



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 22, 2010 **REPORT NO. PC-10-058**

ATTENTION: Planning Commission, Agenda of August 5, 2010

SUBJECT: RESTAURANT DEPOT - PROJECT NO. 182019-PROCESS 4

**OWNER/
APPLICANT:** JMDH Real Estate of San Diego, LLC/ Stephanie Mallory

SUMMARY

Issue(s): Should the Planning Commission approve an application to allow for the demolition of existing buildings and the construction of a 71,647-square-foot industrial building located at 1335 Cesar Chavez Parkway within the Barrio Logan Community Plan?

Staff Recommendation:

1. **CERTIFY** Mitigated Negative Declaration No. 180219 and **ADOPT** the Mitigation Monitoring and Reporting Program; and
2. **APPROVE** Planned Development Permit No. 713304, Site Development Permit No. 651275, and Coastal Development Permit No. 649000.

Community Planning Group Recommendation: The Barrio Logan Redevelopment Project Area Committee voted 8-0-1 to recommend approval of the proposed project on December 2, 2009, with no recommendations (Attachment 9).

Environmental Review: Mitigated Negative Declaration No. 180219 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None

Housing Impact Statement: None for this commercial development.

BACKGROUND

The 5.18-acre project site is located at 1335 Cesar Chavez Parkway in the Redevelopment Subdistrict of the Barrio Logan Planned District (BLPD) Zone, the Coastal Overlay Zone (appealable), the Federal Aviation Administration (FAA) Part 77 Overlay Zone and the Transit Area Overlay Zone within the Barrio Logan Community Plan. (Attachment 1). The project site is located between Harbor Drive and Bay Front Street and between the Coronado Bay Bridge and Cesar Chavez Parkway; southwest of Interstate 5. The site is primarily bordered by industrial land uses and Port District property. To the north and east are commercial retail uses and beyond that lies the Mercado District. The northern and western walls of the 1965 Harbor Drive building on the project site are covered with a mural by Chicano movement artist Salvador Torres, which gives physical representation to the Chicano movement in San Diego.

There were three existing industrial buildings on site which contained 67,600 square feet of industrial warehouse uses, most recently associated with the Kelco Manufacturing Plant. On June 21, 2010 an Emergency Coastal Development Permit was issued for the demolition of the 22,300-square-foot structure located at 1335 Cesar Chavez Parkway at the southeast corner of the intersection with Harbor Drive to prevent failure of the structure and protect public health and safety. The remaining structures are proposed to be demolished with the mural wall facing Harbor Drive preserved and left as a free-standing structure with support columns inserted. Preserving these walls would preserve the integrity of a historically significant mural.

The Barrio Logan Community Plan designates the project site for commercial/industrial uses (Attachment 2). The proposed warehouse use is an industrial use and is consistent with the designated land use in the plan.

DISCUSSION

Project Description

The proposed project would demolish the existing structures but preserve the historically significant mural wall. The project also proposes the construction of a 71,647-square-foot wholesale warehouse building. The building would feature flush metal panels, recessed doors, and a canopy along the front elevation to break up the building and reduce the bulk of the structure.

The parking lot would front Harbor Drive in order to preserve the mural with the structure set back towards Bay Front Street. The project proposes 180 parking spaces where 180 parking spaces are required. Access to the parking lot is proposed utilizing the existing roll up door (Attachment 12) along Harbor Drive which would operate during normal business hours in order to maintain the integrity of the mural. An additional driveway along Cesar Chavez Parkway is proposed in order to access the parking lot and maintain adequate circulation throughout the site.

There is also an existing shared easement along Bay Front Street which allows for truck traffic to access the loading docks of the proposed project and to the adjacent site.

Although the majority of the mural would be preserved, changes are proposed to two of the sections in order to accommodate the proposed project. The first change proposed is associated with the loading dock area, which faces Cesar Chavez Parkway. The loading dock of the existing structure includes several portions that are not painted with mural elements (Attachment 12) and which are proposed to be removed. The concrete dock slab and stairs would not be stable once the interior slab is removed and is proposed to be removed. The dock is shaded by a wood framed canopy which would be removed. The three door openings which are painted blue, but not part of the mural, are not weather resistant, and are proposed to be in-filled with a solid material and painted.

The second change involves a section which does contain mural elements. The section that would be removed comprises a 10-foot section of the north elevation known as the "shark cage." The shark cage is not readily visible to the casual observer, as it has been incorporated into a grilled entry way recessed in the building façade. As the shark cage represents only a small portion of the overall mural, its removal will not significantly detract from the artistic integrity of the mural or lessen the mural's cultural message. The artist, Salvador Torres, has been involved with this project throughout the review process and is agreeable to the changes as described above.

Community Plan Analysis

The Barrio Logan Community Plan designates the project site for commercial/industrial uses (Attachment 2). The proposed warehouse use is an industrial use and is consistent with the designated land use in the plan. Harbor Drive and Cesar Chavez Parkway are identified as view corridors to the bay and downtown. The plan recommends that the setbacks along these corridors be landscaped whenever possible to frame views to the bay and to downtown. The proposed project does not impact existing vistas through these corridors and the proposed landscaping along Cesar Chavez will improve the corridor to the bay.

The City of San Diego is currently updating the Barrio Logan Community Plan. As part of the plan update process, the City is proposing to designate Cesar Chavez Parkway as a "Ceremonial Street" between Cesar Chavez Park (at the Bay) and Interstate 5. A ceremonial street is generally defined with wider sidewalks (10-to 15-foot wide), ornamental street lighting and richer drought-tolerant landscaping including shade-producing street trees that will extend the open space presence through the community. The project would implement this goal by providing ornamental street lighting and a 10-foot wide sidewalk with a five-foot wide parkway on either side. This area would be landscaped with street trees and shrubs which provide connectivity to Cesar Chavez Park located southwest past the project site. (Attachment 1).

The project site is also within the FAA Part 77 Notification Area for North Island Naval Air Station and Lindbergh Field. The project's height does not exceed the FAA Part 77 allowable height and does not require FAA review.

Required Permits

The project as proposed requires a Process 4, Planned Development Permit (PDP) in accordance with San Diego Municipal Code (SDMC) Section 126.0602(b) (1) for deviations from the development regulations as described in the "Planned Development Permit" section below; a Process 3 Site Development Permit (SDP) per Section 152.0202(b) (1); and a Process 3 Coastal Development Permit (CDP) per Section 126.0702. All actions will be consolidated under this application and processed concurrently, pursuant to the Consolidation of Processing regulations contained in Municipal Code Section 112.0103. The decision to approve, conditionally approve, or deny the project will be made by the Planning Commission and that decision would be appealable to the City Council.

Planned Development Permit

The applicant has applied for a Planned Development Permit per Section 126.0602(b) (1) of the SDMC to allow for the nine deviations listed below, all of which are supported by staff. The deviations are summarized as follows:

- a. A deviation to allow a front yard setback of 18 feet along Cesar Chavez Parkway where a maximum setback of 5 feet is required;
- b. A deviation to allow zero percent of the first story street wall surface along Cesar Chavez Parkway to incorporate pedestrian entrances, windows, display windows, or openings allowing views into atriums, courtyards and street oriented activities where at least 50 percent is required;
- c. A deviation to allow zero enhanced street wall facade treatments (along Cesar Chavez Parkway) where façade treatment is required to change every 40 feet of linear street frontage.
- d. A deviation to allow various blank wall segments where limiting blank wall segments to 25 feet in width is required;
- e. A deviation to allow a maximum height of 44 feet where a maximum height of 35 feet is allowed;
- f. A deviation to allow the access driveway on the eastern end of Cesar Chavez Parkway to be perpendicular where the access drive is required to be angled;
- g. A deviation to allow a 6-foot pedestrian visibility triangle at the northeastern corner of the driveway on Harbor Drive, where 10 feet is required.
- h. A deviation to allow zero street trees along Harbor Drive where 15 street trees are required;
- i. A deviation to allow zero trees where one tree for every 30 feet within the vehicular use area is required;

Setback and Façade Deviations (a-d)

The project proposes an 18-foot building setback along Cesar Chavez Parkway where a maximum of 5 feet is required; a zero percent of the first story street wall surface along Cesar Chavez Parkway to incorporate pedestrian entrances, windows, display windows, or openings allowing views into atriums, courtyards and street oriented activities where at least 50 percent is required; no street wall facade treatments (along Cesar Chavez Parkway) where façade treatments are required to change every 40 feet of linear street frontage; and to allow various blank wall segments where limiting blank wall segments to 25 feet in width is required.

The intent of these regulations is to address the pedestrian experience along the street, bulk, scale and articulation of the structure facade. The project proposes ornamental street lighting and a 10-foot sidewalk with a 5-foot parkway on either side, planted with street trees and shrubs which provide connectivity to the Cesar Chavez park located southwest past the project site. The applicant has agreed to treat Cesar Chavez Parkway as a “ceremonial street” even though the update to the community plan has not yet been approved. Staff supports these four deviations stated above because the increased sidewalk width and landscaping provides for additional pedestrian interaction and activity as well as softening the bulk and scale of the structure, which is the purpose and intent of the regulations.

Height Deviation (e)

The project proposes a maximum height of approximately 44 feet where a maximum height of 35 feet is allowed. Due to the grade differential of the existing topography, the structure varies in height from 25 feet at the southern elevation to 44 feet at the northern elevation. Only 25 percent of the structure exceeds 35 feet in height. The proposed height is consistent with other structures within the general vicinity including the recently approved Mercado project, located directly northeast of the proposed project. This mixed use project was approved with a height of 62 feet. Due to the existing topography of the site, which was not a result from any act of the applicant, and based on the type of construction proposed, Staff can support his deviation.

Driveway Deviations (f-g)

The project proposes a deviation to allow the access driveway on the eastern end of Cesar Chavez Parkway to be perpendicular where the requirement is for the drive to be angled; and a deviation to allow a 6-foot pedestrian visibility triangle at the northeastern corner of the driveway on Harbor Drive, where 10 feet is required. The access drive is shared with the Kelco property to the east and having an angled driveway is prohibitive due to the proximity of the railroad tracks.

The northwestern corner of the driveway located along Harbor Drive meets the required 10-foot pedestrian visibility triangle due to the removal of a small section

of the mural. The 10-foot section is known as the “shark cage” area as previously noted. The shark cage is not readily visible to the casual observer, as it has been incorporated into a grilled entry way recessed in the building façade. As the shark cage represents only a small portion of the overall mural, its removal will not significantly detract from the artistic integrity of the mural nor lessen the mural’s cultural message. It was not possible to remove any portion of the mural on the northeastern side of the driveway, therefore a maximum 6-foot pedestrian visibility triangle is proposed. Staff has determined the proposed site design is appropriate and preserves the artistic integrity of the mural while still protecting public health and safety.

Landscape Deviations (h-i)

The project proposes a deviation to allow zero street trees along Harbor Drive where 15 street trees would be required. The mural wall facing Harbor Drive is proposed to be preserved as a free-standing structure with support columns inserted. The placement of street trees along Harbor Drive would potentially cover or block the mural. The project is exceeding the landscape plant point requirement for the entire site; therefore Staff is able to support this deviation in order to preserve the integrity of the mural while still maintaining adequate landscaping. The deviation to allow zero trees where one tree for every 30 feet within the vehicular use area, is in direct conflict with where the support columns required to preserve the mural are located. The project is exceeding the landscape plant point requirement for the entire site; therefore Staff is able to support this deviation in order to preserve the integrity of the mural while still maintaining adequate landscaping.

When considering the project as a whole, these deviations are minor in scope and the proposed modifications provide for a more attractive design than would be achieved through the strict application of the development regulations.

Site Development Use Permit

A Barrio Logan Planned District Permit is required for development within the Redevelopment Subdistrict of the Barrio Logan Planned District. The Barrio Logan Planned District Permit shall be processed in accordance with a Process 3 Site Development Permit (SDP). Except for the deviations listed above, the project meets all the regulations of the Barrio Logan Planned District.

Coastal Development Permit

A Coastal Development Permit (CDP) is required for development in the Appealable Area of the Coastal Overlay Zone. The CDP may be approved or conditionally approved only if the decision maker makes all of the findings outlined in SDMC 126.0708(a). The proposed project is meeting all the regulations for coastal development.

Environmental Analysis

Mitigated Negative Declaration (MND) No. 180219 dated July 19, 2010, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The MND requires the implementation of a Mitigation, Monitoring and Reporting Program (MMRP) to reduce potential impacts to Historical/Archeological Resources, Paleontological Resources and Traffic Resources to below a level of significance. The mitigation includes the preservation of the mural, archeological and paleontological monitoring during ground disturbance, intersection upgrades at Cesar Chavez Parkway and Harbor Drive, and a fair share contribution for improvements at the Cesar Chavez Parkway and Harbor Drive intersection.

Community Planning Group Recommendations:

The Barrio Logan Redevelopment Project Area Committee voted 8-0-1 to recommend approval of the proposed project on December 2, 2009, with no recommendations (Attachment 9).

CONCLUSION

The proposed project conforms to the land use designation and community design guidelines in the Barrio Logan Community Plan as well as preserving a significant cultural resource. The project as proposed is also compatible with the existing surrounding development and the deviations proposed can be supported by staff. Therefore staff recommends the Planning Commission approve the project as proposed by the applicant, subject to the proposed conditions.

ALTERNATIVES:

1. **CERTIFY** Mitigated Negative Declaration No. 180219; **ADOPT** the Mitigation, Monitoring and Reporting Program and **APPROVE** Planned Development Permit No. 713304, Site Development Permit No. 651275, Coastal Development Permit No. 649000, with modifications.
2. **DENY** Planned Development Permit No. 713304, Site Development Permit No. 651275, Coastal Development Permit No. 649000, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



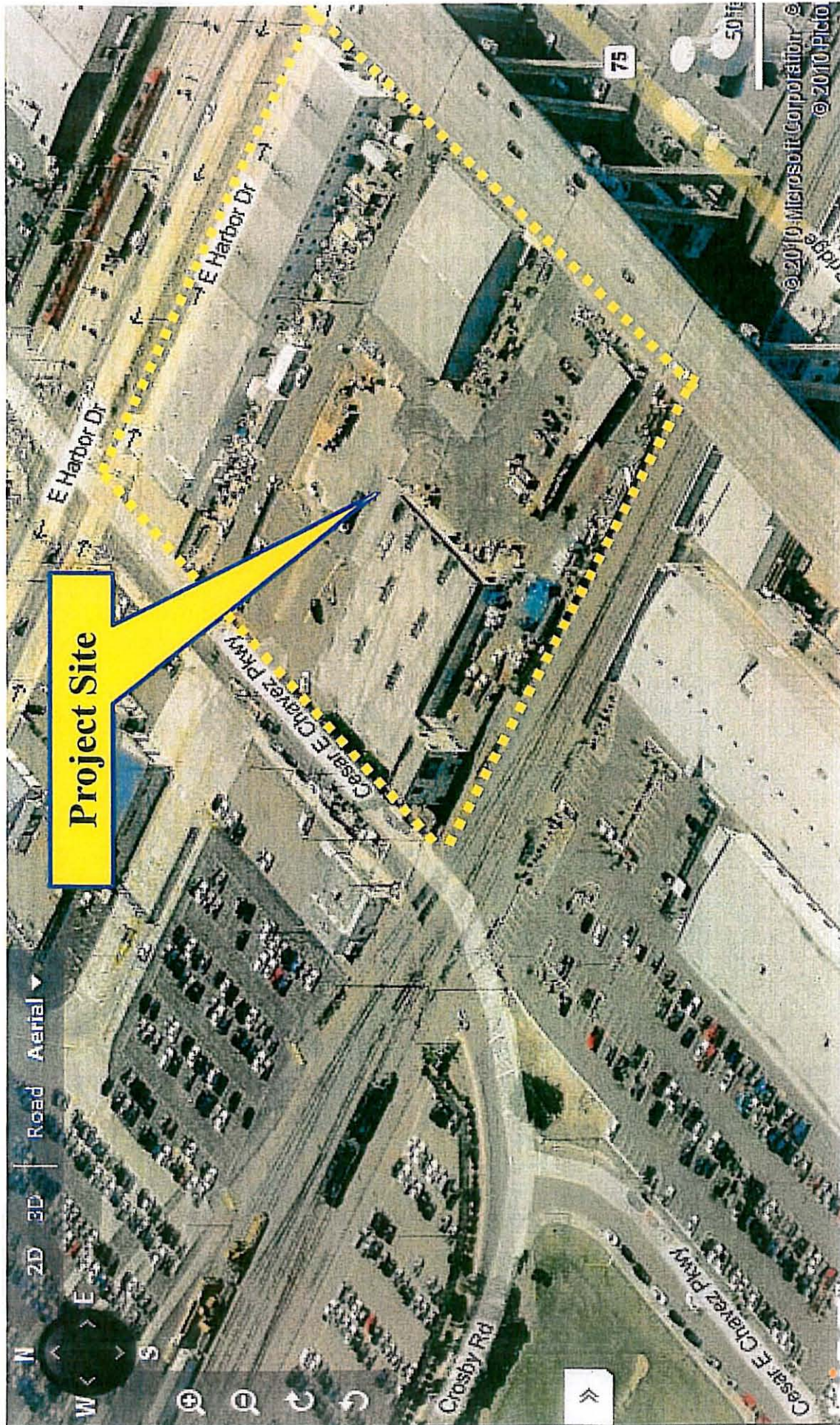
Mike Westlake
Program Manager
Development Services Department



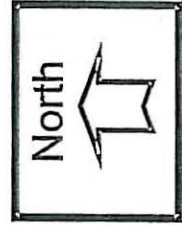
Renee Mezo, Project Manager
Development Services Department

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. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Photos of Mural

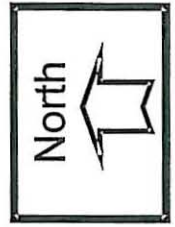
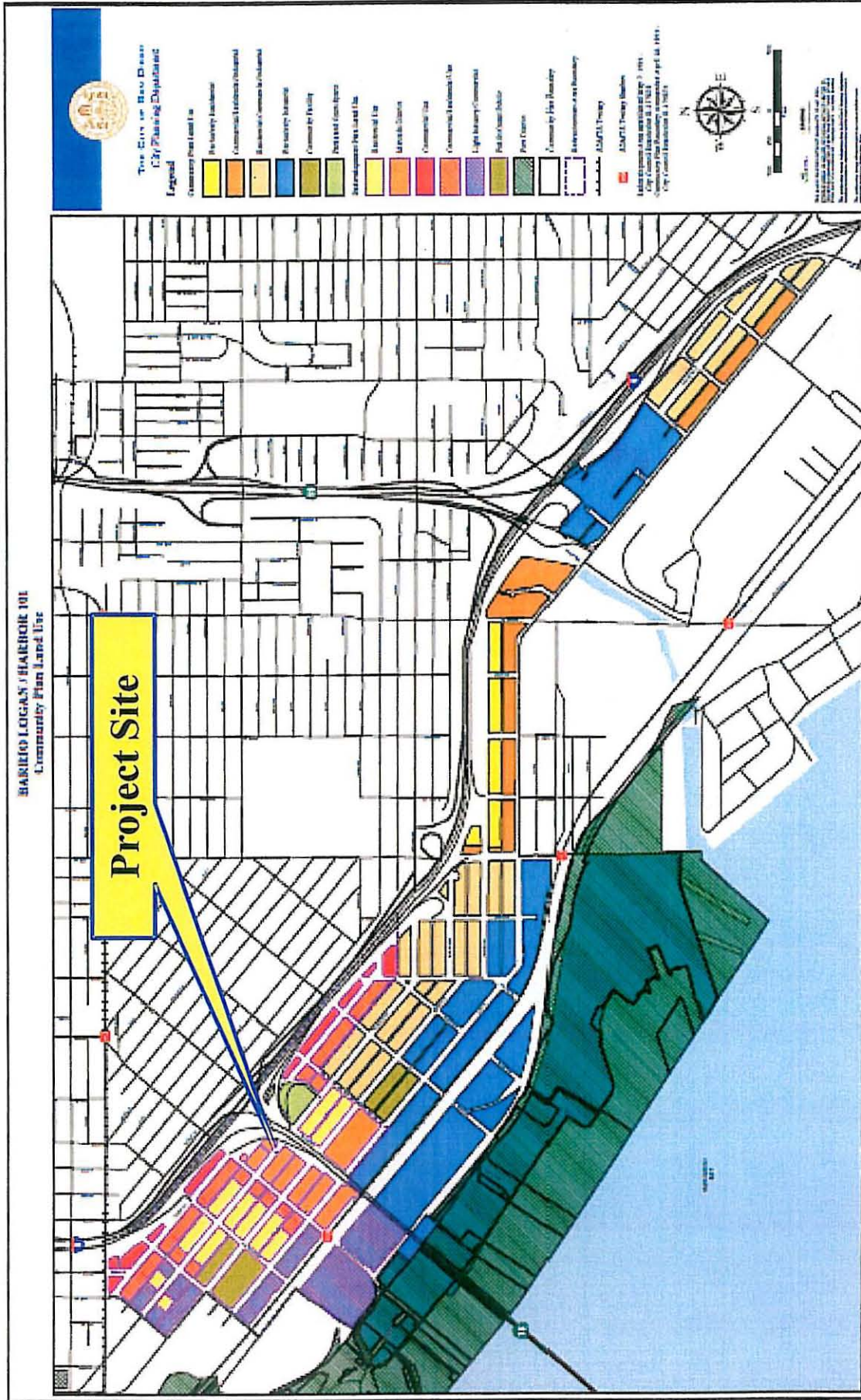


ATTACHMENT 1



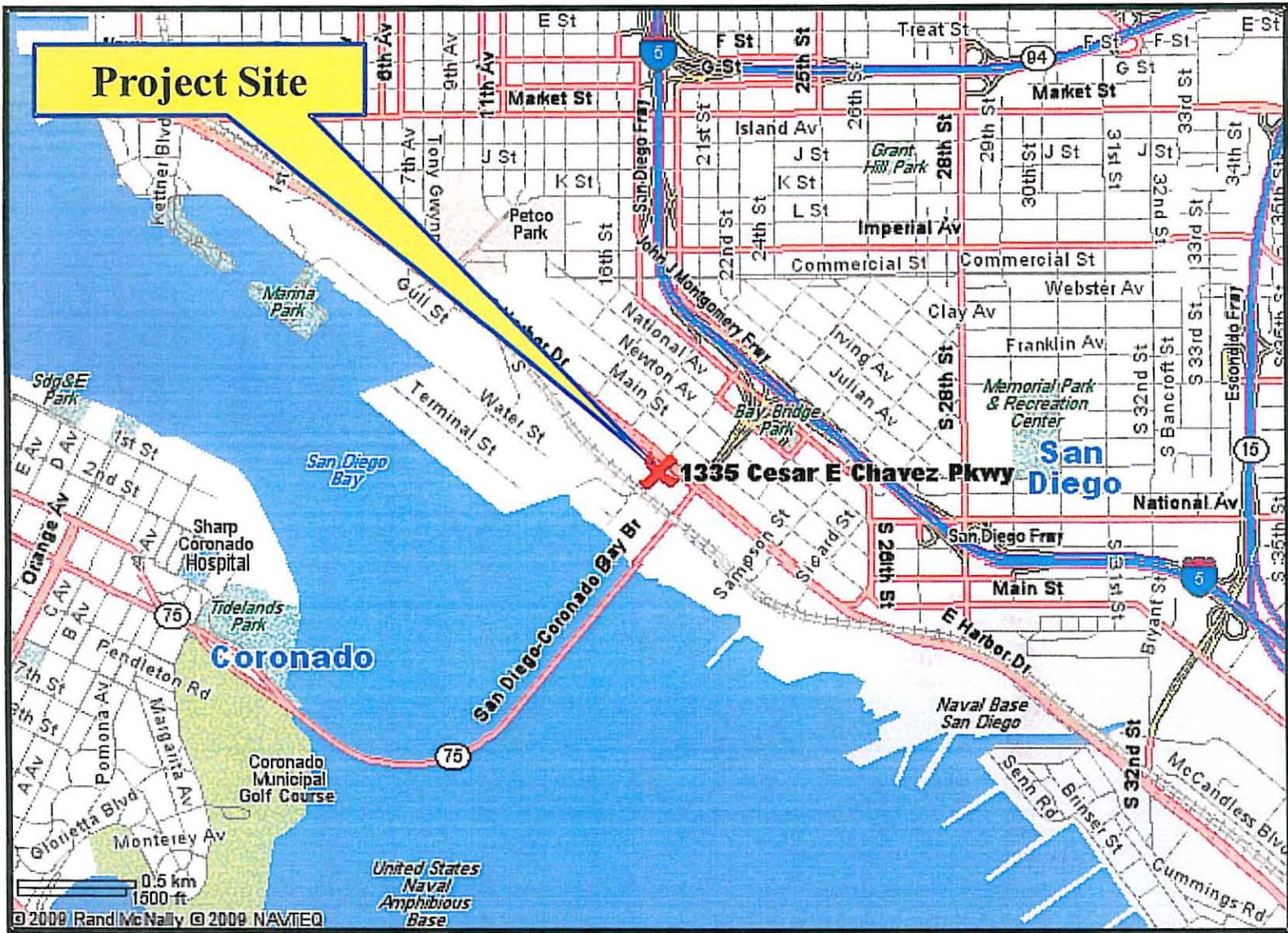
Aerial Photo
RESTAURANT DEPOT-1335 CESAR CHAVEZ PY
PTS 180219





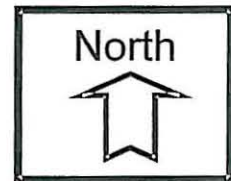
Land Use Map
RESTAURANT DEPOT-180219
1335 CESAR CHAVEZ PY





Project Location Map

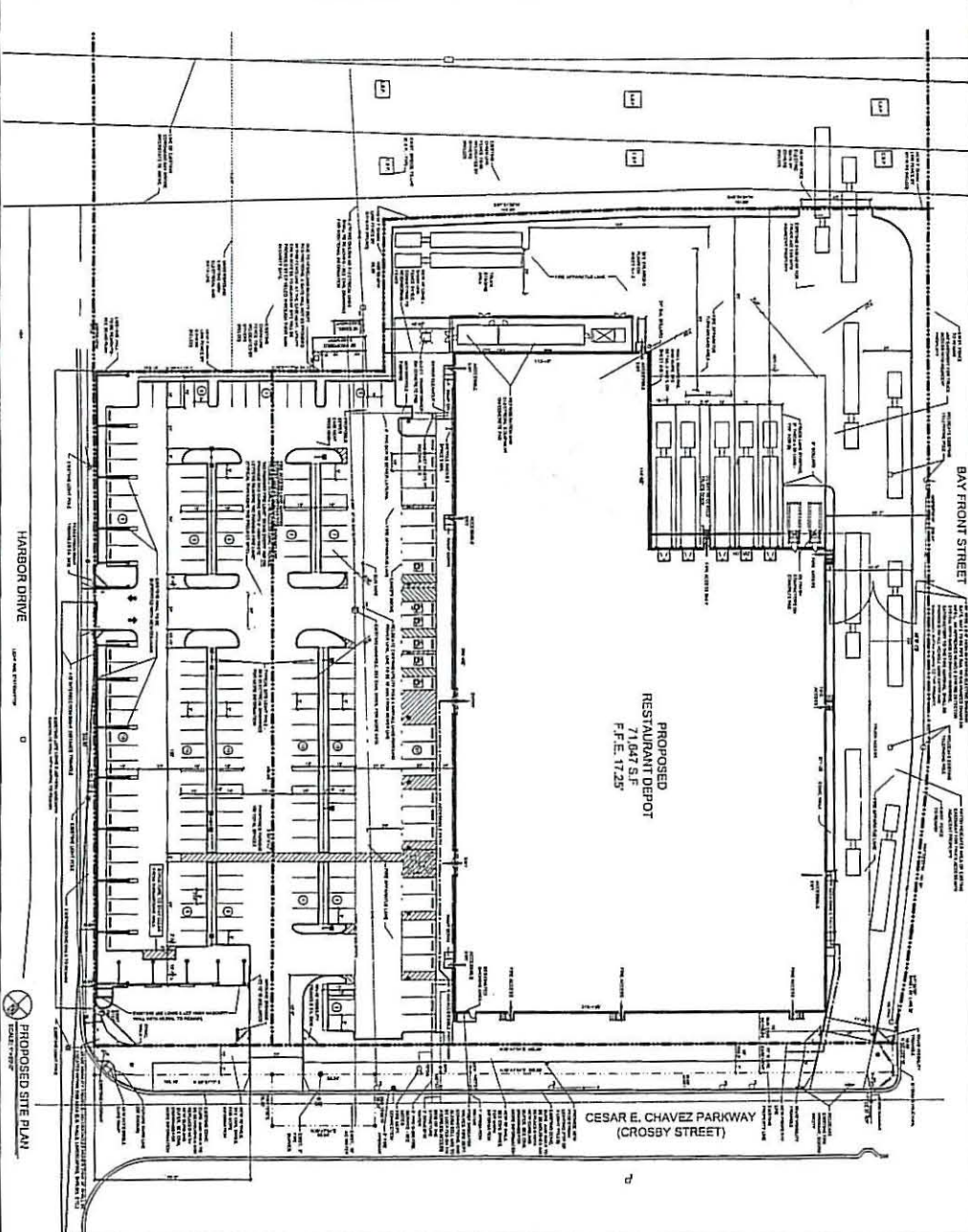
RESTAURANT DEPOT-1335 CESAR CHAVEZ PY
PTS 180219



PROJECT DATA SHEET

PROJECT NAME:	Restaurant Depot	
PROJECT DESCRIPTION:	Demolition of existing buildings and the construction of a 71,647-square-foot commercial building.	
COMMUNITY PLAN AREA:	Barrio Logan Community Plan	
DISCRETIONARY ACTIONS:	Planned Development Permit, Site Development Permit, and Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial/Industrial	
ZONING:	Redevelopment Subdistrict of the Barrio Logan Planned District (BLPD) Zone, the Coastal Overlay Zone (appealable), the Federal Aviation Administration (FAA) Part 77 Overlay Zone and the Transit Area Overlay Zone.	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial/Industrial; Redevelopment Subdistrict	Commercial Retail
SOUTH:	Commercial/Industrial; Redevelopment Subdistrict	Commercial/Industrial
EAST:	Commercial/Industrial; Redevelopment Subdistrict -1	Commercial Retail
WEST:	Commercial/Industrial; Redevelopment Subdistrict-D	Interstate 5
DEVIATIONS OR VARIANCES REQUESTED:	<p>- A deviation to allow a front yard setback of 18 feet along Cesar Chavez Parkway where a maximum setback of 5 feet is required;</p> <p>-A deviation to allow zero percent of the first story street wall surface along Cesar Chavez Parkway to incorporate pedestrian entrances, windows, display windows, or openings allowing views into atriums, courtyards and street oriented activities where at least 50 percent is required;</p> <p>-A deviation to allow zero enhanced street wall facade treatments (along Cesar Chavez Parkway) where façade treatment is required to change every 40 feet of linear street frontage.</p> <p>-A deviation to allow various blank wall segments where limiting blank wall segments to 25 feet in width is required;</p>	

	<ul style="list-style-type: none">-A deviation to allow a maximum height of 44 feet where a maximum height of 35 feet is required;-A deviation to allow the access driveway on the eastern end of Cesar Chavez Parkway to be perpendicular where the access drive is required to be angled;-A deviation to allow a 6-foot pedestrian visibility triangle at the northeastern corner of the driveway on Harbor Drive, where 10 feet is required.-A deviation to allow zero street trees along Harbor Drive where 15 street trees are required;-A deviation to allow zero trees where one tree for every 30 feet within the vehicular use area is required;
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Barrio Logan Redevelopment Project Area Committee voted 8-0-1 to recommend approval of the proposed project on December 2, 2009, with no recommendations.



LEGEND

PROPOSED	EXISTING
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PROJECT DIRECTORY

PROJECT NAME	CLIENT	DATE
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DEVIATIONS

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VICINITY MAP

DEVELOPMENT SUMMARY

1. SITE ANALYSIS: The site is located on a corner lot bounded by Harbor Drive to the north, Cesar E. Chavez Parkway (Crosby Street) to the east, and B Bay Front Street to the south. The site area is approximately 71,647 S.F. The proposed development consists of a two-story restaurant depot building with a total area of 71,647 S.F. and a parking lot area of 17,250 S.F.

2. ZONING: The site is currently zoned as M-1 (Manufacturing - Light Industrial). The proposed development is consistent with the zoning regulations.

3. UTILITIES: The site has access to city water, sewer, and gas utilities. The proposed development will connect to these utilities.

4. TRAFFIC: The proposed development is expected to generate an average of 150 vehicles per day. The site has access to Harbor Drive and B Bay Front Street, providing convenient access to major transportation routes.

DRAWING INDEX

NO.	DESCRIPTION	DATE
1	PROPOSED SITE PLAN	10/18/2019
2	PROPOSED SITE PLAN	10/18/2019
3	PROPOSED SITE PLAN	10/18/2019
4	PROPOSED SITE PLAN	10/18/2019
5	PROPOSED SITE PLAN	10/18/2019
6	PROPOSED SITE PLAN	10/18/2019
7	PROPOSED SITE PLAN	10/18/2019
8	PROPOSED SITE PLAN	10/18/2019
9	PROPOSED SITE PLAN	10/18/2019
10	PROPOSED SITE PLAN	10/18/2019

SITE ANALYSIS

PROJECT INFORMATION:
 PROJECT NAME: RESTAURANT DEPOT / SAN DIEGO
 CLIENT: RESTAURANT DEPOT
 ADDRESS: 1123 CESAR E. CHAVEZ PARKWAY, SAN DIEGO, CA 92161
 PROJECT NO.: 18-10-2019

DESIGNER INFORMATION:
 ARCHITECT: ADA ARCHITECTS, INC.
 ADDRESS: 4200 LA JOLLA VILLAGE CENTER DRIVE, SAN DIEGO, CA 92161
 PHONE: (619) 444-1111
 FAX: (619) 444-1112
 WEBSITE: WWW.ADAARCHITECTS.COM

DATE: 10/18/2019

DRAWN BY: J. J. [REDACTED]

CHECKED BY: J. J. [REDACTED]

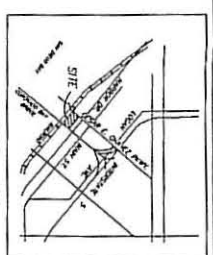
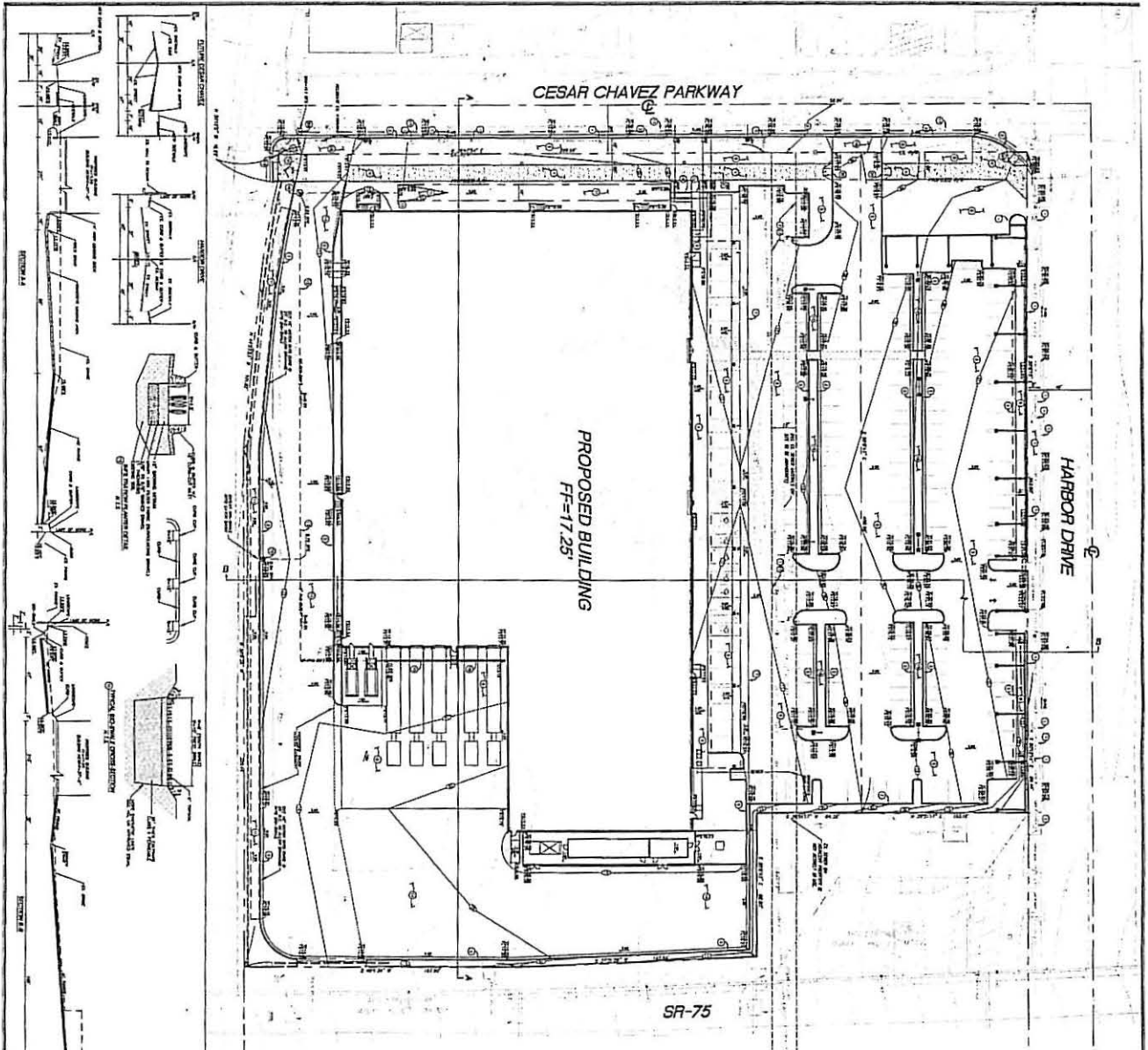
SCALE: AS SHOWN

Restaurant Depot / San Diego

1123 CESAR E. CHAVEZ PARKWAY, SAN DIEGO, CA 92161

ARCHITECTS, INC.

A-1.1



HAZARD MAP
FLOOD ZONE DESIGNATION
KAWAII DISTRICT
FLOOD HAZARD ZONE

- 1. BUILDING SHALL BE CONFORM TO THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
- 2. ALL FOUNDATIONS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE CALIFORNIA FOUNDATION DESIGN MANUAL AND ALL APPLICABLE ORDINANCES.
- 3. ALL STRUCTURES SHALL BE DESIGNED FOR A WIND SPEED OF 110 MPH.
- 4. ALL STRUCTURES SHALL BE DESIGNED FOR SEISMICITY.
- 5. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.
- 6. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR WIND PLAIN.
- 7. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.
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- 19. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.
- 20. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR WIND PLAIN.

LEGEND

1. EXISTING STRUCTURE
2. PROPOSED STRUCTURE
3. EXISTING DRIVEWAY
4. PROPOSED DRIVEWAY
5. EXISTING SIDEWALK
6. PROPOSED SIDEWALK
7. EXISTING LANDSCAPE
8. PROPOSED LANDSCAPE
9. EXISTING UTILITIES
10. PROPOSED UTILITIES
11. EXISTING ELEVATIONS
12. PROPOSED ELEVATIONS
13. EXISTING DIMENSIONS
14. PROPOSED DIMENSIONS
15. EXISTING NOTES
16. PROPOSED NOTES
17. EXISTING SCHEDULES
18. PROPOSED SCHEDULES
19. EXISTING SPECIFICATIONS
20. PROPOSED SPECIFICATIONS

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.

2. ALL FOUNDATIONS SHALL BE CONFORM TO THE LATEST EDITIONS OF THE CALIFORNIA FOUNDATION DESIGN MANUAL AND ALL APPLICABLE ORDINANCES.

3. ALL STRUCTURES SHALL BE DESIGNED FOR A WIND SPEED OF 110 MPH.

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13. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.

14. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR WIND PLAIN.

15. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.

16. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR WIND PLAIN.

17. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.

18. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR WIND PLAIN.

19. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR FLOOD PLAIN.

20. ALL STRUCTURES SHALL BE DESIGNED FOR A 100-YEAR WIND PLAIN.

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMITS	11/05/10	JW	JS
2	REVISED PER PERMITS	11/10/10	JW	JS
3	REVISED PER PERMITS	11/10/10	JW	JS
4	REVISED PER PERMITS	11/10/10	JW	JS
5	REVISED PER PERMITS	11/10/10	JW	JS
6	REVISED PER PERMITS	11/10/10	JW	JS
7	REVISED PER PERMITS	11/10/10	JW	JS
8	REVISED PER PERMITS	11/10/10	JW	JS
9	REVISED PER PERMITS	11/10/10	JW	JS
10	REVISED PER PERMITS	11/10/10	JW	JS

1225 CESAR CHAVEZ PKWY
SAN DIEGO, CA 92108
ARCHITECTS, INC.

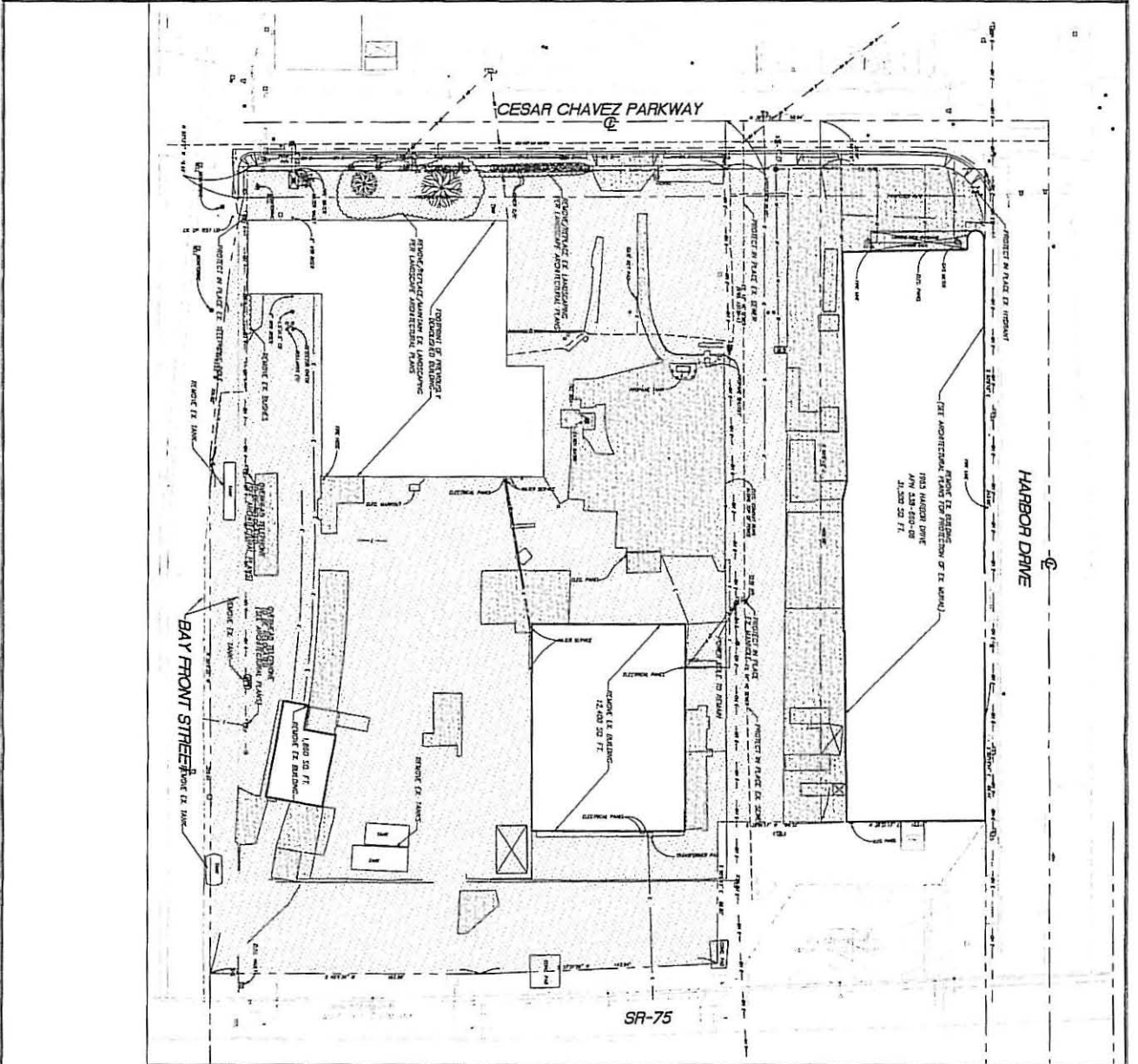
NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMITS	11/05/10	JW	JS

1225 CESAR CHAVEZ PKWY
SAN DIEGO, CA 92108
ARCHITECTS, INC.

Restaurant Depot / San Diego
1225 CESAR CHAVEZ PKWY
SAN DIEGO, CA

ADA ARCHITECTS, INC.
1225 CESAR CHAVEZ PKWY
SAN DIEGO, CA 92108
WWW.ADAARCHITECTS.COM

ATTACHMENT 5



LEGEND

---	PROPERTY LINE	---	NIGHT ELEVATION
---	POWER POLE	---	EXISTING CONTOUR
---	CENTRINE	---	AC PAVING TO BE REMOVED
---	CURT OF AIR	---	CONCRETE TO BE REMOVED
---	WALL		
---	WALLS WITH		

NOTES

1. ALL CONCRETE FOUND AND FOUNDATIONS TO BE REMOVED SHALL BE DEMOLISHED AND ALL UNDERGROUND UTILITIES BY THE USE TO BE ABANDONED IN PLACE AND COVERED FROM THE SURFACE BY THE CONTRACTOR. ALL UTILITIES SHALL BE RELOCATED BY THE CONTRACTOR.

PRIVATE ENGINEER'S NOTICE TO CONTRACTOR

The Engineer and his firm do not warrant the accuracy of the information contained herein. It is the responsibility of the contractor to verify the information and to ensure that it is accurate and complete. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable laws and regulations. The contractor shall be responsible for the safety of all workers and for the protection of the site during the construction process. The contractor shall be responsible for the quality of all work and for the completion of the project within the specified time and budget.



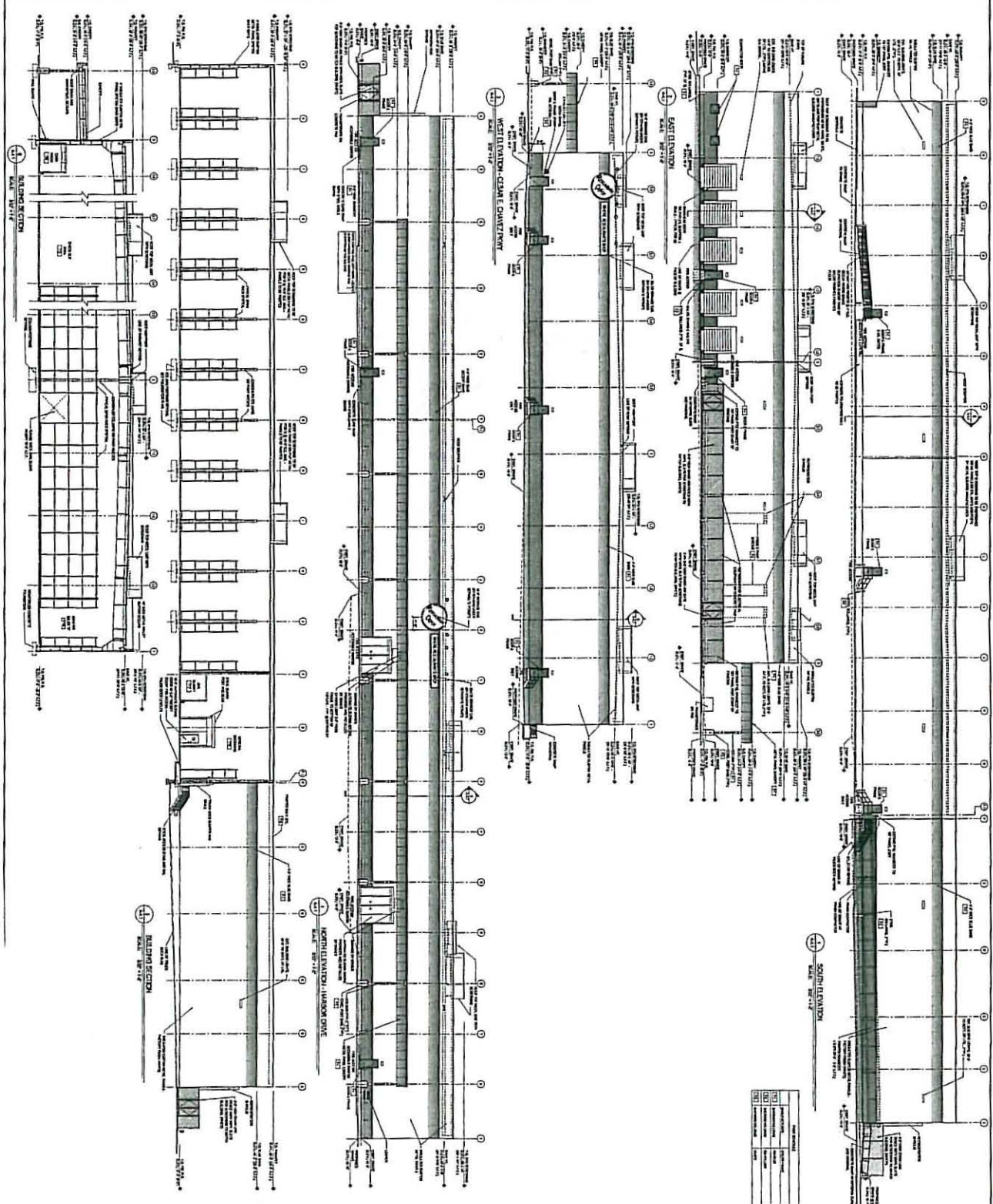
Restaurant Depot / San Diego

1233 CESAR E. CHAVEZ HWY. SAN DIEGO, CA 92106

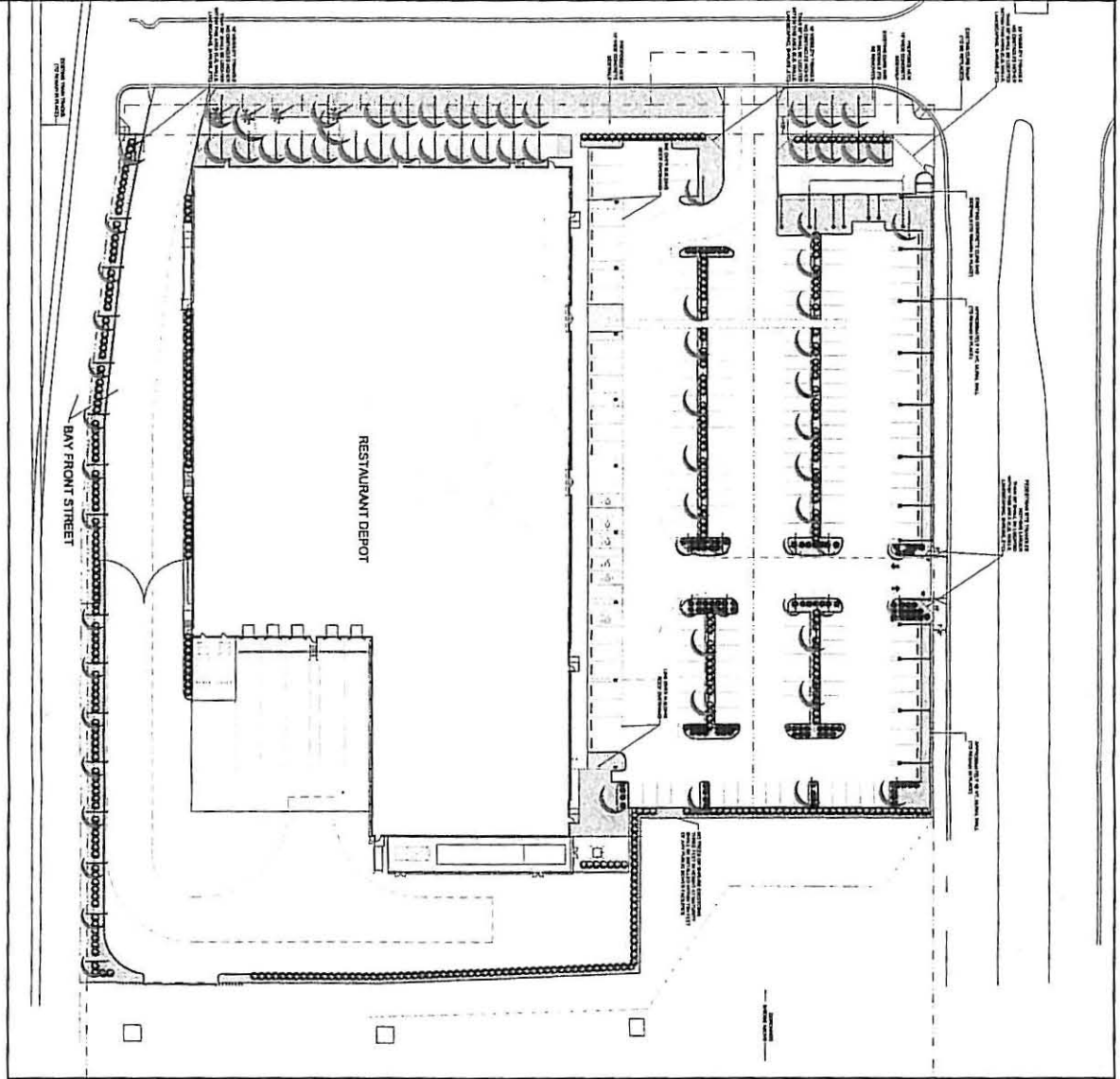
THESE DRAWINGS CONTAIn INFORMATION PROPRIETARY TO ADA ARCHITECTS, INC. UNAUTHORIZED USE OF THESE DRAWINGS IS EXPRESSLY PROHIBITED UNLESS AGREED UPON IN WRITING.

ADA ARCHITECTS, INC.
 1700 BROADWAY, SUITE 1500
 SAN FRANCISCO, CA 94133
 TEL: 415.774.4000 FAX: 415.774.4001

DATE:	12/15/11
BY:	DD
SCALE:	AS SHOWN
TITLE:	FINAL ARCHITECTURAL SITE PLAN
PROJECT NO.:	12-11-003
CLIENT:	RESTAURANT DEPOT / SAN DIEGO
DR: 1	



Restaurant Depot / San Diego 1338 CESAR E. CHAVEZ Pkwy. SAN DIEGO, CA			
PROJECT NAME: RESTAURANT DEPOT / SAN DIEGO ARCHITECT: ADA ARCHITECTS, INC. DATE: 04/27/10		THESE DOCUMENTS CONTAIN INFORMATION PROPRIETARY TO ADA ARCHITECTS, INC. UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED AND WILL BE SUITED AT LAW.	



CANDIDATE PLANT MATERIAL

SYMBOL	PLANT MATERIAL	COMMON NAME	HEIGHT	SPREAD	EXPOSURE	ZONE
(Tree symbol)	PLANT MATERIAL NEAR SEWER LINES					
(Tree symbol)	BIRCH MANAGEMENT NOTE					
(Tree symbol)	MULCHING NOTE					
(Tree symbol)	PUBLIC RIGHT OF WAY					
(Tree symbol)	DISTURBED AREA NOTE					
(Tree symbol)	MAINTENANCE RESPONSIBILITY					
(Tree symbol)	UTILITY SCREENING					
(Tree symbol)	PLANT MATERIAL NEAR SEWER LINES					
(Tree symbol)	WATER CONSERVATION STATEMENT					
(Tree symbol)	SLOPE EROSION CONTROL NOTE					

Restaurant Depot / San Diego

1338 CESAR E. CHAVEZ PKWY. SAN DIEGO, CA

mLa
McCullough Landscape Architects

THESE DOCUMENTS CONTAIN INFORMATION PROPRIETARY TO AEA ARCHITECTS, INC. UNAUTHORIZED USE OF THESE DOCUMENTS IS EXPRESSLY PROHIBITED UNLESS NOTED UPON A WRITING.

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: 23432387

PLANNED DEVELOPMENT PERMIT NO. 713304
SITE DEVELOPMENT PERMIT NO. 651275
COASTAL DEVELOPMENT PERMIT NO. 649000

RESTAURANT DEPOT PROJECT NO. 180219
PLANNING COMMISSION
DRAFT

This Planned Development Permit No. 713304, Site Development Permit No. 651275, and Coastal Development Permit No. 649000 is granted by the Planning Commission of the City of San Diego to JMDH REAL ESTATE OF SAN DIEGO, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0602(b)(1), 152.0202(b)(1) and 126.0702. The 5.18-acre site is located at 1335 Cesar Chavez Parkway in the Redevelopment Subdistrict of Barrio Logan Planned District (BLPD) Zone, the Coastal Overlay Zone (appealable), the Federal Aviation Administration (FAA) Part 77 Overlay Zone and the Transit Area Overlay Zone, within the Barrio Logan Community Plan. The project site is legally described as Parcel 1 of Parcel Map No. 20199, Parcel 1, a portion of Pueblo Lot 1164 of the Pueblo Lands, Map No. 36, and Parcel 2 Block 50 of Mannasse.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing buildings and construct a 71,647-square-foot industrial building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 5, 2010, on file in the Development Services Department.

The project shall include:

- a. Demolition of two existing buildings;
- b. Construction of a 71,647-square-foot industrial building;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. The following nine deviations are granted, as shown on Exhibit "A";
- i. A deviation to allow a front yard setback of 18 feet along Cesar Chavez Parkway where a maximum setback of 5 feet is required;
 - ii. A deviation to allow zero percent of the first story street wall surface along Cesar Chavez Parkway to incorporate pedestrian entrances, windows, display windows, or openings allowing views into atriums, courtyards and street oriented activities where at least 50 percent is required;
 - iii. A deviation to allow zero enhanced street wall facade treatments (along Cesar Chavez Parkway) where façade treatment is required to change every 40 feet of linear street frontage.
 - iv. A deviation to allow various blank wall segments where limiting blank wall segments to 25 feet in width is required;
 - v. A deviation to allow a maximum height of 44 feet where a maximum height of 35 feet is required;
 - vi. A deviation to allow the access driveway on the eastern end of Cesar Chavez Parkway to be perpendicular where the access drive is required to be angled;
 - vii. A deviation to allow a 6-foot pedestrian visibility triangle at the northeastern corner of the driveway on Harbor Drive, where 10 feet is required.
 - viii. A deviation to allow zero street trees along Harbor Drive where 15 street trees are be required;
 - ix. A deviation to allow zero trees where one tree for every 30 feet within the vehicular use area is required;
- e. Off-street parking;
- f. The protection and shoring of the existing mural along Harbor Drive and installation of new structural supports to maintain the mural wall as a free standing element; the northern and western walls of the 1965 Harbor Drive building, which fronts both Harbor Drive and Cesar Chavez Parkway are covered with murals that would be preserved and left as free-standing structures (support columns will be inserted), as described within the Mitigation Monitoring and Reporting Program; and
- g. Accessory improvements determined by the Development Services Department 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. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the San Diego Municipal Code (SDMC) within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration, No. 180219, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, No. 180219, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical/Archeological Resources; Palentology Resources and Traffic

ENGINEERING REQUIREMENTS:

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

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, along the project frontage on Cesar E. Chavez Parkway, per Standard Drawing G-2 and SDG-100, satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramps with City standard curb ramps with truncated domes, located at the southeast corner of Harbor Drive and Cesar E. Chavez Parkway and at the northeast corner of Bay Front Street and Cesar E. Chavez Parkway, per Standard Drawing SDG-132, satisfactory to the City Engineer. This shall include any right-of-way dedication required.

18. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the removal of the existing sidewalk on Cesar E. Chavez Parkway and construct a 10-foot wide City stand non-contiguous sidewalk, per Standard Drawing G-7 and G-9, satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing grate inlet with City standard curb inlet, located at the southwest corner of the project site on Cesar E. Chavez Parkway, per Standard Drawing D-2, SDD-100 and SDG-110, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

22. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

23. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
25. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.
26. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, to upgrade the luminaire wattage for the street lights adjacent to the site on Harbor Drive, satisfactory to the City Engineer. The applicant shall install two standard street lights on Cesar Chavez Parkway and upgrade the luminaries wattage for the street light adjacent to the site on Harbor Drive, per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, satisfactory to the City Engineer.
27. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two 30-foot wide driveways on Cesar E. Chavez Parkway and one City standard 24-wide standard driveway on Harbor Drive, satisfactory to the City Engineer.
28. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the non-standard driveway, private storm drain, curb outlet, landscape and irrigation locate within the City's right-of-way.

LANDSCAPE REQUIREMENTS:

29. 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.
30. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to

the Development Services Department for approval. Improvement plans shall show, label and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

32. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

33. Prior to issuance of any construction permits for buildings complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' 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.

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

35. 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.

36. 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 Development Services Department within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

37. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

PLANNING/DESIGN REQUIREMENTS:

38. Prior to issuance of any construction permit, the applicant shall record a lot tie agreement to hold all developed parcels, as shown on the Exhibit "A," as one. The lot tie agreement shall be executed in a form and content acceptable to the Director of the Development Services Department, or designated representative, and shall be recorded in the Office of the County Recorder.

39. Mechanical equipment, tanks, ducts, trash collection areas, elevator enclosures, cooling towers, mechanical ventilators and similar equipment and appurtenances shall be completely enclosed as integral parts of buildings or have an appearance similar to the main building(s) as shown on Exhibit "A."

40. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

41. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

42. 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.

TRANSPORTATION REQUIREMENTS

43. A minimum of 180 automobile spaces (including 6 standard accessible spaces, 1 van accessible space and 21 carpool spaces) and 2 bicycle spaces with racks are required by the Land Development Code (180 spaces provided). 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, unless otherwise authorized in writing by the Development Services Director.

44. Prior to the issuance of any building permits, the applicant shall provide an Irrevocable Offer of Dedication (IOD) for the 17' dedication of property along the project's frontage on Cesar Chavez Parkway to provide a future street cross-section of at least 50' (10' thru, 10' thru, 10' left turn lane, 10' thru lane and 10' right-turn lane) within 74' or 77' of right-of-way (10' parkway on the west side, 7' landscape and 10' sidewalk along the project), satisfactory to the City Engineer.

45. Prior to the issuance of any building permits, the applicant shall provide a fair-share contribution of 0.5% toward the construction of two exclusive right-turn lanes for eastbound and westbound traffic movements on N. Harbor Drive at the intersection of Cesar Chavez Parkway including signal modification, satisfactory to the City Engineer.

46. Prior to the issuance of any building permit, the applicant shall enter into a Deferred Improvement Agreement (DIA) with the City for the installation of the decorative acorn lighting

which the applicant would install, once a Maintenance Assessment District (MAD) is formed, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

47. The Owner/Permittee will be required to grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the Director of Public Utilities.
48. No structures or landscaping shall be installed in or over any sewer easement prior to the applicant obtaining a maintenance and encroachment removal agreement.
49. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
50. Prior to the issuance of any Construction Permit, the Owner/Permittee shall provide an Encroachment Maintenance and Removal Agreement (EMRA) for connection of sewer lateral to public sewer main located in the easement.
51. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.
52. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
53. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

WATER REQUIREMENTS:

54. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
55. 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 removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
56. 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, and associated easements, as shown on approved Exhibit "A" 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on August 5, 2010,
Resolution No. XXXX.

PLANNING COMMISSION
RESOLUTION NO. XXXX (A)
PLANNED DEVELOPMENT PERMIT NO. 713304
SITE DEVELOPMENT PERMIT NO. 651275
COASTAL DEVELOPMENT PERMIT NO. 649000

**RESTAURANT DEPOT- PROJECT NO. 180219
DRAFT**

WHEREAS, JMDH REAL ESTATE OF SAN DIEGO, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to allow the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 713304, Site Development Permit No. 651275 and Coastal Development Permit No. 649000, on portions of a 5.18-acre site;

WHEREAS, the project site is located at 1335 Cesar Chavez Parkway in the Redevelopment Subdistrict of Barrio Logan Planned District (BLPD) Zone, the Coastal Overlay Zone (appealable), the Federal Aviation Administration (FAA) Part 77 Overlay Zone and the Transit Area Overlay Zone within the Barrio Logan Community Plan;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 20199, Parcel 1, a portion of Pueblo Lot 1164 of the Pueblo Lands, Map No. 36 and Parcel 2 Block 50 of Mannasse;

WHEREAS, on August 5, 2010, the Planning Commission of the City of San Diego considered Planned Development Permit No. 713304, Site Development Permit No. 651275 and Coastal Development Permit No. 649000 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 August 5, 2010.

FINDINGS:

Planned Development Permit - Section 126.0604

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

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The Barrio Logan Community Plan designates the project site for commercial/industrial uses. The proposed warehouse use is an industrial use and is consistent with the designated land use in the plan. Harbor Drive and Cesar Chavez Parkway are identified as view corridors to the bay and downtown. The plan recommends that the setbacks along these corridors be landscaped whenever possible to frame views to the bay and to downtown. The proposed project does not impact

existing vistas through these corridors and the proposed landscaping along Cesar Chavez will improve the corridor to the bay.

The City of San Diego is currently updating the Barrio Logan Community Plan. As part of the plan update process, the City is proposing to designate Cesar Chavez Parkway as a "Ceremonial Street" between Cesar Chavez Park (at the Bay) and Interstate 5. A ceremonial street is generally defined with wider sidewalks (10 to 15-foot wide), ornamental street lighting and richer drought-tolerant landscaping including shade-producing street trees that will extend the open space presence through the community. The project would implement this goal by providing ornamental street lighting and a 10-foot wide sidewalk with a five-foot wide parkway on either side. This area would be landscaped with street trees and shrubs which provide connectivity to Cesar Chavez Park located southwest past the project site. Therefore the proposed project would not adversely affect the community plan.

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

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. A Mitigated Negative Declaration was prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the area of Historical/Archeological Resources, Paleontological Resources and Traffic. Implementation of the Mitigation, Monitoring and Reporting Program would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, the project as proposed would 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 project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The project complies with all the regulations of the Land Development Code with the exception of the deviations detailed in Finding No. 5 below, as allowed by the Planned Development Permit Process (Section 126.0302(B)) of the San Diego Municipal Code. Therefore the proposed development will comply with the regulations of the Land Development Code.

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

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The project includes the redevelopment of an existing processing plant, promotes pedestrian interaction along Cesar Chavez Parkway Avenue, preserves the mural along Harbor Drive and provides a needed service

to the restaurant community. Therefore, the 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 project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The applicant has applied for a Planned Development Permit per section 126.0602(b), of the San Diego Municipal Code (SDMC) to allow for the nine deviations summarized below:

- a. A deviation to allow a front yard setback of 18 feet along Cesar Chavez Parkway where a maximum setback of 5 feet is required;
- b. A deviation to allow zero percent of the first story street wall surface along Cesar Chavez Parkway to incorporate pedestrian entrances, windows, display windows, or openings allowing views into atriums, courtyards and street oriented activities where at least 50 percent is required;
- c. A deviation to allow zero enhanced street wall facade treatments (along Cesar Chavez Parkway) where façade treatment is required to change every 40 feet of linear street frontage.
- d. A deviation to allow various blank wall segments where limiting blank wall segments to 25 feet in width is required;
- e. A deviation to allow a maximum height of 44 feet where a maximum height of 35 feet is required;
- f. A deviation to allow the access driveway on the eastern end of Cesar Chavez Parkway to be perpendicular where the access drive is required to be angled;
- g. A deviation to allow a 6-foot pedestrian visibility triangle at the northeastern corner of the driveway on Harbor Drive, where 10 feet is required.
- h. A deviation to allow zero street trees along Harbor Drive where 15 street trees are required;
- i. A deviation to allow zero trees where one tree for every 30 feet within the vehicular use area is required;

Setback and Façade Deviations (a-d)

The project proposes an 18-foot building setback along Cesar Chavez Parkway where a maximum of 5 feet is required; a zero percent of the first story street wall surface along Cesar Chavez Parkway to incorporate pedestrian entrances, windows, display windows, or

openings allowing views into atriums, courtyards and street oriented activities where at least 50 percent is required; no street wall facade treatments (along Cesar Chavez Parkway) where façade treatments are required to change every 40 feet of linear street frontage; and to allow various blank wall segments where limiting blank wall segments to 25 feet in width is required.

The City of San Diego is currently updating the Barrio Logan Community Plan. As part of the plan update process, the City is proposing to designate Cesar Chavez Parkway as a "Ceremonial Street" between Cesar Chavez Park (at the Bay) and Interstate 5. A ceremonial street is generally defined with wider sidewalks (10-to 15-feet wide), ornamental street lighting and richer drought-tolerant landscaping including shade-producing street trees that will extend the open space presence through the community. The project would implement this goal by providing ornamental street lighting and a 10-foot wide sidewalk with a five-foot wide parkway on either side. This area would be landscaped with street trees and shrubs which provide connectivity to Cesar Chavez Park located southwest past the project site.

Height Deviation (e)

The project proposes a maximum height of approximately of 44 feet where a maximum height of 35 feet is required. Due to the grade differential of the existing topography, the structure varies in height from 25 feet at the southern elevation to 44 feet at the northern elevation. Based on the existing topography of the site, which was not a result from any act of the applicant and based on the type of construction proposed, Staff can support his deviation.

Driveway Deviations (f-g)

The project proposes a deviation to allow the access driveway on the eastern end of Cesar Chavez Parkway to be perpendicular where the requirement is for the drive to be angled and a deviation to allow a 6-foot pedestrian visibility triangle at the northeastern corner of the driveway on Harbor Drive, where 10 feet is required. The access drive is shared with the Kelco property to the east and having an angled driveway is prohibitive due to the proximity of the railroad tracks.

The northwestern corner of the driveway located along Harbor Drive meets the required 10-foot pedestrian visibility triangle due to the removal of a small section of the mural. The 10-foot section is known as the "shark cage" area. The shark cage is not readily visible to the casual observer, as it has been incorporated into a grilled entry way recessed in the building façade. As the shark cage represents only a small portion of the overall mural, its removal will not significantly detract from the artistic integrity of the mural nor lessen the mural's cultural message. It was not possible to remove any portion of the mural on the northeastern side of the driveway, therefore a maximum 6-foot pedestrian visibility triangle is proposed. Staff has determined the proposed site design is appropriate and preserves the artistic integrity of the mural while still protecting public health and safety.

Landscape Deviations (h-i)

The project proposes a deviation to allow zero street trees along Harbor Drive where 15 street trees would be required. The mural wall facing Harbor Drive is proposed to be preserved and left as a free-standing structure with support columns inserted. The placement of street trees along Harbor Drive would potentially cover or block the mural. The project is exceeding the landscape plant point requirement for the entire site; therefore Staff is able to support this deviation in order to preserve the integrity of the mural while still maintaining adequate landscaping. The deviation to allow zero trees where one tree for every 30 feet within the vehicular use area, is in direct conflict with where the support columns required to preserve the mural are located. The project is exceeding the landscape plant point requirement for the entire site; therefore Staff is able to support this deviation in order to preserve the integrity of the mural which helps to provide shade over pavement while still maintaining adequate landscaping.

When considering the project as a whole these deviations are minor in scope and the proposed modifications provide for a more attractive design than would be achieved through the strict application of the development regulations.

Site Development Permit - Section 126.0504**1. The proposed development will not adversely affect the applicable land use plan.**

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The Barrio Logan Community Plan designates the project site for commercial/industrial uses. The proposed warehouse use is an industrial use and is consistent with the designated land use in the plan. Harbor Drive and Cesar Chavez Parkway are identified as view corridors to the bay and downtown. The plan recommends that the setbacks along these corridors be landscaped whenever possible to frame views to the bay and to downtown. The proposed project does not impact existing vistas through these corridors and the proposed landscaping along Cesar Chavez will improve the corridor to the bay.

The City of San Diego is currently updating the Barrio Logan Community Plan. As part of the plan update process, the City is proposing to designate Cesar Chavez Parkway as a "Ceremonial Street" between Cesar Chavez Park (at the Bay) and Interstate 5. A ceremonial street is generally defined with wider sidewalks (10- to 15-foot wide), ornamental street lighting and richer drought-tolerant landscaping including shade-producing street trees that will extend the open space presence through the community. The project would implement this goal by providing ornamental street lighting and a 10-foot wide sidewalk with a five-foot wide parkway on either side. This area would be landscaped with street trees and shrubs which provide connectivity to Cesar Chavez Park located southwest past the project site. Therefore the proposed project would not adversely affect the community plan.

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

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. A Mitigated Negative Declaration was prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the area of Historical/Archeological Resources, Paleontological Resources and Traffic. Implementation of the Mitigation, Monitoring and Reporting Program would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, the project as proposed would 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 project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The project complies with all the regulations of the Land Development Code with the exception of the deviations detailed in Finding No. 5 below, as allowed by the Planned Development Permit Process (Section 126.0302(B)) of the San Diego Municipal Code. Therefore the proposed development will comply with the regulations of the Land Development Code.

Coastal Development Permit – Land Development Code Section 126.0708 (a) (b)

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The property is located less than a quarter mile from the ocean. The proposed redevelopment of an existing processing plant will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the Local Coastal Program land use plan. The development proposed is on private property and will not have any affect on any existing or proposed public access way used by the public. Harbor Drive and Cesar Chavez Parkway are identified as view corridors to the bay and downtown. The plan recommends that the setbacks along these corridors be landscaped whenever possible to frame views to the bay and to downtown. The proposed project does not impact existing vistas through these corridors and the proposed landscaping along Cesar Chavez will improve the corridor to the bay; therefore the proposed project will not interfere with public views to and along the ocean and other scenic coastal areas as identified in the Local Coastal Program.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The project proposes the redevelopment of an existing processing plant and there are no environmentally sensitive lands present on the site and project implementation would therefore not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The proposed development is located in an area designated for commercial/industrial uses in the Barrio Logan Community Plan and Local Coastal Program. The proposed warehouse building is consistent with the designated land use. The proposed project has been designed in conformance with the Coastal Overlay and the Development Regulations of the Redevelopment Subdistrict of the Barrio Logan Planned District. The proposed development would be similar in bulk and scale as the other existing industrial and commercial developments; therefore the proposed project conforms to the certified Local Coastal Program land use plan and complies with all the regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project proposes the demolition of existing buildings and the construction of a 71,647-square-foot warehouse building within the Barrio Logan Community Plan. The proposed project is located between the first public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The development proposed is on private property and will not have any affect on any existing or proposed public access way used by the public. Harbor Drive and Cesar Chavez Parkway are identified as view corridors to the bay and downtown. The plan recommends that the setbacks along these corridors be landscaped whenever possible to frame views to the bay and to downtown. From the project site, views are minimal along Logan and Sampson. The proposed project does not impact existing vistas through these corridors and the proposed landscaping along Cesar Chavez will improve the corridor to the bay. The project provides ornamental street lighting and a 10-foot wide sidewalk with a five-foot wide parkway on either side. This area would be landscaped with street trees and shrubs which provide connectivity to Cesar Chavez Park located southwest past the project site. Therefore the proposed development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 713304, Site Development Permit No. 651275 and Coastal Development Permit No. 649000 are hereby GRANTED by the Planning Commission to the

referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in the permit a copy of which is attached hereto and made a part hereof.

Renee Mezo
Development Project Manager
Development Services

Adopted on: August 5, 2010

Job Order No. 23432387

cc: Legislative Recorder, Development Services Department

RESOLUTION NUMBER R-XXXX (B)

ADOPTED ON August 5, 2010

WHEREAS, on June 3, 2009, Jetro Cash & Carry Restaurant Depot submitted an application to the Development Services Department for a Site Development Permit; Planned Development Permit; Coastal Development Permit; and Grading Permit;

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

WHEREAS, the issue was heard by the Planning Commission on August 5, 2010; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 180219 NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 180219 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 Administration 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 Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By: _____
Renee Mezo, Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit, Planned Development Permit, Coastal Development Permit, and Grading Permit

PROJECT NO. 180219

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 180219) shall be made conditions of Site Development Permit and Tentative Map as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Paleontological Monitor
 Qualified Archaeologist
 Qualified Architectural Photographer

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call RE and MMC at 858-627-3360
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 180219 and/or Environmental Document Number 180219, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable

4. **MONITORING EXHIBITS**

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:**

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<u>Issue Area</u>	<u>Document submittal</u>	<u>Assoc Inspection/Approvals/Notes</u>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Archaeology	Archaeology Reports	Archaeology site observation
Paleontology	Paleontology Reports	Paleontology site observation
Historic	Photographic Documentation	Prior to Construction
Historic	Letter from Primary Mural Artist	During Construction
Historic	Photographic Documentation Letter	Prior to Occupancy
Historic	Interpretive Display Installed	Prior to Occupancy

C. **SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

HISTORIC RESOURCES (MURAL)

In order to avoid potential impacts to historical resources (mural), the following mitigation measures shall be implemented by the permit holder:

I. ***Prior to Permit Issuance***

A. ***Entitlements Plan Check***

1. Prior to the Notice to Proceed for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee (ED)

shall verify that the requirements for Historical Monitoring have been noted on the appropriate construction documents.

2. Prior to any of the above conditions (A.1), the ADD ED shall verify and ensure that Plan-Historic staff has been included as a reviewer for the project building plans.
3. Prior to any of the above conditions (A.1), the ADD ED, and MMC shall verify that a qualified Architectural Photographer has been retained by the Permit Holder to prepare photographic documentation of the Kelco Historical Community Mural located at 1905-1965 E. Harbor Drive.

II. *Prior to Start of Construction*

A. *Mural Preservation*

1. All sections of the Kelco Historical Community Mural, with the exception of the "shark cage" and loading dock area, shall be preserved and protected.
2. The loading dock area shall remain intact, with the exception of the canopy, three doors, and the concrete loading slab with stairs.

B. *Photographic Documentation*

1. Prior to the start of the preparation of the site for partial demolition, high quality, digital photographs shall be taken (in a format acceptable to the ADD) by the qualified Architectural Photographer, and shall be submitted to, and approved by, the ADD. The entire mural shall be photographed with emphasis upon the portion to be removed ("the shark cage").

III. *During Construction*

A. *Consultation With Primary Mural Artist*

1. The Primary Mural Artist (Salvador R. Torres) shall be consulted for the purpose of reestablishing the thematic continuity of the mural once the partial demolition of the building has occurred and the north and west elevations have been stabilized (1905-1965 East Harbor Drive).
2. Submit the proposal for the interpretive display to be located within the newly constructed warehouse (Restaurant Depot) to the Primary Mural Artist and the ADD; the display shall include photographs, a written history and explanation of the significance of the Kelco Historical Community Mural.
3. Upon removal of the wood canopy within the dock area, the holes in the masonry where the joists pass through shall be patched and the paint re-touched. Similarly, the dock slab, railing, and stairs shall be removed; then the concrete shall be patched and re-touched as necessary. The three doors in the dock area shall be removed and in-filled with a solid material and painted to match the surrounding mural. Alternatively, in consultation with the Primary Mural Artist, the doorway openings may remain open to provide views of the landscaping and parking areas.

Special Meeting of the Barrio Logan Redevelopment Project Area Committee (PAC) MINUTES

Wednesday, December 2, 2009
Barrio Station - 2175 Newton Avenue
San Diego, CA. 92113

The members of the Barrio Logan Project Area Committee (PAC) held a special meeting at the above time and place.

The attendance of the committee members was as follows:

Present:	Rachael Ortiz, Chair	Marta Flores
	Glenna Schmidt, Vice-Chair	Walter Barrett
	Brad Bittner, Secretary	Armida Sainz-Ramirez
	Daniel Ortiz	Norene Riveroll
	Gerber Hernandez	

PAC members not present: Elisa Medina (excused) and Rudy Pimentel (excused).

Also present was: Sam Johnson and Michelle Muñoz (Redevelopment Agency)

- I. **CALL TO ORDER-** The meeting was called to order at 6:00 PM. A quorum was established.
- II. **DISCUSSION ITEMS-** None
- III. **ACTION ITEMS**
 - A. **Restaurant Depot, LLC**

Conrado Gallardo, of Arc-G Inc. Architecture & Planning, presented revised truck routes and access for the proposed Restaurant Depot commercial development at Cesar Chavez Parkway and Harbor Blvd. Conrado Gallardo and Stephanie Mallory, Director of Construction & Property Development for Restaurant Depot, illustrated that trucks will have a standby area on Restaurant Depot's property. Glenna Schmidt motioned to recommend approval of development permits for the Restaurant Depot project. Norene Riveroll seconded. Brad Bittner abstained. Motioned passed 8-0-1.
- IV. **INFORMATION/UPDATES-** None
- V. **PUBLIC COMMENT-** None
- VI. **ADJOURNMENT-** The meeting was adjourned at 6:20 p.m.

OWNERSHIP DISCLOSURE

Restaurant Depot
Project No. 180219

Owner:

JMDH Real Estate of San Diego, A California Limited Liability
Company

Stanley Fleishman, Chief Executive Officer
Richard Kirschner, President and Assistant Secretary
Reuban Vogel, Vice President
Brian E. Emmert, CFO, Secretary and Treasurer









