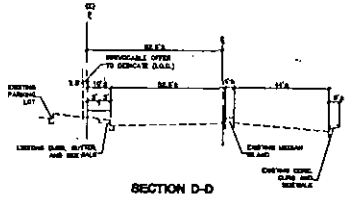
2. NEW ADA COMPLIANT CURB RAMPS ADJACENT TO THE SITE SHALL BE RECONSTRUCTED TO CURRENT CITY STANDARDS.

3. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE DIVISIONS PERMANENT BMP MAINTENANCE.

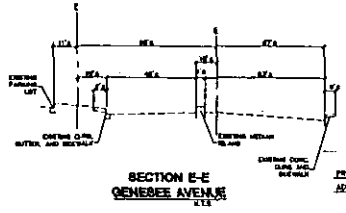
4. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.



SECTION C-C
BALBOA ARMS DRIVE
N.T.S.



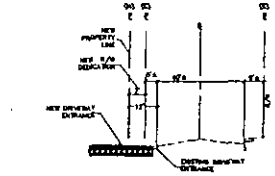
SECTION D-D
BALBOA AVENUE
N.T.S.



SECTION E-E
GENESEE AVENUE
N.T.S.

SECTION A-A
BALBOA AVENUE
N.T.S.

SECTION B-B
MT. ABERNATHY AVENUE
N.T.S.



SECTION F-F
BALBOA ARMS DRIVE
N.T.S.

PACIFIC LAND SERVICES

DATE	DESCRIPTION
07/19/05	REV. 1 BY
SCALE 1"=40'	
DESIGNED RDM	
DRAWN RDM	
CHECKED DAL	
FIELD BOOK RDM	
FILE PATH = \5085\dwg\07-19-05 Planning\5085GRAD.dwg	

PREPARED BY: DERBAKTH ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 104, SAN DIEGO, CA 92103
PHONE: 619-233-8650
FAX: 619-233-8448
PROJECT ADDRESS: 3333 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO: 21120
DATE: 03/08/05

REVISION #	DATE	REVISION #	DATE
1	5-10-05	4	7-19-06
2	4-4-06		
3	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHT: 30 OF 50 SHT #
SHEET TITLE: PRELIM. GRADING PLAN

C-3 PI 5086

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ATTACHMENT 5

ABBREVIATIONS

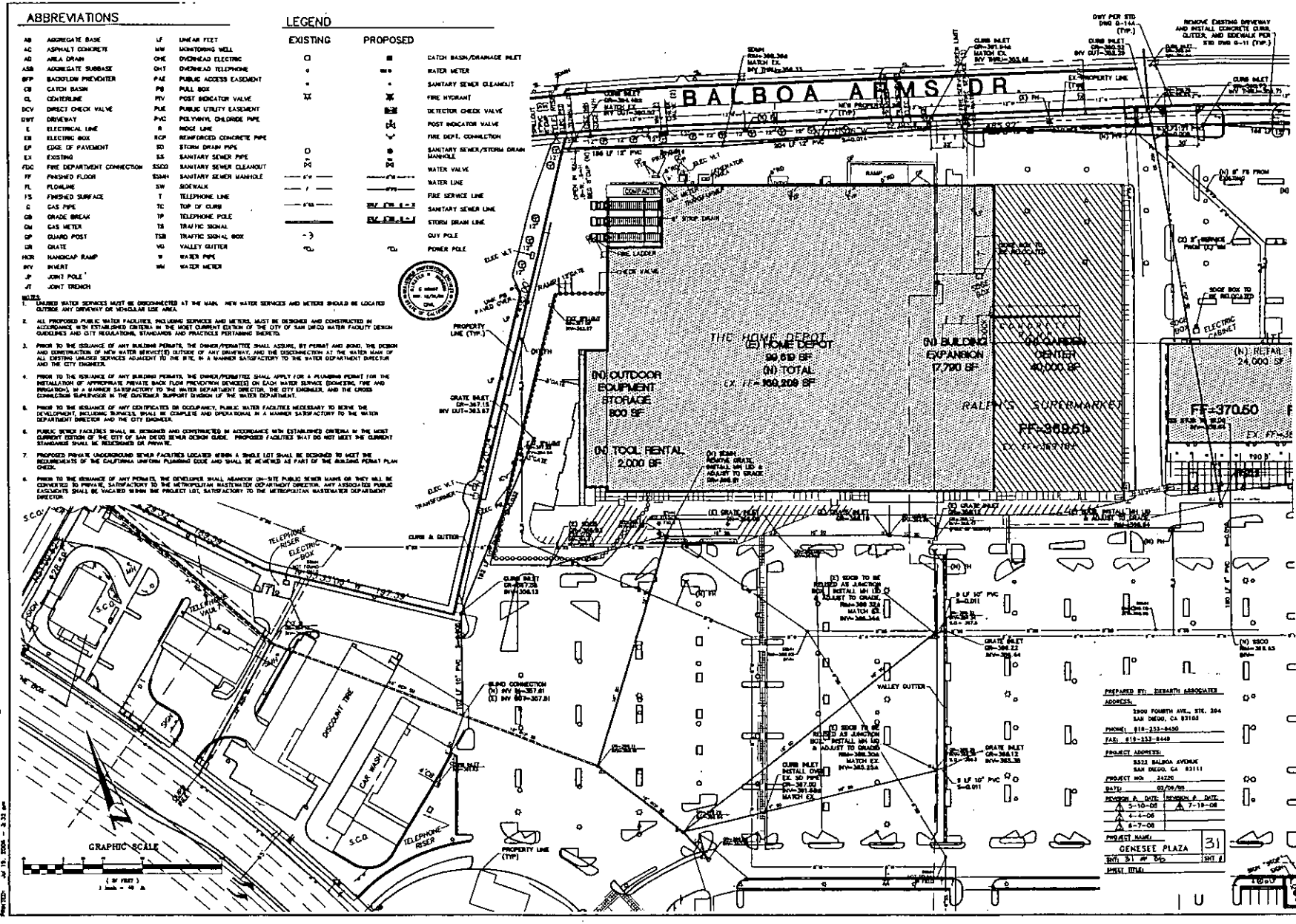
AB	AGGREGATE BASE	LF	LINEAR FEET
AC	ASPHALT CONCRETE	MW	MONITORING WELL
AD	AREA DRAIN	OHE	OVERHEAD ELECTRIC
ASB	AGGREGATE SUBBASE	OHT	OVERHEAD TELEPHONE
BFP	BACKFLOW PREVENTER	PAE	PUBLIC ACCESS EASEMENT
CB	CATCH BASIN	PB	PULL BOX
CL	CENTERLINE	PIV	POST INDICATOR VALVE
DCV	DIRECT CHECK VALVE	PUE	PUBLIC UTILITY EASEMENT
DWY	DRIVEWAY	PVC	POLYVINYL CHLORIDE PIPE
E	ELECTRICAL LINE	R	RIDGE LINE
EB	ELECTRIC BOX	RCP	REINFORCED CONCRETE PIPE
EP	EDGE OF PAVEMENT	SD	STORM DRAIN PIPE
EX	EXISTING	SS	SANITARY SEWER PIPE
FDC	FIRE DEPARTMENT CONNECTION	SSCO	SANITARY SEWER CLEANOUT
FF	FINISHED FLOOR	SSMH	SANITARY SEWER MANHOLE
FL	FLOWLINE	SW	SIDEWALK
FS	FINISHED SURFACE	T	TELEPHONE LINE
G	GAS PIPE	TC	TOP OF CURB
GB	GRADE BREAK	TP	TELEPHONE POLE
GM	GAS METER	TS	TRAFFIC SIGNAL
GP	GUARD POST	TSB	TRAFFIC SIGNAL BOX
GR	GRATE	VG	VALLEY GUTTER
HCR	HANDICAP RAMP	W	WATER PIPE
INV	INVERT	WM	WATER METER
JP	JOINT POLE		
JT	JOINT TRENCH		

LEGEND

EXISTING	PROPOSED	
		CATCH BASIN/DRAINAGE INLET
		WATER METER
		SANITARY SEWER CLEANOUT
		FIRE HYDRANT
		DETECTOR CHECK VALVE
		POST INDICATOR VALVE
		FIRE DEPT. CONNECTION
		SANITARY SEWER/STORM DRAIN MANHOLE
		WATER VALVE
		WATER LINE
		FIRE SERVICE LINE
		SANITARY SEWER LINE
		STORM DRAIN LINE
		GUY POLE
		POWER POLE

NOTES:

1. UNUSED WATER SERVICES MUST BE DISCONNECTED AT THE MAIN. NEW WATER SERVICES AND METERS SHOULD BE LOCATED OUTSIDE ANY DRIVEWAY OR VEHICULAR USE AREA.
2. ALL PROPOSED PUBLIC WATER FACILITIES, INCLUDING SERVICES AND METERS, MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ESTABLISHED CRITERIA IN THE MOST CURRENT EDITION OF THE CITY OF SAN DIEGO WATER FACILITY DESIGN GUIDELINES AND CITY REGULATIONS, STANDARDS AND PRACTICES PERTAINING THERETO.
3. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PERMITTEE SHALL ASSURE, BY PERMIT AND BOND, THE DESIGN AND CONSTRUCTION OF NEW WATER SERVICE(S) OUTSIDE OF ANY DRIVEWAY, AND THE DISCONNECTION AT THE WATER MAIN OF ALL EXISTING UNUSED SERVICES ADJACENT TO THE SITE, IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR AND THE CITY ENGINEER.
4. 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 WATER DEPARTMENT DIRECTOR, THE CITY ENGINEER, AND THE CROSS CONNECTION SUPERVISOR IN THE CUSTOMER SUPPORT DIVISION OF THE WATER DEPARTMENT.
5. PRIOR TO THE ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY, PUBLIC WATER FACILITIES NECESSARY TO SERVE THE DEVELOPMENT, INCLUDING SERVICES, SHALL BE COMPLETE AND OPERATIONAL IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR AND THE CITY ENGINEER.
6. PUBLIC SEWER FACILITIES SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ESTABLISHED CRITERIA IN THE MOST CURRENT EDITION OF THE CITY OF SAN DIEGO SEWER DESIGN GUIDE. PROPOSED FACILITIES THAT DO NOT MEET THE CURRENT STANDARDS SHALL BE REDESIGNED OR PRIVATE.
7. PROPOSED PRIVATE UNDERGROUND SEWER FACILITIES LOCATED WITHIN A SINGLE LOT SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CALIFORNIA UNIFORM PLUMBING CODE AND SHALL BE REVIEWED AS PART OF THE BUILDING PERMIT PLAN CHECK.
8. PRIOR TO THE ISSUANCE OF ANY PERMITS, THE DEVELOPER SHALL ABANDON ON-SITE PUBLIC SEWER MAINS OR THEY WILL BE CONVERTED TO PRIVATE, SATISFACTORY TO THE METROPOLITAN WASTEWATER DEPARTMENT DIRECTOR. ANY ASSOCIATED PUBLIC EASEMENTS SHALL BE VACATED WITHIN THE PROJECT LOT, SATISFACTORY TO THE METROPOLITAN WASTEWATER DEPARTMENT DIRECTOR.



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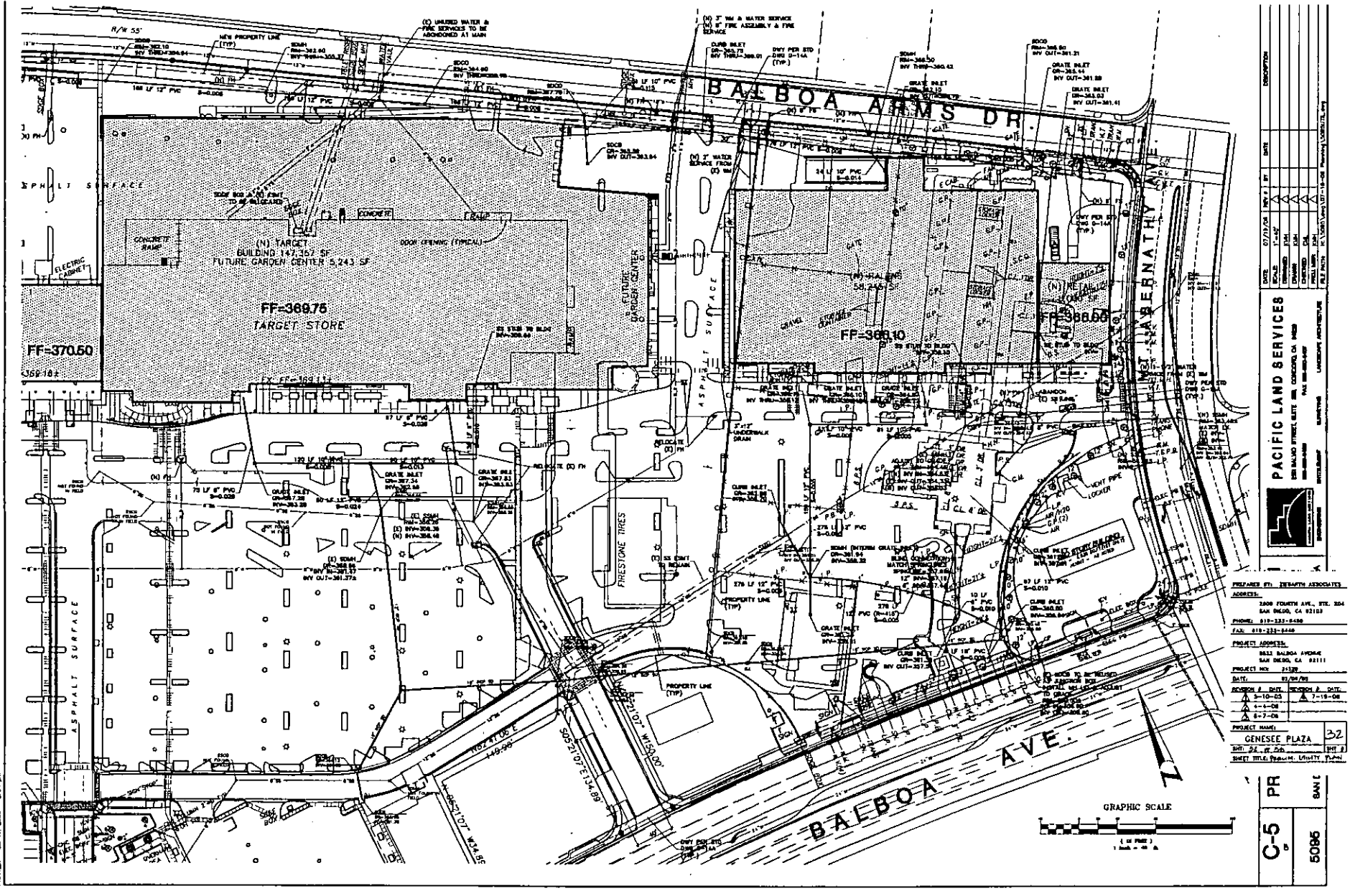
ATTACHMENT 5



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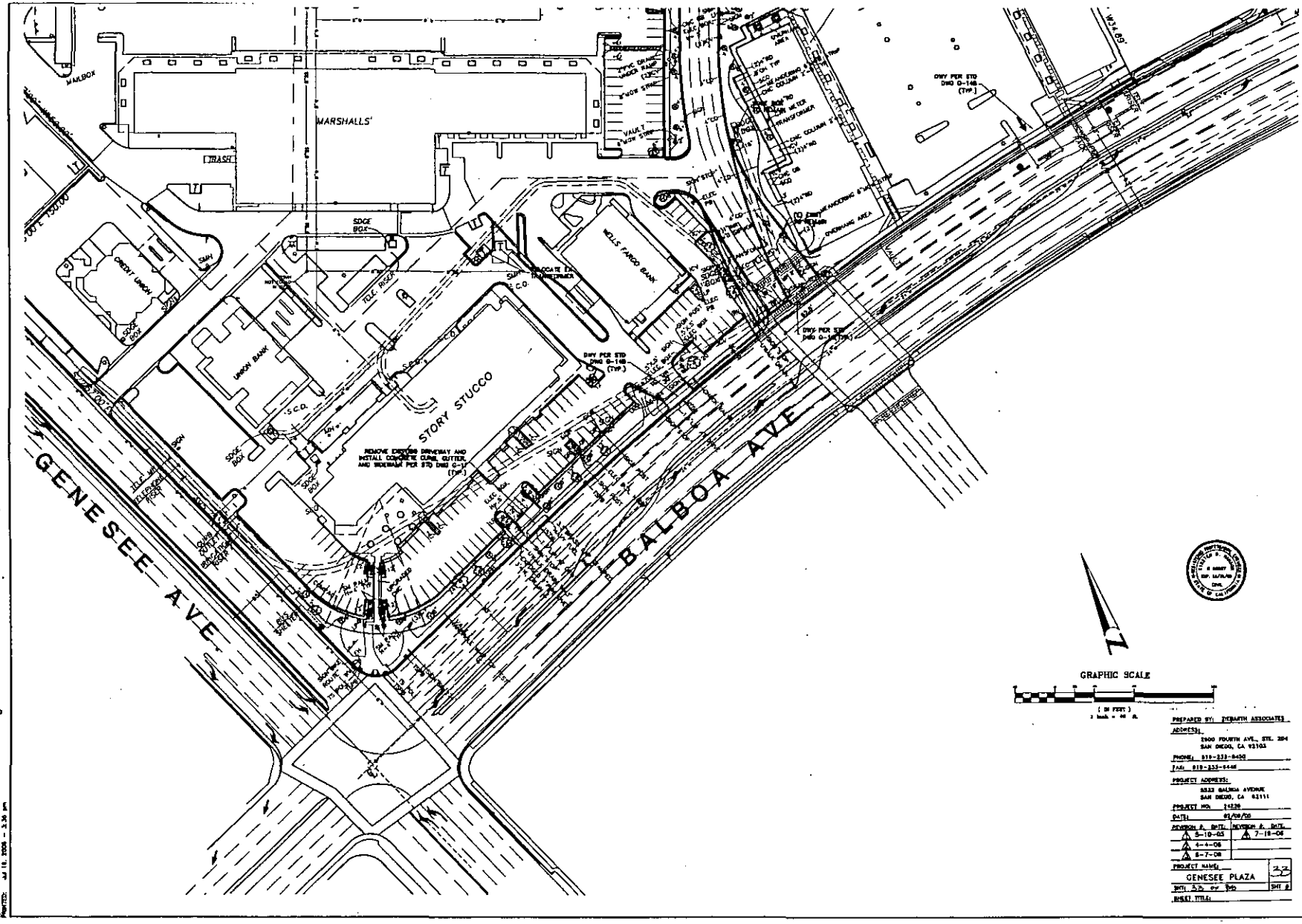
ATTACHMENT 5

000767



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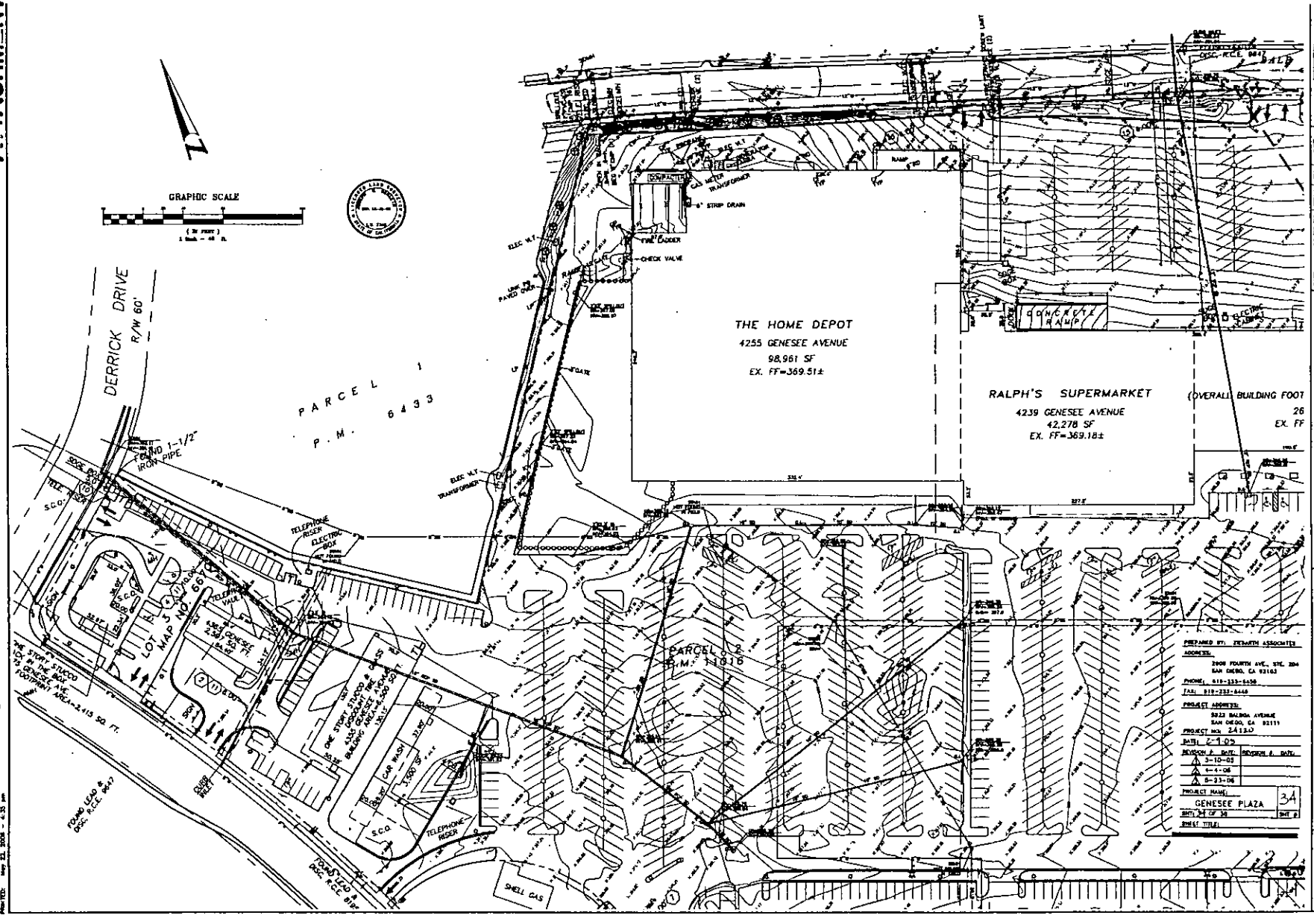

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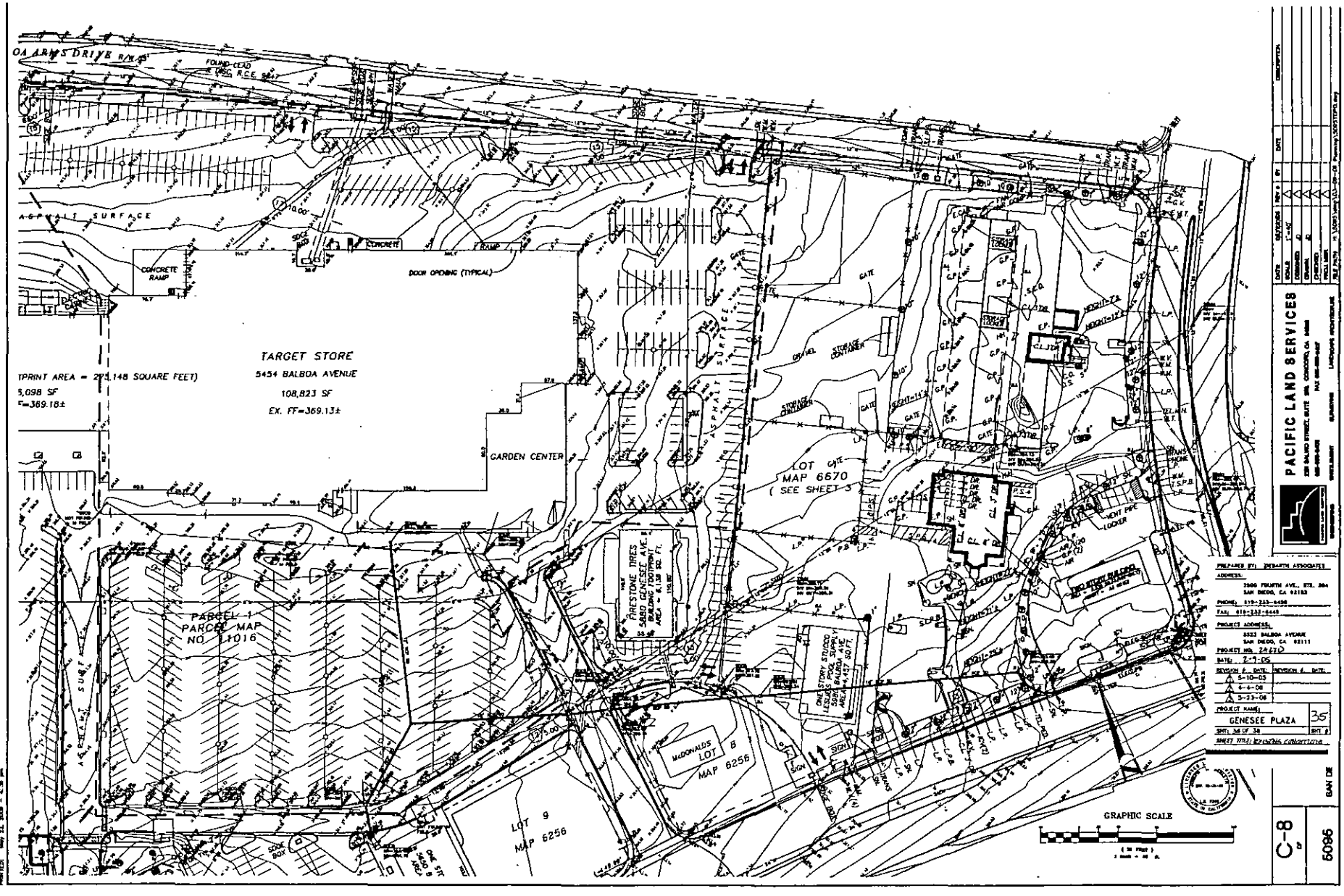

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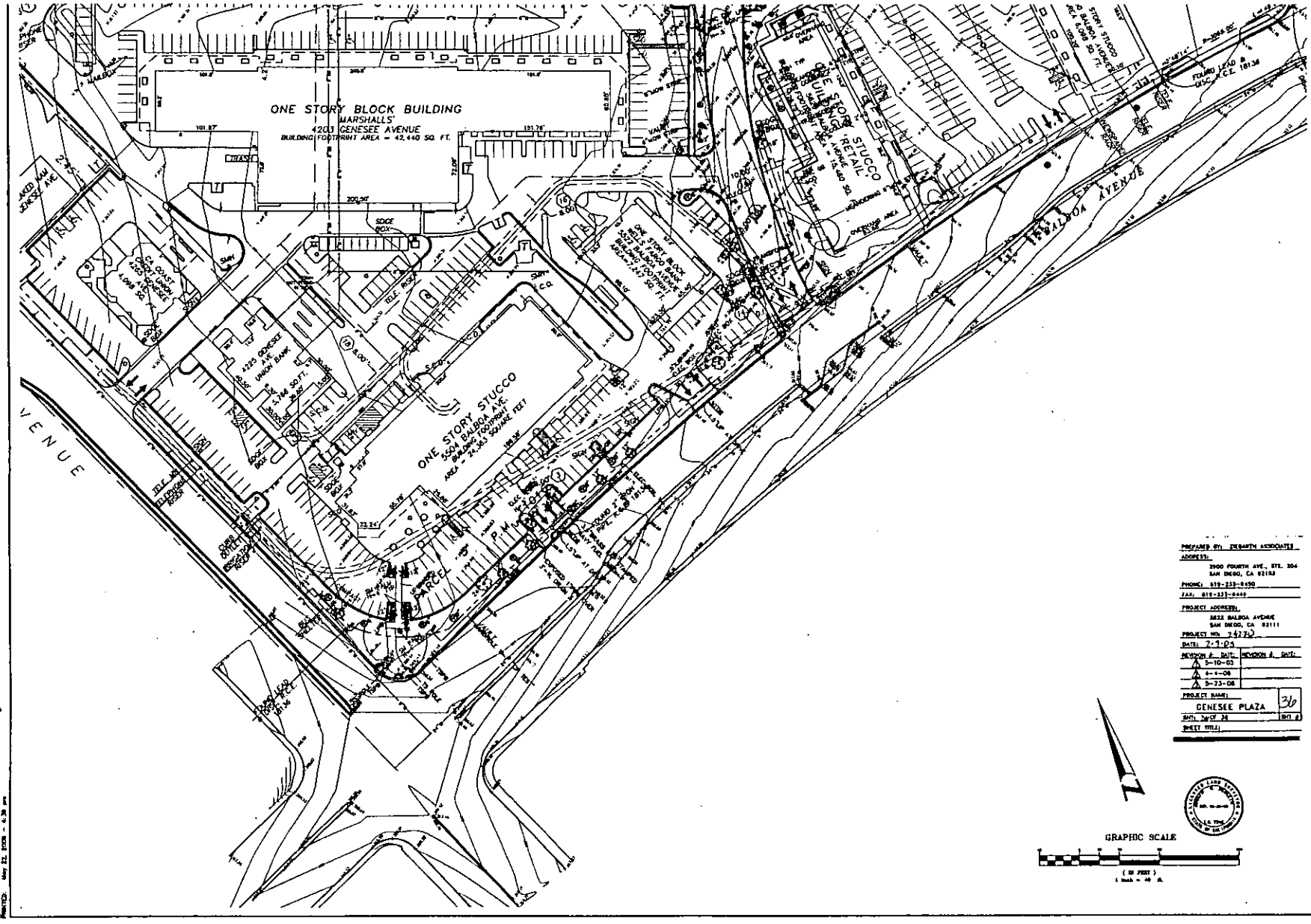


000770

ATTACHMENT 5

LEGAL DESCRIPTION:

PARCEL A:

LOT 3 OF GENESEE PLAZA SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6670, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 24, 1970.

PARCEL B:

PARCELS 1, 2 AND 3 OF PARCEL MAP NO. 11018, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, FEBRUARY 24, 1981, BEING A DIVISION OF A PORTION OF LOT 3 OF GENESEE PLAZA SUBDIVISION, ACCORDING TO MAP THEREOF NO. 6670, FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, JUNE 24, 1970.

1. THIS TOPOGRAPHICAL SURVEY IS BASED ON THE DESCRIPTIONS FURNISHED IN FIRST AMERICAN TITLE INSURANCE COMPANY, PRELIMINARY REPORT, ORDER NO. 1242407-2, DATED AS OF DECEMBER 11, 2000.

2. ITEM NO. 5 OF SAID REPORT REFERS TO AN EASEMENT FOR STORM DRAINS AND INCIDENTAL PURPOSES IN FAVOR OF CITY OF SAN DIEGO, RECORDED JUNE 13, 1957 IN BOOK 6618, PAGE 201 OF OFFICIAL RECORDS. PLOTTED HEREON.

3. ITEM NO. 6 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF PACIFIC TELEPHONE AND TELEGRAPH COMPANY BY INSTRUMENT RECORDED MAY 8, 1958 IN BOOK 7072, PAGE 574 OF OFFICIAL RECORDS. PLOTTED HEREON.

4. ITEM NO. 7 OF SAID REPORT REFERS TO AN EASEMENT FOR A STORM DRAIN OR DRAINS AND INCIDENTAL PURPOSES IN FAVOR OF CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, RECORDED MAY 12, 1964 AS FILE NO. 85523 OF OFFICIAL RECORDS. PLOTTED HEREON.

5. ITEM NO. 8 OF SAID REPORT REFERS TO AN EASEMENT FOR STREET AND INCIDENTAL PURPOSES IN FAVOR OF SHELL OIL COMPANY, A CORPORATION, RECORDED MAY 28, 1964 AS FILE NO. 98710 OF OFFICIAL RECORDS. PLOTTED HEREON.

6. ITEM NO. 9 OF SAID REPORT REFERS TO AN EASEMENT AND RIGHT OF WAY FOR ROAD AND INCIDENTAL PURPOSES AS GRANTED BY INSTRUMENT RECORDED DECEMBER 27, 1966 AS FILE NO. 199850 OF OFFICIAL RECORDS. PLOTTED HEREON.

7. ITEM NO. 10 OF SAID REPORT REFERS TO AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES AS DELINEATED AND DESIGNATED ON MAP NO. 8256. A RESOLUTION VACATING A PORTION OF SAID SEWER EASEMENT DEDICATED ON MAP NO. 8256, EXECUTED BY THE CITY OF SAN DIEGO AND RECORDED AUGUST 6, 1970 AS FILE NO. 138414 OF OFFICIAL RECORDS. PLOTTED HEREON.

8. ITEM NO. 10A OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO THE COVENANTS CONDITIONS AND RESTRICTIONS AS CONTAINED IN AN INSTRUMENT RECORDED DECEMBER 30, 1968 AS FILE NO. 228310 OF OFFICIAL RECORDS.

9. ITEM NO. 10B OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS AS CONTAINED IN AN INSTRUMENT RECORDED JUNE 11, 1969 AS FILE NO. 104125 OF OFFICIAL RECORDS.

10. ITEM NO. 12 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED AUGUST 26, 1968 AS FILE NO. 156726 OF OFFICIAL RECORDS. PLOTTED HEREON.

11. ITEM NO. 13 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE AMERICAN OIL CO., OWNER, RECORDED SEPTEMBER 3, 1969 AS FILE NO. 161781 OF OFFICIAL RECORDS. PLOTTED HEREON.

12. ITEM NO. 14 OF SAID REPORT REFERS TO AN EASEMENT FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEWER LATERAL AND INCIDENTAL PURPOSES IN FAVOR OF BALBOA SHOPPING CENTER, INC., A CALIFORNIA CORPORATION, RECORDED JUNE 24, 1970 AS FILE NO. 110175 OF OFFICIAL RECORDS. PLOTTED HEREON.

13. ITEM NO. 15 OF SAID REPORT REFERS TO AN EASEMENT FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEWER LATERAL AND INCIDENTAL PURPOSES IN FAVOR OF BALBOA SHOPPING CENTER INC., A CALIFORNIA CORPORATION, RECORDED JUNE 24, 1970 AS FILE NO. 110178 OF OFFICIAL RECORDS. PLOTTED HEREON.

14. ITEM NO. 17 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED OCTOBER 20, 1970 AS FILE NO. 191785 OF OFFICIAL RECORDS. PLOTTED HEREON.

15. ITEM NO. 18 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED NOVEMBER 2, 1970 AS FILE NO. 2002879 OF OFFICIAL RECORDS. PLOTTED HEREON.

16. ITEM NO. 19 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED NOVEMBER 27, 1970 AS FILE NO. 217708 OF OFFICIAL RECORDS. PLOTTED HEREON.

17. ITEM NO. 20 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED JANUARY 8, 1971 AS FILE NO. 4310 OF OFFICIAL RECORDS. PLOTTED HEREON.

18. ITEM NO. 21 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED JUNE 3, 1971 AS FILE NO. 118307 OF OFFICIAL RECORDS. PLOTTED HEREON.

19. ITEM NO. 22 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED MARCH 2, 1972 AS FILE NO. 51308 OF OFFICIAL RECORDS. PLOTTED HEREON.

20. ITEM NO. 22B OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO AN AGREEMENT REGARDING COMMERCIAL BUILDING FOR AUTOMOBILE AGENCY, UPON THE TERMS, COVENANTS, AND CONDITIONS CONTAINED THEREIN EXECUTED BY AND BETWEEN T.G.F. COMPANY, A GENERAL PARTNERSHIP AND THE CITY OF SAN DIEGO, RECORDED NOVEMBER 30, 1972 AS FILE NO. 320007 OF OFFICIAL RECORDS.

21. ITEM NO. 22C OF SAID REPORT REFERS TO AN EASEMENT TO INSTALL, PLACE, REPLACE, OPERATE, MAINTAIN AND REPAIR ELECTRICAL SYSTEM AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED DECEMBER 28, 1972 AS FILE NO. 342307 OF OFFICIAL RECORDS. THE ROUTE OF LOCATION CANNOT BE DETERMINED FROM SAID INSTRUMENT.

22. ITEM NO. 23 OF SAID REPORT REFERS TO AN EASEMENT FOR A TRAFFIC SIGNAL SYSTEM AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF SAN DIEGO, RECORDED JUNE 6, 1973 AS FILE NO. 73-153852 OF OFFICIAL RECORDS. PLOTTED HEREON.

23. ITEM NO. 24 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED JULY 13, 1973 AS FILE NO. 73-194028 OF OFFICIAL RECORDS. THE SAID EASEMENT AND RIGHT OF WAY IN THE AFOREDESCRIBED LANDS SHALL BE SIX FEET OR MORE WIDTH, BEING THREE FEET MEASURED AT RIGHT ANGLES, ON EACH SIDE OF EACH AND EVERY ELECTRIC UTILITY FACILITY INSTALLED WITHIN THE AFOREDESCRIBED LANDS ON OR BEFORE SEPTEMBER 1, 1973. ANY ABOVE INDICATION OF THE UTILITY COVERED BY SAID EASEMENT HAS BEEN SHOWN HEREON.

24. ITEM NO. 24A OF SAID REPORT REFERS TO AN EASEMENT FOR ELECTRICAL FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION, RECORDED JULY 20, 1973 AS FILE NO. 73-201882 OF OFFICIAL RECORDS. THE ROUTE OR LOCATION CANNOT BE DETERMINED FROM SAID INSTRUMENT.

25. ITEM NO. 27 OF SAID REPORT REFERS TO AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED APRIL 24, 1980 AS FILE NO. 80-138308 OF OFFICIAL RECORDS. THE EASEMENT SHALL BE LOCATED WITHIN A STRIP OF LAND 6 FEET OR MORE IN WIDTH, BEING 3 FEET MEASURED AT RIGHT ANGLES, ON EACH SIDE OF EACH AND EVERY ELECTRIC UTILITY FACILITY INSTALLED WITHIN THE AFOREDESCRIBED LANDS ON OR BEFORE MAY 31, 1980. THE ROUTE OR LOCATION OF SAID EASEMENT CANNOT BE DETERMINED FROM THE RECORD. ANY ABOVE INDICATION OF THE UTILITY COVERED BY SAID EASEMENT HAS BEEN SHOWN HEREON.

26. ITEM NO. 30 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO THE RIGHTS OF FEDERAL DEPARTMENT STORES, INC., A DELAWARE CORPORATION, TO A NONEXCLUSIVE EASEMENT IN, ON, UNDER OR OVER THE COMMON AREA (DEFINED IN THE LEASE) OF THE SHOPPING CENTER HEREIN DESCRIBED FOR USE BY TENANT AND ITS SUBTENANTS AND THEIR RESPECTIVE OFFICERS, EMPLOYEES, CUSTOMERS AND INVITEES FOR THE PURPOSES CONSTRUCTED (E.G., FOR PEDESTRIANS AND VEHICULAR TRAFFIC AND UTILITY SERVICE), AS GRANTED TO FEDERATED DEPARTMENT STORES, INC., A DELAWARE CORPORATION, RECORDED OCTOBER 22, 1982 AS FILE NO. 82-325757 OF OFFICIAL RECORDS.

NOTES REGARDING PRELIMINARY TITLE REPORT:

27. ITEM NO. 31 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO AN AGREEMENT REGARDING TO HOLD PROPERTY AS ONE PARCEL EXECUTED BY AND BETWEEN T.G.F. COMPANY, A GENERAL PARTNERSHIP AND THE CITY OF SAN DIEGO, RECORDED OCTOBER 27, 1983 AS FILE NO. 83-390036 OF OFFICIAL RECORDS.

28. ITEM NO. 32 OF SAID REPORT REFERS TO AN EASEMENT FOR UNDERGROUND FACILITIES AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATION FACILITIES AND APPURTENANCES AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION, RECORDED MAY 2, 1984 AS FILE NO. 84-161663 OF OFFICIAL RECORDS. THE EASEMENT SHALL BE A STRIP OF LAND, INCLUDING ALL OF THE AREA LYING BETWEEN THE EXTERIOR SIDELINES, WHICH SIDES SHALL BE 3 FEET, MEASURED AT RIGHT ANGLES, ON EACH EXTERIOR SIDE OF EACH AND EVERY FACILITY INSTALLED WITHIN SAID PROPERTY ON OR BEFORE JUNE 1, 1985. THE ROUTE OR LOCATION OF SAID EASEMENT CANNOT BE DETERMINED FROM THE RECORD. ANY ABOVE GROUND INDICATION OF THE UTILITY COVERED BY SAID EASEMENT HAS BEEN SHOWN HEREON.

29. ITEM NO. 32A OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO AN AGREEMENT REGARDING THE INSTALLATION, MAINTENANCE AND POSSIBLE REMOVAL OF METAL STRUCTURE EXECUTED BY AND BETWEEN T.G.F. COMPANY, A GENERAL PARTNERSHIP AND THE CITY OF SAN DIEGO, RECORDED JULY 19 1984 AS FILE NO. 84-272833 OF OFFICIAL RECORDS.

30. ITEM NO. 34 OF SAID REPORT REFERS TO AN EASEMENT FOR UNDERGROUND FACILITIES AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, PIPELINES AND APPURTENANCES FOR ANY AND ALL PURPOSES, COMMUNICATION FACILITIES, AND APPURTENANCES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED JULY 8, 1985 AS FILE NO. 85-242831 OF OFFICIAL RECORDS. THE EASEMENT IN FOR AFORESAID PROPERTY SHALL BE A STRIP OF LAND, INCLUDING ALL OF THE AREA LYING BETWEEN THE EXTERIOR SIDELINES, WHICH SIDELINES SHALL BE THREE (3) FEET, MEASURED AT RIGHT ANGLES, ON EACH EXTERIOR SIDE OF EACH AND EVERY FACILITY INSTALLED WITHIN SAID PROPERTY ON OR BEFORE JUNE 30, 1987. ANY ABOVE GROUND INDICATION OF THE UTILITY COVERED BY SAID EASEMENT HAS BEEN SHOWN HEREON.

NOTES REGARDING PRELIMINARY TITLE REPORT CONTINUED:

31. ITEM NO. 36 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO THE LIMITATIONS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, TERMS, LIENS, ASSESSMENTS, PROVISIONS AND CHARGES AS CONTAINED IN THE DECLARATION OF RESTRICTIONS RECORDED APRIL 18, 1990 AS FILE NO. 90-208467 OF OFFICIAL RECORDS.

32. ITEM NO. 37 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO THE TERMS AND PROVISIONS OF PLANNING DIRECTOR RESOLUTION NO. 8346, GRANTED PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 88-0740, RECORDED JULY 18, 1990 AS FILE NO. 90-391049 OF OFFICIAL RECORDS.

33. ITEM NO. 38 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS AS CONTAINED IN AN INSTRUMENT RECORDED OCTOBER 2, 1990 AS FILE NO. 90-537873 OF OFFICIAL RECORDS.

34. ITEM NO. 39 OF SAID REPORT REFERS TO AN EASEMENT FOR UNDERGROUND COMMUNICATION FACILITIES AND INCIDENTAL PURPOSES IN FAVOR OF PACIFIC BELL, RECORDED OCTOBER 25, 1990 AS FILE NO. 90-580514 OF OFFICIAL RECORDS. ANY ABOVE GROUND INDICATION OF THE UTILITY COVERED BY SAID EASEMENT HAS BEEN SHOWN HEREON.

35. ITEM NO. 43 OF SAID REPORT REFERS TO AN EASEMENT FOR UNDERGROUND ELECTRIC FACILITIES AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATION FACILITIES AND APPURTENANCES AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED JULY 3, 1993 AS FILE NO. 1993-0291637 OF OFFICIAL RECORDS. THE EASEMENT IN THE AFOREDESCRIBED PROPERTY SHALL BE A STRIP OF LAND, INCLUDING ALL OF THE AREA LYING BETWEEN THE EXTERIOR SIDELINES, WHICH SIDELINES SHALL BE THREE (3) FEET, MEASURED AT RIGHT ANGLES, ON EACH EXTERIOR SIDE OF EACH FACILITY INSTALLED AS SHOWN ON GRANTEE'S CONSTRUCTION ORDER NO. 2318630 WITHIN SAID PROPERTY ON OR BEFORE DECEMBER 31, 1993. ANY ABOVE GROUND INDICATION OF THE UTILITY COVERED BY SAID EASEMENT HAS BEEN SHOWN HEREON.

36. ITEM NO. 45 OF SAID REPORT INDICATES THE PROPERTY IS SUBJECT TO A NOTICE OF CONSENT TO USE OF LAND EXECUTED BY T.F.G. COMPANY, A PARTNERSHIP, BY SUNBELT STORES, INC., A CALIFORNIA CORPORATION, GENERAL PARTNER RECORDED FEBRUARY 12, 1997 AS FILE NO. 1997-0064192 OF OFFICIAL RECORDS.

PREPARED BY: DEHARTA ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204, SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-6448
PROJECT ADDRESS: 5522 BALBOA AVENUE, SAN DIEGO, CA 92111
PROJECT NO. 24120
DATE: 2-9-05

REVISION #:	DATE:	REVISION #:	DATE:
1	5-10-05		
2	4-4-06		
3	5-23-06		

PROJECT NAME: GENESEE PLAZA — 37
SHT: 37 OF 38 — SHT #
SHEET TITLE:

GRAPHIC SCALE

PACIFIC LAND SERVICES

EXISTING CONDITIONS
GENESEE PLAZA
5522 BALBOA AVENUE
SAN DIEGO — SAN DIEGO COUNTY — CALIFORNIA

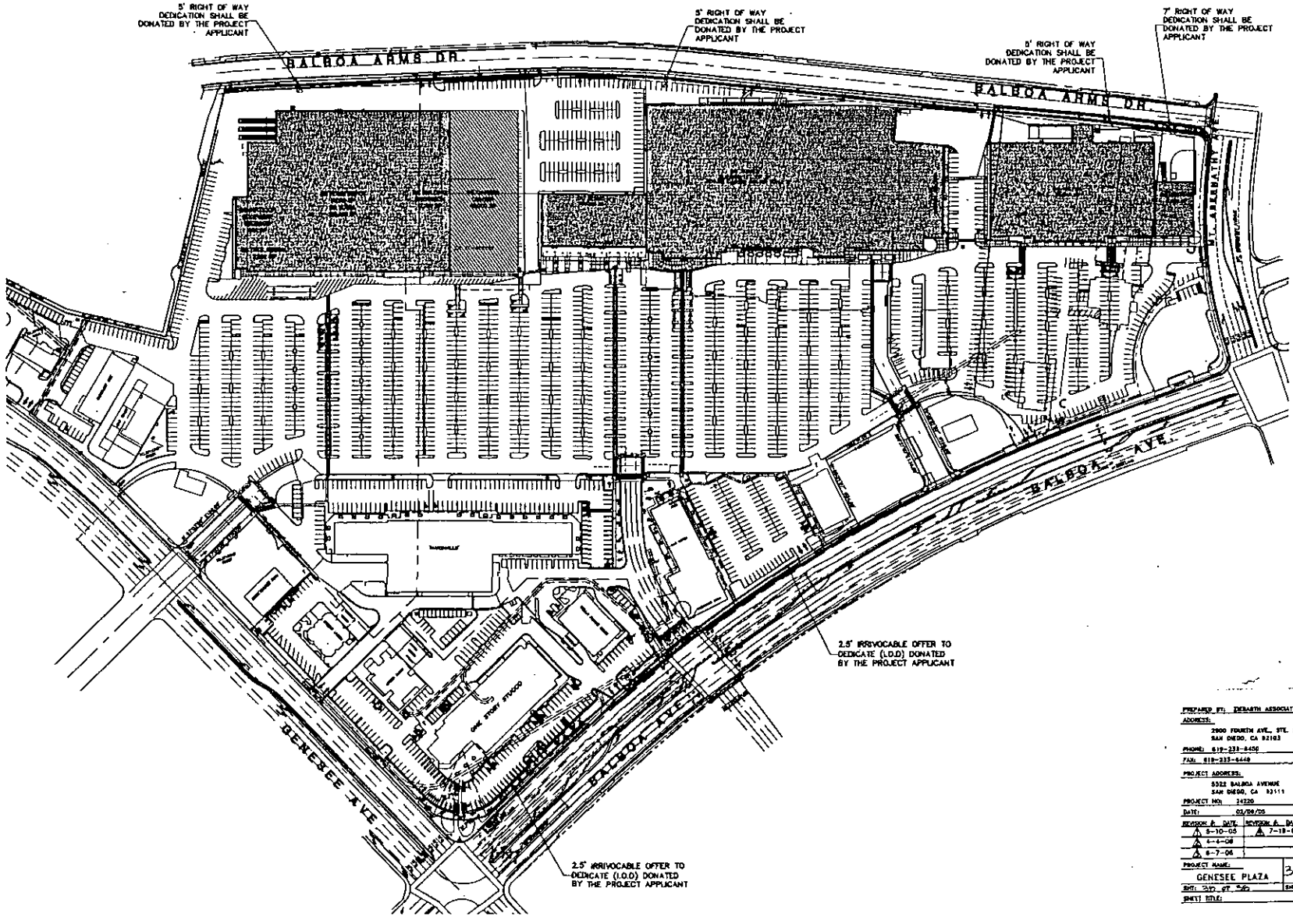
C-10

5096

PLOTTED: May 22, 2006 - 4:41 pm

000771

ATTACHMENT 5



PREPARED BY: DEBARTH ASSOCIATES
ADDRESS: 2900 FOURTH AVE., STE. 204 SAN DIEGO, CA 92103
PHONE: 619-233-8450
FAX: 619-233-8449
PROJECT ADDRESS: 8522 BALBOA AVENUE SAN DIEGO, CA 92111
PROJECT NO: 24220
DATE: 03/09/05

REVISION #:	DATE:	REVISION #:	DATE:
1	5-10-05	4	7-19-06
2	6-4-06		
3	6-7-06		

PROJECT NAME: GENESEE PLAZA
SHT. 30 OF 36 SHT. #
SHEET TITLE:

PACIFIC LAND SERVICES
ENGINEERING DEVELOPMENT SURVEYING LANDSCAPE ARCHITECTURE

DATE	07/21/05	REV #	BY	DATE	DESCRIPTION
SCALE	1"=30'	1			
DESIGNED	MS	2			
DRAWN	MS	3			
CHECKED	JDH	4			
PROJ. MGR.	JDH				
PLT PATH	N:\5095\dwg\07-11-05 Planning\5095GTE.dwg				

C-11

RIGHT OF WAY DEDICATION PLAN
GENESEE PLAZA
8522 BALBOA AVENUE
SAN DIEGO COUNTY CALIFORNIA

SAN DIEGO 5095

000772

ATTACHMENT 5

202 GENESEE PLAZA
STREET ADDRESSES
SAN DIEGO, CA 92117

BUILDING	SUITE	TENANT
BUILDING A-1		
4203 GENESEE AVENUE	101A	3 DAY BLINDS
	102A	FINESSE NAILS
	103A	POSTAL ANNEX
	104A	FANTASTIC SAMS
	105A	GENESEE CLEANERS
BUILDING A-2		
4209 GENESEE AVENUE		MARSHALLS
BUILDING A-3		
4223 GENESEE AVENUE	107/108A	ENGRAVING STORE
	109A	WINDY'S FLOWERS
	110A	BALBOA DENTAL
	111A	BALBOA BEAUTY SUPPLY
	112A	JB JEWELERS
	113A	GNC
	114/115A	HOUSEHOLD FINANCE
BUILDING B		
5620 BALBOA AVENUE		BLOCKBUSTER
BUILDING B-1		
5604 BALBOA AVENUE	102/103B	MUSIC CENTRAL
	104B	EYE-TECH
	105B	CASH PLUS
	106B	BALBOA CHIROPRACTIC
	107B	TASTE OF CHINA
BUILDING C		
5650 BALBOA AVENUE	101C	SUB-MARINA
	102/103C	JUICE STATION
	104C	VOLTERO'S
	105C	EINSTEIN BAGEL
	106C	MUCHO GUSTO
BUILDING J		
4227 GENESEE AVENUE		STARBUCKS
5502 BALBOA AVENUE		BOSTON MARKET
5504 BALBOA AVENUE		TWEETER
5508 BALBOA AVENUE		PACIFIC TRUST AND SAVINGS

202 GENESEE PLAZA
STREET ADDRESSES
SAN DIEGO, CA 92117

BUILDING	SUITE	TENANT
MALL		
4267 GENESEE AVENUE		CATHERINES STORES
4271 GENESEE AVENUE		FASHION SENSE
4279 GENESEE AVENUE		PAYLESS SHOE
4283 GENESEE AVENUE		PARTY CITY
4285 GENESEE AVENUE		VACANT (KIOSK)
MAJORS		
4255 GENESEE AVENUE		HOME DEPOT #680
4239 GENESEE AVENUE		RALPHS #107
5454 GENESEE AVENUE		TARGET T-202
PADS		
4375 GENESEE AVENUE		JACK IN THE BOX
4365 GENESEE AVENUE		OILMAX
4355 GENESEE AVENUE		DISCOUNT TIRE
4315 GENESEE AVENUE		KNK CAR WASH
4265 GENESEE AVENUE		CALIFORNIA COAST CREDIT UNION
4225 GENESEE AVENUE		UNION BANK
5522 BALBOA AVENUE		WELLS FARGO BANK
5880 BALBOA AVENUE		FIRESTONE
5980 BALBOA AVENUE		LESLIE'S POOL
6050 BALBOA AVENUE		SEASIDE BUICK

000775

ATTACHMENT 6

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 424037

SITE DEVELOPMENT PERMIT NO. 188311
PLANNED DEVELOPMENT PERMIT NO. 189029
CONDITIONAL USE PERMIT NO. 190103
GENESEE PLAZA EXPANSION (MMRP) – PROJECT NO. 63208
AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT PERMIT AND
CONDITIONAL USE PERMIT NO. 89-0740;
PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 92-0216;
COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 95-0199
PLANNING COMMISSION

This Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, an amendment to permit numbers 89-0740, 92-0216 and 95-0199, County Recorder's Office Document number 90-391049 dated July 19, 1990 and 1992-0520424 dated August 18, 1992, is granted by the Hearing Officer of the City of San Diego to T.G.F COMPANY, A PARTNERSHIP, COMPROSED OF G.F. CORPORATION A CALIFORNIA CORPORATION AND TRAGNIEW, INC., A CALIFORNIA CORPORATION, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604, 126.0504 and 126.0305. The 43.84 acre site located at properties including 5502-6050 Balboa Avenue & 4203-4375 Genesee Avenue within the CC-1-3 zone and the Clairemont Mesa Height Limit and Community Plan Implementation Overlay Zones of the Clairemont Mesa Community Plan area. The project site is legally described as Lots 1 and 3 of Genesee Plaza Subdivision, Map No. 6670, Recorded June 24, 1970, Parcels 1, 2 and 3 of Parcel Map no. 11016, Recorded February 24, 1981 and parcels 1 and 2 Attached to Short Form Lease as Instrument No. 82-244263 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center, described and

identified by size, dimension, quantity, type, and location on the approved exhibits, dated November 15, 2006, on file in the Development Services Department.

The project or facility shall include:

a. The demolition or modification of seven buildings totaling 355,490 square feet and construction or modification of five buildings totaling 397,811 square feet, as a phased development for a new total of approximately 516,948 square feet of commercial retail space;

b. Landscaping (planting, irrigation and landscape related improvements);

c. Off-street parking facilities;

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 SDMC in effect for this site.

STANDARD REQUIREMENTS:

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

6. Issuance of this Permit by the City of San Diego does not authorize the 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 applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such 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" conditions(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.

9. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved exhibits, dated January 25, 2007).

10. The Owner/Permittee shall participate in and not oppose the potential formation of an assessment district or other financing mechanism for construction of improvements outlined in the Balboa Avenue Revitalization Action Program with credit given for the capital improvements that will be provided by this project. All properties benefited by the Balboa Avenue Revitalization Action Program shall be included in any such assessment district. If other financing mechanisms are used to finance the construction of the improvements outlined in Balboa Avenue Revitalization Action Program, the owners of benefited properties shall participate in such alternative financing mechanisms.

11. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act

(ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

12. This permit incorporates the conditions of all previous permits, which are incorporated by reference (Planned Commercial Development Permit and Conditional Use permit No. 89-0740; Planned Commercial Permit No. 92-0216; and Community Plan Implementation Overlay Zone Permit No. 95-0199), unless otherwise noted or superceded by this permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Site Development Permit No. 188311, Planned Development Permit No. 189029, and Conditional Use Permit No. 190103, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 63208 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration No. 63208 satisfactory to the City Manager and City Engineer. Prior to issuance of the first permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Human Health and Public Safety; and
Transportation/Circulation

16. Prior to issuance of any construction permit, the applicant 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:

17. Prior to the issuance of a building permit the applicant shall obtain a 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.

18. The applicant shall replace all damaged portions of curb, gutter, and sidewalk, adjacent to the site on Balboa Arms Drive, Mt. Abernathy Avenue, Balboa Avenue, Genesee Avenue, and Derrick Drive. All work shall be completed and accepted by the City Engineer, prior to building occupancy.

19. The applicant shall reconstruct all curb ramps to current City Standards, adjacent to the site on Balboa Arms Drive, Mt. Abernathy Avenue, Balboa Avenue, Genesee Avenue, and Derrick Drive. All work shall be completed and accepted by the City Engineer, prior to building occupancy.

20. The applicant shall remove all curb returns at non-signalized intersections and replace with City Standard driveways, adjacent to the site on Balboa Arms Drive, Balboa Avenue, and Genesee Avenue. Driveway widths shall be between 24' to 30'. All work shall be completed and accepted by the City Engineer, prior to building occupancy.

21. Prior to issuance of the certificate of occupancy, the applicant shall dedicate an additional 5 feet and 7 feet of right-of-way, adjacent to the site on Balboa Arms Drive, satisfactory to the City Engineer.

22. Prior to issuance of the certificate of occupancy, the applicant shall provide an irrevocable offer of dedication for an additional 2.5' of right-of-way from Genesee Avenue to Mount Abernathy Avenue, adjacent to the site on Balboa Avenue, satisfactory to the City Engineer.

STORMWATER REQUIREMENTS

23. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

24. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

25. Prior to the issuance of any construction permits the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

26. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), 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.

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 SWRCB Order No. 99 08 DWQ.

TRANSPORTATION REQUIREMENTS:

27. Phase 1: No fewer than 1,975 off-street parking spaces (with 1,975 spaces proposed) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.

28. Phase 2: No fewer than 2,170 off-street parking spaces (with 2,240 spaces proposed) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.

29. Phase 3: No fewer than 2,295 off-street parking spaces (with 2,404 spaces proposed) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.

30. Phase 4: No fewer than 2,436 off-street parking spaces (with 2,437 spaces proposed) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.

31. Phase 5 (Ultimate Development): No fewer than 2,414 off-street parking spaces (with 2,457 spaces provided) including 35 disabled accessible spaces, 25 bicycle spaces, and 48 motorcycle spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.

32. Prior to the issuance of the first building permit, applicant shall assure by permit and bond construction of a new traffic signal with interconnect at the location shown on Exhibit "A" and in the project traffic study, satisfactory to the City Engineer.

33. Applicant shall coordinate all transportation related improvements with development to the south of the subject project across Balboa Avenue (Balboa Mesa - PTS #70797).

34. Prior to any building permit, applicant shall assure by permit and bond the construction or installation of any other off-site transportation improvements, satisfactory to the City Engineer.

35. Prior to issuance of the first building permit, applicant shall assure by permit and bond the removal of the driveway east of the proposed traffic signal along the north face of Balboa Avenue, satisfactory to the City Engineer.

36. This 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 (Resolution R-296141) satisfactory to the City Engineer. Satisfying Council Policy 200-18 may require (but not be limited to) the removal/modification of existing and/or the installation of new/additional street light facilities (bulbs, fixtures, poles, etc.).

LANDSCAPE REQUIREMENTS:

37. 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' Landscape Development Plan.

38. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

39. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner 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.

40. Security lights in the VUA shall not conflict with planting areas or trees in the VUA. Should a security light be located in a planting area, it must be removed and relocated.

41. 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.

42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) 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 City Manager within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

PLANNING/DESIGN REQUIREMENTS:

43. All retaining walls shown on Exhibit "A", dated November 15, 2006, are existing. Any additional retaining walls proposed shall be in conformance with section 142.0301 of the San Diego Municipal Code.

44. Prior to the issuance of any grading and/or building permits the applicant shall place a note in the title block of all plans listing the approved discretionary permit(s) and their associated permit numbers.

45. 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," on file in the Office of the Development Services Department); or

b. Citywide sign regulations.

46. If there is a conflict between these two documents, the Citywide sign regulations shall apply.

47. Signs located within a visibility area shall not exceed 3 feet.

48. All ground signs must be located a minimum of three feet from the adjacent property line.

49. 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 a 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.

50. 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.

51. 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 Permittee.

52. 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.

53. 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.

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

55. All uses, except storage, loading and outdoor dining, or as otherwise allowed in the Municipal Code, 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.

56. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

57. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

58. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be removed or called private.

59. The developer shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego."

60. All on-site sewer facilities shall be private.

61. Prior to the issuance of any permits, the developer shall abandon on-site public sewer mains or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated within the project lot, satisfactory to the Metropolitan Wastewater Department Director.

WATER REQUIREMENTS:

62. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

63. 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 Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

64. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

65. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

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 development 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 building/engineering permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on November 15, 2006 by Resolution No. HO-5566 and APPROVED by the Planning Commission of the City of San Diego on January 25, 2007, by Resolution No. PC-****.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document_____
Date of Approval _____

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

_____

DPM Name, Development Project Manager
City of San Diego

On _____ before me,_____, City of San Diego, (Notary Public), personally appeared **DPM Name,** Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
Name of Notary~

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____ Signed _____
Typed Name Typed Name

STATE OF _____
COUNTY OF _____

On _____ before me, _____ (Notary Public) personally appeared _____, (personally known to me) or (proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

PLANNING COMMISSION RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 188311
PLANNED DEVELOPMENT PERMIT NO. 189029
CONDITIONAL USE PERMIT NO. 190103
GENESEE PLAZA EXPANSION (MMRP) – PROJECT NO. 63208
AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT NO. 89-0740; PLANNED COMMERCIAL PERMIT NO. 92-0216; AND COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 95-0199

WHEREAS, T.G.F COMPANY, A PARTNERSHIP, COMPROSED OF G.F. CORPORATION A CALIFORNIA CORPORATION AND TRAGNIEW, INC., A CALIFORNIA CORPORATION, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 188311, 189029, and 190103), on portions of a 43.84 acre site;

WHEREAS, the project site is located at properties including 5502-6050 Balboa Avenue & 4203-4375 Genesee Avenue within the CC-1-3 zone and the Clairemont Mesa Height Limit and Community Plan Implementation Overlay Zones of the Clairemont Mesa Community Plan area;

WHEREAS, the project site is legally described as Lots 1 and 3 of Genesee Plaza Subdivision, Map No. 6670, Recorded June 24, 1970, Parcels 1, 2 and 3 of Parcel Map no. 11016, Recorded February 24, 1981 and parcels 1 and 2 Attached to Short Form Lease as Instrument No. 82-244263 of Official Records;

WHEREAS, on November 15, 2006, the Hearing Officer of the City of San Diego considered and approved Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, an amendment to permit numbers 89-0740, 92-0216 and 95-0199, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 29, 2007, Butch Biendara appealed the decision of the Hearing Officer to approve Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, an amendment to permit numbers 89-0740, 92-0216 and 95-0199;

WHEREAS, on January 25, 2007, the Planning Commission of the City of San Diego considered Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, an amendment to permit numbers 89-0740, 92-0216 and 95-0199, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated November 15, 2006.

FINDINGS:

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center in a phased development, is located at the northeast corner of Balboa and Genesee Avenues in the Clairemont Mesa Community Plan area. The Community Plan designates this site as part of the Community Core Commercial area and the proposed improvements to the center are consistent with this designation. In addition the Community Plan requires a Planned Development Permit and places the site in the Community Plan Implementation Overlay zone.

In the Plan, recommendations are made for development in the community core as a town center to have a unique, architectural, sign and landscaping theme with pedestrian walkways and bikeways.
The proposed project enhances the aesthetics and image of the buildings and the center as a whole by articulating the new buildings, creating varying roof lines, canopies and trellises in front of the large retail uses, replacing the existing buildings that do not match the architectural character of the center with four new buildings which do. Further, the new proposed retail/ commercial buildings have the potential to relocate existing tenants and provide new tenant space in order to accommodate commercial facilities with the community core to meet the needs of the existing and projected residential population of Clairemont Mesa.

A proposed project feature and mitigation requirement, is the installation of a new traffic signal on Balboa Avenue. This will allow pedestrians and vehicles to traverse between the existing center and the commercial center to the south. In addition there will be pathways through the center using enhanced paving. This feature is recommended in the Balboa Avenue Revitalization Action Plan as well in the Community Plan. In addition, a project feature is the creation of a bike lane on Balboa Avenue and providing enhanced landscaping both in the parking areas and at the street, which is recommended in the Plan.

The proposed project is consistent with the San Diego Municipal Code, the intent of the land use plan for the commercial core identified in the Clairemont Community Plan, and enhances the existing land use development on the property. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space, in a phased development, at an existing shopping center has been conditioned to comply with all building and safety codes. With the addition of a new traffic signal on Balboa Avenue, the project will improve vehicular and pedestrian circulation while enhancing the land use characteristics of the commercial center. Therefore, the proposed development will not be detrimental to the public health safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center, is not requesting any deviations to development regulations of the applicable zones. The project also complies with the Community Plan Implementation Overlay Zone by enhancing pedestrian access to and through the project, incorporating additional landscaping and adding public plazas within the areas of new development. Therefore, the proposed project complies with all regulations of the Land Development Code.

Planned Development Permit - Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan;

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center in a phased development is located at the northeast corner of Balboa and Genessee Avenues in the Clairemont Mesa Community Plan area. The Community Plan designates this site as part of the Community Core Commercial area and the proposed improvements to the center are consistent with this designation. In addition the Community Plan requires a Planned Development Permit and places the site in the Community Plan Implementation Overlay zone.

In the Plan, recommendations are made for development in the community core as a town center to have a unique, architectural, sign and landscaping theme with pedestrian walkways and bikeways.
The proposed project enhances the aesthetics and image of the buildings and the center as a whole by articulating the new building, creating varying roof lines, canopies and trellises in front of the large retail uses, replacing the existing buildings that do not match the architectural character of the center with four new buildings which do. Further, the new proposed retail/ commercial buildings have the potential to relocate existing tenants and provide new tenant space in order to accommodate commercial facilities with the community core to meet the needs of the existing and projected residential population of Clairemont Mesa.

A proposed project feature is the installation of a new traffic signal on Balboa Avenue. This will allow pedestrians and vehicles to traverse between the existing center and the commercial center to the south. In addition there will be pathways through the center using enhanced paving. This feature is recommended in the Balboa Avenue Revitalization Action Plan as well in the Community Plan. In addition, a project feature is the creation of a bike lane on Balboa Avenue and provides enhanced landscaping both in the parking areas and at the street, which is recommended in the Plan.

The proposed project is consistent with the San Diego Municipal Code, the intent of the land use plan for the commercial core identified in the Clairemont Community Plan, and enhances the existing land use development on the property. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space, in a phased development, at an existing shopping center has been conditioned to comply with all building and safety codes. With the addition of a new traffic signal on Balboa Avenue, the project will improve vehicular and pedestrian circulation while enhancing the land use characteristics of the commercial center. Therefore, the proposed development will not be detrimental to the public health safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center, is not requesting any deviations to development regulations of the applicable zones. The project also complies with the Community Plan Implementation Overlay Zone by enhancing pedestrian access to and through the project, incorporating additional landscaping and adding public plazas within the areas of new development. Therefore, the proposed project complies with all regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space, in a phased development, at an existing shopping center would constitute an updating of the center with expansions and new construction to the major retail anchor tenants.

In addition, the proposed project features the creation of bike lanes adjacent to the site and a new traffic signal near the mid-point of the site for crossing to the adjacent retail center to the south. There will be no deviations to development regulations and therefore, the proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space, in a phased development, at an existing shopping center would constitute an updating of the center with expansions and new construction to the major retail anchor tenants.

In addition, the proposed project features the creation of bike lanes adjacent to the site and a new traffic signal near the mid-point of the site for crossing to the adjacent retail center to the south. There will be no deviations to development regulations.

Conditional Use Permit - Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center in a phased development is located at the northeast corner of Balboa and Genessee Avenues in the Clairemont Mesa Community Plan area. The Community Plan designates this site as part of the Community Core Commercial area and the proposed improvements to the center are consistent with this designation. In addition the Community Plan requires a Planned Development Permit and places the site in the Community Plan Implementation Overlay zone.

In the Plan, recommendations are made for development in the community core as a town center to have a unique, architectural, sign and landscaping theme with pedestrian walkways and bikeways.
The proposed project enhances the aesthetics and image of the buildings and the center as a whole by articulating the new building, creating varying roof lines, canopies and trellises in front of the large retail uses, replacing the existing buildings that do not match the architectural character of the center with four new buildings which do. Further, the new proposed retail/ commercial buildings have the potential to relocate existing tenants and provide new tenant space in order to accommodate commercial facilities with the community core to meet the needs of the existing and projected residential population of Clairemont Mesa.

A proposed project feature is the installation of a new traffic signal on Balboa Avenue. This will allow pedestrians and vehicles to traverse between the existing center and the commercial center to the south. In addition there will be pathways through the center using enhanced paving. This feature is recommended in the Balboa Avenue Revitalization Action Plan as well in the Community Plan. In addition, a project feature is the creation of a bike lane on Balboa Avenue and provides enhanced landscaping both in the parking areas and at the street, which is recommended in the Plan.

The proposed project is consistent with the San Diego Municipal Code, the intent of the land use plan for the commercial core identified in the Clairemont Community Plan, and enhances the existing land use development on the property. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space, in a phased development, at an existing shopping center has been conditioned to comply with all building and safety codes. With the addition of a new traffic signal on Balboa Avenue, the project will improve vehicular and pedestrian circulation while enhancing the land use characteristics of the commercial center. There are no proposed changes to the vehicle service station uses that were the subject of the Conditional Use Permit in 1989. All conditions of approval from the original Conditional Use Permit will remain in effect with this Amendment. Therefore, the proposed development will not be detrimental to the public health safety and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center, is not requesting any deviations to development regulations of the applicable zones. The project also complies with the Community Plan Implementation Overlay Zone by enhancing pedestrian access to and through the project, incorporating additional landscaping and adding public plazas within the areas of new development. There are no proposed changes to the vehicle service station uses that were the subject of the Conditional Use Permit in 1989. All conditions of approval from the original Conditional Use Permit will remain in effect with this Amendment. Therefore, the proposed project complies with all regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed project to demolish or modify seven buildings totaling 355,490 square feet and construct or modify five buildings totaling 397,811 square feet, for a new total of approximately 516,948 square feet of commercial retail space at an existing shopping center, is not modifying the conditions of approval from the Conditional Use Permit for vehicle service center uses, CUP No. 89-0740 that was approved in 1989. The project also complies with the Community Plan Implementation Overlay Zone by enhancing pedestrian access to and through the project, incorporating additional landscaping and adding public plazas within the areas of new development. There are no proposed changes to the vehicle service station uses that were the subject of the Conditional Use Permit in 1989. All conditions of approval from the original Conditional Use Permit will remain in effect with this Amendment.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 188311, Planned Development Permit No. 189029 and Conditional Use Permit No. 190103, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 188311, 189029 and 190103, a copy of which is attached hereto and made a part hereof.

_____

Jeannette Temple
Development Project Manager
Development Services

Adopted on: January 25, 2007

Job Order No. 42-4037

cc: Legislative Recorder

000792

ATTACHMENT 8

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 95-0199

This Community Plan Implementation Overlay Zone Permit No. 95-0199 is granted by the Development Services Director of the City of San Diego to T. G. F. COMPANY, a California Corporation, Owner, and SUNBELT MANAGEMENT COMPANY, Permittee, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0457 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to the Owner/Permittee to construct, operate and maintain an approximately 14,000-square-foot addition on a 4.46-acre commercial center site located at the northeast corner of Balboa and Genesee Avenues in the CA Zone. The site is more particularly described as Parcel 3, Parcel Map No. 11016.

2. The Community Plan Implementation Overlay Zone Permit shall consist of the following:

a. Four buildings totalling 40,632 square feet;

b. Parking;

c. Signs and landscaping; and

d. Incidental accessory uses as may be determined and approved by the Development Services Director.

3. No fewer than 203 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 21, 1995, on file in the office of the Development Services Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services Department standards. Parking areas shall be marked.

4. The subject property shall be maintained in a neat and orderly fashion at all times.

5. Sign identification shall consist of the following:

   a. Five ground signs as shown on Exhibit "A", dated June 21, 1995; and

   b. Wall signs as shown on Exhibit "A", dated June 21, 1995.

6. Prior to the issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance with Exhibit "A," dated June 21, 1995, on file in the office of the Development Services Department. The property shall be developed in accordance with the approved grading and building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendments of this permit or findings of substantial conformance shall have been approved and granted.

7. Prior to the issuance of any grading or building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Development Services Director for approval. Said plans shall be in substantial conformance with Exhibit "A," dated June 21, 1995, on file in the office of the Development Services Department. Approved planting shall be installed prior to the issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration. Plant materials shall be maintained in a healthy growing condition at all times. All landscape areas shall be maintained in a weed and litter free condition at all times.

8. Construction and operation of the approved permit shall comply at all times with the regulations of this or other governmental agencies.

9. This Community Plan Implementation Overlay Zone Permit shall not be final until the eleventh day following action by the Development Services Director and is subject to appeal to the Planning Commission as provided for in Section 101.0457 of the Municipal Code of the City of San Diego.

10. The effectiveness of this Community Plan Implementation Overlay Zone Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the Permittee and Owner shall have agreed to each and every condition hereof by having this permit signed and returning said permit to the Development Services Department.

11. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this Community Plan Implementation Overlay Zone Permit may be canceled or revoked. Cancellation or revocation of this Community Plan Implementation Overlay Zone Permit may be instituted by the City or Permittee.

12. This Community Plan Implementation Overlay Zone Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

13. This Community Plan Implementation Overlay Zone Permit shall be utilized within 36 months after the date of City approval or the permit shall be void. An extension of time may be granted for the permit. Any extension of time shall be subject to all terms and conditions in effect at the time the extension is applied for.

14. All outdoor lighting shall be so shaded and adjusted that it does not shine on adjacent streets or properties.

15. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

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

17. 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 the event that challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

18. Prior to building occupancy, the applicant shall conform to Section 62.203 of the Municipal Code, "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.

19. Prior to the issuance of any building permits, the applicant shall assure that the project is in conformance with the American Disabilities Act.

20. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department, the Water Utilities Director, and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.

21. Prior to the issuance of any building permits, the applicant shall:

a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).

b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

22. The 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 Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the Development Services Director on June 21, 1995.

Nick Osler
Senior Planner

PERMITS[LCW]528

RESOLUTION NUMBER D-117

ADOPTED ON JUNE 21, 1995

WHEREAS, on March 20, 1995, Sunbelt Management Company submitted an application to the Development Services Department for a Community Plan Implementation Overlay Zone (CPIOZ), Type B; and

WHEREAS, the permit was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on June 21, 1995; and

WHEREAS, the Hearing Officer of the City of San Diego considered the issues discussed in Negative Declaration No. 95-0199; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it is hereby certified that Negative Declaration No. 95-0199 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer.

BE IT FURTHER RESOLVED that the Hearing Officer finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

By: _____
Jean Cameron
Senior Planner

DEVELOPMENT SERVICES DEPARTMENT DIRECTOR RESOLUTION

NO. D-118

GRANTING COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT

NO. 95-0199

WHEREAS, T.G.F. Company, a California Corporation, Owner and Sunbelt Management Company, Permittee, filed an application for a Community Plan Overlay Zone (CPIOZ Type "B") Permit to construct a 13,428 square foot addition to an existing shopping center, located at the northeast corner of Balboa and Genesee Avenues, described as Parcel 3, Parcel Map No. 11016, in the CA Zone; and

WHEREAS, on June 21, 1995, the Development Services Department Director considered CPIOZ Type "B" Permit No. 95-0199, pursuant to Section No. 101.0457.5 of the Municipal Code of the City of San Diego; and

WHEREAS, written and oral testimony were considered by the Development Services Department Director prior to the granting of CPIOZ Type "B" Permit No. 95-0199; **NOW, THEREFORE,**

BE IT RESOLVED, by the Director of the Development Services Department, that the following required Findings of Fact can be met for granting CPIOZ Type "B" Permit No. 95-0199:

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

   The proposed commercial addition will be consistent with the commercial element of the adopted Clairemont Mesa Community Plan and will provide a commercial service to the area.

2. 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 proposed development, because of pedestrian access, landscaping and other design standards applied, will compliment existing commercial uses in the area and will not jeopardize the public health, safety and welfare.

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

   The proposed development will comply with regulations of the CA Zone.

BE IT FURTHER RESOLVED, that based on the Findings of Fact hereinbefore adopted by the Development Services Department Director, the application for CPIOZ Type "B" Permit No. 95-0199 is hereby granted to Owner/Permittee in the form and with the terms and conditions as set forth in CPIOZ Type "B" Permit No. 95-0199, a copy of which is attached hereto and made a part hereof.

for Nick Ch

William Mackey
Senior Planner

Recording requested by
and mail to:
City of San Diego
Planning Department
202 C Street, M.S. 4A
San Diego, CA 92101-3864

000799

975

NOTE: COUNTY RECORDER, PLEASE RECORD A RESTRICTION ON USE OR DEVELOPMENT OF REAL PROPERTY AFFECTING THE TITLE TO OR POSSESSION THEREOF.

ATTACHMENT 8

LP

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 92-0216
PLANNING DIRECTOR

This Planned Commercial Development Permit is granted by the Planning Director of the City of San Diego to FOODMAKER, INC., Permittee, pursuant to in Section 101.0910 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee, for a fast food restaurant with drive thru window a Planned Commercial Development located at Genesee between Derrick Drive and Balboa, described as Lot 3 of Genesee Plaza, Map 6670, Parcels 1 and 2 of Map 1106, in the CA Zone.

2. The facility shall consist of the following:

   a. Two thousand four hundred fifty eight square feet;

   b. Drive thru window and other improvements;

   c. Off-street parking;

   d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 12 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated August 5, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for of any facility 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 Planning Department;

   b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 5, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of

ORIGINAL

Substantial Conformance or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated August 5, 1992, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. The effective date of this permit shall be the date of final action following all appeal dates and proceedings or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been grated by the Planning Director, as set forth in Section 101.0910, M, of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

a. Authorized by the Planning Director; or

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

c. The permit has been revoked by the City.

The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

ORIGINAL

11. This Planned Commercial Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

12. This Planned Commercial Development 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.

13. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated August 5, 1992.

14. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to City-wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

15. This Planned Commercial Development may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.

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

17. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

18. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated August 5, 1992, shall be permitted by an Encroachment Permit obtained from the City Engineer.

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

ORIGINAL

a. The curbcut/driveway at Genesee Avenue must be modified so as not to lead into the planter.

b. The existing aisle from the food pick up point to the parking lots needs to be parallel to the building and the distance maximized from Genesee Avenue

c. Prior to the issuance of any building permits,the applicant shall provide evidence that a mutual access and reciprocal parking agreement exists with the proposed development and immediately adjacent properties contained within the PCD site (PCD 89-0740).

d. Prior to the issuance of any building permits, the applicant shall assure by permit and bond, the reconstruction of the curbcut on Genesee Avenue adjacent to the site, to conform to City standards and the closure of the non-utilized curbcut on Derrick Avenue, adjacent to this site; all in a manner satisfactory to the City Engineer.

e. Prior to the issuance of any building permits, the applicant shall:

(1) Ensure that building address numbers are visible and legible from the street (UFC 10.208).

(2) Show the location of all fire hydrants on the plot plan (UFC 10.301).

f. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et. seq.

g. This community may be subject to impact fees, as established by the City Council at the time of issuance of building permits.

20. 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 the event that a challenge pertaining to future growth management requirements is found by a unreasonable, the Planning Director shall have the right, but not the obligation, to review this permit to confirm that the purpose and intent of the original approval will be maintained.

ORIGINAL

21. All other uses outlined in PCD 89-0740 are still enforceable.

APPROVED by the Planning Director of the City of San Diego on August 5, 1992.

ORIGINAL

PLANNING DIRECTOR RESOLUTION NO. 9464
GRANTING PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 92-0216
AMENDMENT TO PCD NO. 89-0740

WHEREAS, on August 5, 1992 the Planning Director of The City of San Diego granted Planned Commercial Development Permit No. 92-0216, which permitted a fast food restaurant with a drive thru window, located on Genesee between Derrick Drive and Balboa Avenue, described as Lot 3 of Genesee Plaza, Map 6670, Parcels 1 and 2 of Map 1016, in the CA Zone; and

WHEREAS, Condition No. 8 of Planned Commercial Development Permit No. 92-0216 specifies that the permit be utilized prior to the expiration date; and

WHEREAS, on August 5, 1992, the Planning Director of the City of San Diego considered a request by Foodmaker Inc., Owner/Permittee for PCD Amendment No. 92-0216.

WHEREAS, pursuant to Section 101.0910M, of the Municipal Code of the City of San Diego, the Planning Director of the City of San Diego finds that there has been no material change of circumstance since the permit was originally granted; NOW, THEREFORE,

BE IT RESOLVED, that an amendment to Planned Commercial Development No. 89-0740 is hereby granted by the Planning Director of the City of San Diego.

Adopted by the Planning Director of the City of San Diego on August 5, 1992.

Robert Korch

Robert Korch
Senior Planner

Adopted On:

ORIGINAL

ALL-PURPOSE CERTIFICATE

000805

Type/Number of Document PCD 92-0216
Date of Approval August 18, 1992
Number of Pages seven

Robert Korch
Robert Korch Senior Planner

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On August 18 1992 before me, BARBARA J. HUBBARD (Notary Public), personally appeared ROBERT KORCH, Senior Planner of the Planning Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard (Seal)
Barbara J. Hubbard

OFFICIAL SEAL
BARBARA J. HUBBARD
NOTARY PUBLIC-CALIFORNIA
SAN DIEGO COUNTY
MY COMMISSION EXPIRES
MAY 16, 1995

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

FOODMAKER, INC.

Signed _____ Signed _____
Typed Name DENNIS A. WOZNIAK Typed Name

STATE OF California

COUNTY OF San Diego

On Aug 18, 1992 before me, BARBARA J. HUBBARD (Name of Notary Public) personally appeared DENNIS A. WOZNIAK, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard (Seal)

OFFICIAL SEAL
BARBARA J. HUBBARD
NOTARY PUBLIC-CALIFORNIA
SAN DIEGO COUNTY
MY COMMISSION EXPIRES
MAY 16, 1995

ORIGINAL

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 89-0740
PLANNING DIRECTOR

This Planned Commercial Development Permit is granted by the Planning Director of the City of San Diego to TGF COMPANY, Owner/Permittee, pursuant to in Section 101.0910 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a Planned Commercial Development located at the intersection of Balboa Avenue and Genesee Avenue, described as Lot 3 of Genesee Plaza Subdivision, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 6670 filed in the Office of the County Recorder of San Diego County, June 24, 1970 and Parcels 1 and 2 of Parcel Map No. 11016, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the Office of the County Recorder of said San Diego County, February 24, 1981, being a division of a portion of Lot 2 of Genesee Plaza Subdivision according to map thereof No. 6670, filed in the Office of the Recorder of said San Diego County, June 24, 1979, in the CA-5 Zone.

2. The facility shall consist of the following:

   a. Four buildings - totalling 66,181 square feet;

   b. 1,816 parking spaces;

   c. Off-street parking;

   d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 1,816 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 13, 1989, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for use of any facility 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 Planning Department;

b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated December 13, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated December 13, 1989, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

9. After establishment of the project, the property shall not be used for any other purposes unless:

a. Authorized by the Planning Director; or

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

c. The permit has been revoked by the City.

The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

10. This Planned Commercial Development Permit may be cancelled or revoked if there is any material breach or default

in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

11. This Planned Commercial Development 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.

12. This approval does not include any signs. A sign program shall be approved by the Planning Director prior to issuance of building permits.

13. This Planned Commercial Development may be developed in phases. Each phase shall be constructed prior to the sale or lease to individual owners or tenants to ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.

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

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

16. 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.

APPROVED by the Planning Director of the City of San Diego on December 13, 1989.

CONDITIONAL USE PERMIT NO. 89-0740
PLANNING DIRECTOR

This Conditional Use Permit is granted by the Planning Director of the City of San Diego to TGF COMPANY, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee for a Conditional Use Permit for a service station/convenience store associated with a Planned Commercial Development, located at the northeastern corner of the intersection of Balboa Avenue and Genessee Avenue, described as Lot 3 of Genesee Plaza Subdivision, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 6670 filed in the Office of the County Recorder of San Diego County, June 24, 1970 and Parcels 1 and 2 of Parcel Map No. 11016, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the Office of the County Recorder of said San Diego County, February 24, 1981, being a division of a portion of Lot 2 of Genesee Plaza Subdivision according to map thereof No. 6670, filed in the Office of the Recorder of said San Diego County, June 24, 1979, in the CA-5 Zone.

2. The facility shall consist of the following:

   a. A 2,184-square-foot service station, convenience store and car wash;

   b. Off-street parking; and

   c. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than seven off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 13, 1989, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit for Construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

   a. The Permittee signs and returns the Planned Commercial Development and Conditional Use Permits to the Planning Department;

b. The Planned Commercial Development and Conditional Use Permits are recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated December 13, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated December 13, 1989, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

a. Authorized by the Planning Commission; or

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

c. The permit has been revoked by the City.

11. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. This Conditional Use 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.

13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

14. Pennants, portable signs or banners shall not be permitted on the premises.

15. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted so as to cause no noise disturbances to adjoining properties.

16. The requirements of the County Health Department and the City of San Diego Fire Department for storage of all hazardous materials, including underground chemical storage, shall be met at all times.

17. All vehicles shall be repaired and serviced entirely within service bays, except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored or displayed outdoors except lubricants, supplies and accessories on suitable racks on pump islands.

18. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences at least six feet in height. Refuse shall not be visible from outside the enclosed area.

19. A letter from the lessee stating that they have read, understand and agree to comply with the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the City of San Diego Planning Department.

20. A copy of this Conditional Use Permit shall be posted on the premises of the service station at all times and be available for viewing by any person or persons who may desire to see the document.

21. The Service Station shall not commence operation prior to 6:00 a.m. nor continue operation later than 12 midnight of any day. Signs and area lighting shall not be lighted between the hours of 12 Midnight and 6:00 a.m.

22. No loitering signs shall be placed in and around the mini-market facility and no loitering enforced by the permittee, any lessee or subsequent owner.

23. Plantings, planter boxes and/or vines shall be placed around the mini-market building in a manner satisfactory to the Planning Director.

24. Performance of minor automotive maintenance and repair, including all government-mandated automobile diagnostic evaluations are permitted. Major automotive repair and engine rebuilding is specifically prohibited. Any such repair and maintenance permitted shall be done within enclosed buildings.

25. Activities specifically prohibited on-site include:

a. Painting, body and fender work;
b. Sales or rentals of any new or used vehicle, boat or trailer;
c. Sales or rental of power tools;
d. Outdoor storage and display of any product for sale, other than automotive fuels, lubricants, supplies and accessories;
e. Stand-alone kiosks providing services and sales of products.

26. When operations are discontinued at an automobile service station for a period approaching 12 months, the permittee of the Conditional Use Permit has the following options:

a. Apprise the City Planning Department that the Conditional Use Permit should be rescinded pursuant to Municipal Code Section 101.0510.0 ("Rescission of Permit by Applicant"). In the underlying zone or planned district, including underground tanks, shall be removed.

b. Redevelop the property as a service station through an amended Conditional Use Permit, as set forth in Municipal Code Section 101.0510.I. ("Amendment to Permit").

c. Resume use as a service station under the existing Conditional Use Permit.

If none of the above options is taken by the permittee, and operations remain discontinued beyond the twelfth month, the City may initiate proceedings to rescind the permit and abate the nonconforming structures, as set forth in Municipal Code Section 101.0508 ("Failure to Conform or Comply with Conditions").

27. In the event that the gasoline sales service facility is abandoned or vacated for a continuous period of one year (12 months), the property owner shall cause to have all

structures, buildings, signs, and accessory uses related to the gasoline service station and other potentially hazardous conditions removed from the premises. Underground fuel storage tanks shall also be removed from the premises. Underground fuel storage tanks shall also be removed or capped satisfactory to the Fire Department.

28. This approval does not include any signage. Signs shall be subject to review and approval of the Planning Director prior to issuance of building permits.

29. 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 court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and adopted by the Planning Director on December 13, 1989.

000814

194

TYPE/NO. OF DOCUMENT 890740
NUMBER OF PAGES
DATE OF DOCUMENT

ATTACHMENT 8

AUTHENTICATED BY:

LS

ROBERT GREEN, SENIOR PLANNER
PLANNING DEPARTMENT

On this 29th day of March in the year 1990, before me, CATHERINE L. MEYER, a Notary Public in and for said county and state, personally appeared ROBERT GREEN, personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person who executed this instrument as SENIOR PLANNER of the City Planning Department, and acknowledged to me that the City of San Diego executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, and the day and year in this certificate first above written.

NAME CATHERINE L. MEYER

SIGNATURE Catherine L Meyer

NOTARY STAMP

OFFICIAL SEAL
CATHERINE L. MEYER
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My Comm. Expires Dec. 28, 1992

ACKNOWLEDGED:

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 PERMITTEE hereunder.
T.G.F. COMPANY, a California general partnership, by Nevada Investment Holdings, Inc., general partner,
"Owner/Permittee",

90 391049

RECORDED IN OFFICIAL RECORDS RIVERSIDE COUNTY, CA

1990 JUL 19 AM 9:30

VERA L. LYLE COUNTY RECORDER

BY _____
SHEPHERD D. JOHNSTON
President

BY _____
JOHN E. SIMONS
Sr. Vice President

RF 14
AR 16
MG

State of FLORIDA
County of PALM BEACH

On this 23rd day of May, in the 1990 year, before me: Barbara Hamilton, a Notary Public in and for said county and state, personally appeared SHEPHERD D. JOHNSTON, President, and JOHN E. Simons, Sr. Vice President, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as President, and Sr. Vice President or on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. OCT 10,1990
BONDED THRU GENERAL INS. UND.

NAME _____

SIGNATURE _____

NOTARY STAMP

Mail Bill To:
City of San Diego
Planning Department
202 C Street, M.S. 4A
San Diego, CA 92101-3864

NOTE: COUNTY RECORDER, PLEASE RECORD AS RESTRICTION ON USE OR DEVELOPMENT OF REAL PROPERTY AFFECTING THE TITLE TO OR POSSESSION THEREOF.

000816

PLANNING DIRECTOR RESOLUTION NO. 8346
GRANTING PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 89-0740

WHEREAS, THE T.G.F. COMPANY, Owner/Permittee, filed an application to develop a Planned Commercial Development, GENESEE PLAZA, described as Lot 3 of Genesee Plaza Subdivision, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 6670 filed in the Office of the County Recorder of San Diego County, June 24, 1970 and Parcels 1 and 2 of Parcel Map No. 11016, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the Office of the County Recorder of said San Diego County, February 24, 1981, being a division of a portion of Lot 2 of Genesee Plaza Subdivision according to map thereof No. 6670, filed in the office of the Recorder of said San Diego County, June 24, 1970, located in the Clairemont Community Plan area in the CA-5 Zone; and

WHEREAS, on December 13, 1989, the Planning Director of the City of San Diego considered Planned Commercial Development Permit No. 89-0740 pursuant to Section 101.0910 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

1. That the Planning Director adopts the following written Findings, dated December 13, 1989:

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

   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.

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

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Director, Planned Commercial Development Permit No. 89-0740, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Commercial Development Permit No. 89-0740, a copy of which is attached hereto and made a part hereof.

Robert Green
Senior Planner

Adopted On:

PLANNING DIRECTOR RESOLUTION NO. 8345
GRANTING CONDITIONAL USE PERMIT NO. 89-0740

WHEREAS, on December 13, 1989, THE T.G.F. COMPANY, Owner/Permittee, filed an application for a Conditional Use Permit to construct and operate a Conditional Use Permit for a service station/convenience store associated with a Planned Commercial Development, located at the northeastern corner of the intersection of Balboa Avenue and Genesee Avenue, described as Lot 3 of Genesee Plaza Subdivision, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 6670 filed in the Office of the County Recorder of San Diego County, June 24, 1970 and Parcels 1 and 2 of Parcel Map No. 11016, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the Office of the County Recorder of said San Diego County, February 24, 1981, being a division of a portion of Lot 2 of Genesee Plaza Subdivision according to map thereof No. 6670, filed in the office of the Recorder of said San Diego County, June 24, 1970, located in the Clairemont Community Plan area, in the CA-5 Zone; and

WHEREAS, on December 13, 1989, the Planning Director of the City of San Diego considered Conditional Use Permit No. 89-0740, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

1. That the Planning Director adopted the following written Findings, dated December 28, 1989:

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

   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.

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

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Director, Conditional Use Permit No. 89-0740 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 89-0740, a copy of which is attached hereto and made a part hereof.

Robert Green
Senior Planner

Adopted on:

000818

City of San Diego
Development Services
1222 First Ave. • 3rd Floor
San Diego, CA 92101-4154
(619) 446-5210

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
- ☑ Process Two Decision - Appeal to Planning Commission
- ☑ Process Three Decision - Appeal to Planning Commission
- ☐ Process Four Decision - Appeal to City Council
- ☑ Environmental Determination - Appeal to City Council
- ☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant *Please check one* ☐ Applicant ☐ Officially recognized Planning Committee ☑ "Interested Person" (Per M.C. Sec. 113.0103)

Name				
Butch Biendara				
Address	**City**	**State**	**Zip Code**	**Telephone**
4041 Mt. Everest Blvd.	San Diego	CA	92111-2624	858-279-5054

3. Applicant Name *(As shown on the Permit/Approval being appealed). Complete if different from appellant.*

John Ziebarth / TGF CO

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Proj. No. 63208 GENNESEE PLAZA EXPANSION	November 15, 2006	Jeannette Temple

Decision (describe the permit/approval decision):

Approved the project and the Mitigated Negative Declaration

5. Grounds for Appeal *(Please check all that apply)*
- ☑ Factual Error (Process Three and Four decisions only)
- ☐ Conflict with other matters (Process Three and Four decisions only)
- ☑ Findings Not Supported (Process Three and Four decisions only)
- ☐ New Information (Process Three and Four decisions only)
- ☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal *(Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)*

This project is actually a segmented portion of another joint project, (No. 70797 - Balboa Mesa), directly across Balboa Ave. that will jointly contribute to a new signalized intersection for the added traffic impacts. That issue alone, is a conflict with CEQA. Furthermore, the MND makes false claims of compliance with the Clairemont Mesa Community Plan in spite of missing elements of - underground parking, - park-like plazas that break up large parking areas, - outdoor dining areas, - internal bike and pedestrian paths, - and street landscaping between curb and sidewalk. This proposal is also in violation of the Urban Design Element of the City's General Plan. Additionally the MND for this project fails to address the safety shortcomings of the proposed new traffic signal with pedestrians crossing Balboa Ave, at the same time as N&S bound traffic makes left turns. This is in conflict with the clearly indicated desire for a safe PEDESTRIAN crossing in the CMCP and the Balboa Ave. RAP. It further violates the City Traffic Manual directive to give preference to pedestrian needs and not sacrifice pedestrian safety for added vehicle capacity. The CMCP clearly indicated the need for a "MID-BLOCK" crossing and the Balboa RAP twice states it at the Longs Drug driveway. The relocation of the signal to a poor location is entirely overlooked in the MND as another serious error. And the extensive public controversy of this project certainly requires a review of alternate signal locations that have been done by City staff and not reviewed in this MND.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Butch A. Biendara Date: Nov. 29, 2006

Note: Faxed appeals are not accepted.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

Clairemont Mesa Planning Committee

CORRECTED DRAFT MINUTES FOR
Minutes of the Meeting of
July 18, 2006
North Clairemont Friendship Center

P Jack Carpenter	P Sheri Mongeau	P Billy Paul	P Donald Steele
P Brandon Tappen	P Kathy Monsour	PChris Rink	P Scott Wentworth
P Dale Smith	P Eleanor Mang – Chair	P Thomas Schmidt	P Mike Vinti- Vice Chair
P Richard Jensen	P Susan Mournian- Treas.	P Brooke Peterson- Sec.	P Alys Masek

P – Present A – Absent

Call to Order / Roll Call

Eleanor Mang, Chair, called the meeting to order at 6:30 p.m. Attendance called by Brooke Peterson and quorum present.

Communications from Committee

Eleanor Mang commented regarding the history and difficulty with the projects on the agenda and requested that Committee members behave in a professional and reasonable matter. She cited Article VI, Council Policy 600-24 and that is important, particularly as we address the meeting's action items, to hear input from everyone and try to work together.

Communications from the Public

None.

Modifications to the Agenda

None.

Approval of Minutes

A motion was made by Donald Steele to approve the minutes with changes. The motion was seconded by Alys Masek. The minutes for the June 20, 2006 meeting were approved 11-0-3.

Information Items

None.

Workshop Items

None.

Action Items

301/ 302. Genesee Plaza and Balboa Mesa Shopping Center Expansions

Summary of changes from previous meeting (project applicant, John Ziebarth):

- Regarding the over-provision of parking spaced, the project design has been changed to reduce parking spaces to the minimum required and additional landscaping on pedestrian walkways and parking aisles has been added on both projects.
- Regarding pedestrian pathways, the project design now includes raised crossing areas where possible. It isn't possible to raise the pavement at major turning points such as in front of Longs.
- Regarding Home Depot, project design has delineated the area where outdoor displays can be done including alternate colored pavement. A building permit should be

conditioned to have operation placards. An exhibit will be included in the application submittal.

o Regarding the tree pallet: Queen or date palms will be used in the driveway throats. Pallets of street trees have been included with the plans.

o Applicant indicated regarding signage, that the existing signs for the Balboa Mesa shopping center would be redone but would still be within the approved sign ordinance. There will be no additional signage. Applicant agreed, as a courtesy only to the Committee, to show signage plans when they are prepared.

Committee Comments:

o Billy Paul commented that he disagreed that pavement cannot be raised more for all of the pedestrian crossings. Applicant agreed to look at raising all of the pedestrian crossings.

o Billy Paul also commented regarding Torrey Pines, indicating that there were Torrey Pines present and that the MND did not include them. There are in fact, no Torrey Pines present in the Genesse Plaza center.

o Street trees should be consistent with the Balboa Avenue RAP. Deciduous trees should not be included.

o Regarding the MND, we received an extension; the deadline was extended through Friday, July 21st. Comments should be submitted to Eleanor by Friday.

o Billy Paul commented on the MND, noting that the document indicated the projects complied with the Community Plan. He found discrepancies including walkway width, parking design (parking should be under ground to provide for plaza/park-like setting), and provision of bikeways. He stated that he has serious concerns, particularly regarding the safety of the intersection. He stated that the MND does not discuss pedestrian safety or pedestrian circulation routes. Lastly, he cited that the Community Plan identified the building of a pedestrian bridge over Balboa Avenue.

o Thomas Schmidt stated that he had the same concerns as Billy. He stated that the project is out of conformance with the Community Plan because it doesn't provide a pedestrian bridge and is proposing an unsafe pedestrian crossing and it presents an incompatible land use. He also cited the Street Design Manual and the Mobility Element and stated that the project conflicts with the goals of those documents as well. It further conflicts with the goals, objectives and recommendations of the Balboa Avenue RAP. He therefore takes opposition to the project.

o The City staff provided an explanation regarding the safety of the traffic intersection. The City stated that they asked the traffic consultant to look at making the intersection work so that the traffic balanced and flowed adequately. The protected permissive left turn provides for a left turn first in both directions for vehicles while the pedestrian waits. With the permissive, through traffic can proceed and during that, pedestrian proceeds also. When pedestrian proceed, vehicles may still turn.

o Thomas Schmidt asked whether there would be pavement sensors to indicate when the queue is empty and that if the initial queue is empty, why the arrow can't then turn red for the safety of the pedestrians.

o Jack Carpenter commented that there would likely not be a significant number of pedestrians.

o Jack Carpenter then made a motion to go ahead given all the discussion to **recommend both projects for approval, stipulating** that the responsibility **for** protecting pedestrian safety remains that of the **City of San Diego Transportation Department, Traffic Engineering,** and noting that this committee still feels the crossing is unsafe. The motion was seconded by Donald Steele.

o The traffic department staff indicated that they would come back after six months with the counts.

o Richard Jensen thanked the applicant for attending so many meetings over the course of the project and working with the Committee.
o Jack Carpenter commented regarding the references to the Community Plan, that there are worthy goals identified but that economics must determine the realities of what is built and that may result in a compromise.
o Mike Vinti asked regarding architectural improvements. The applicant indicated that the Balboa Mesa center would remain as-is, the Genesse Plaza will be introducing stone faces into the Target and Ralphs buildings.
o A number of Committee members thanked the applicant for the patience and working with the Committee for so long.
o The MND will be finalized through a Process 3; a hearing will be scheduled with a hearing officer.
o Chris Rink indicated that the projects would benefit the community and making positive additions to the area. He added that the outdoor eating areas could be improved and that the number of compact spaces should be reduced.

Public Comments:

o Butch Biendara stated that Clairemont ends up last with respect to parking and that parking structures should be built similar to other communities.
o Billy Home commented that there are many condominium complexes around the project and that there will be a significant number of pedestrians. People aren't going to walk to the light and cross safely, they will still cross illegally and dangerously.
o Beverly Boys commented that as a resident she would look forward to using the new signal but doesn't feel that the crossing will be safe to cross at. She is aware of the time and money that the City and developers have dealt given that the BACAC has endured the same difficulties for a long period of time. She stated that the community should strive for excellence and settle for nothing less.
o Regarding the parking garage, the applicant noted that a garage would warrant a higher number of buildings and could actually increase the traffic impacts with a higher number of vehicles.

The initial motion was repeated, and **a stipulation that the selection of street trees for the Genesse Plaza project be deferred to the Balboa Avenue Development Committee and that the on sight trees be Brisbane Box.** The motion was seconded by Donald Steele. The motion was approved for the Genesse Plaza project, 14-1-0. The motion was approved for the Balboa Mesa project, 14-1-0.

A motion was made by Jack Carpenter regarding Genesse Plaza to require an operations placard be submitted to Development Services prior to construction permit regarding outdoor display operations. The motion was seconded by Brandon Tappen. The motion was approved, 15-0-0.

303. Cingular Wireless

Cingular Wireless is proposing new cell facilities to be mounted in a new faux chimney at 5441 Lodi Street. Shelley Kilbourn, Plancom, Inc. provided a description of the project. New facilities would include A/C units. Mike Vinti opposed A/C units that would run 24 hours/day. The home is currently occupied. The lease for the facilities would be a standard 20-year lease with a City permit for 10 years.

Many Committee members noted opposition to mixing commercial with residential uses and concern regarding the affect on property values of the surrounding residences.

Wireless towers are now permitted through a Process 3 approval process.

000822

ATTACHMENT 1

Project Title: GENESEE PLAZA EXPANSION

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation (☐ Limited Liability -or- ☐ General) What State? _____ ~~Corporate~~ Fed. Tax I.D. Identification No. 95-6235561

☒ Partnership

Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print): T.G.F. Company, a California Partnership
☒ Owner ☐ Tenant/Lessee
c/o Sunbelt Management Co.
Street Address: 8095 Othello Avenue
City/State/Zip: San Diego, CA 92111
Phone No: (858) 495-4900 Fax No: (858) 278-8397
Name of Corporate Officer/Partner (type or print): ROBERT E. GRIFFIN, JR.
Title (type or print): AUTHORIZED SIGNATORY
Signature: Date: 03/11/04

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

000823

ATTACHMENT 11

TGF Company:

Johannes Mann, Elizabeth Mann, Christoph Mann, Ludwig Mann, Leopold Mann, Luis Ferdinand Mann, all with the business address:

C/O Nevada Investment Holdings, Inc.

220 Congress Park Drive #215

Delray Beach, FL 33445

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