

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: September 11, 2019 REPORT NO. HO-19-086

HEARING DATE: September 18, 2019

SUBJECT: RIVERDALE SDP- Process Three Decision

PROJECT NUMBER: <u>612608</u>

OWNER/APPLICANT: Sunset 111 Partners, LLC. and Pacific 11 Partners LLC.

SUMMARY

<u>Issue</u>; Should the Hearing Officer approve a permit to allow the demolition of an existing 10,927-square foot restaurant, the construction of two drive-thru restaurant buildings, totaling 4,875-square feet, Building A: 1,000-square feet, and Building B: 3,875-square foot, located at 10370 Friars Road within the Navajo Community Plan area?

Staff Recommendation:

1. Approve Site Development Permit No. 2326455

<u>Community Planning Group Recommendation</u>: On October 10, 2018 the Navajo Community Planning Board voted unanimously to approve the project, with conditions.

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15332, In-Fill Development. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 16, 2019 and the opportunity to appeal that determination ended August 30, 2019.

BACKGROUND

The 1.31-acre site is located at 10370 Friars Road in the CC-1-3 Zone, the Airport Influence Area (Montgomery Field / Review Area 2), the- Community Plan Implementation OZ - Type A & B (CPIOZ-A & B), the- FAA Part 77 Notification Area (Montgomery Field / 547' AMSL), the Transit Priority Area zone, within the Navajo Community Plan area (Attachment 1). The proposed project site is part of a larger neighborhood commercial shopping center, within the CC-1-3 Zone within Navajo Community Plan, Community Commercial and Commercial land use designations. The project site is designated

Community Commercial by the Navajo Community Plan (NCP). The proposed use is in conformance with the Land Use Designation.

The project site is located with the Grantville Community Plan Implementation Overlay Zone (CPIOZ). Any proposal that does not comply with the CPIOZ supplemental development regulations (SDR) requires a discretionary permit, which is a Site Development Permit. Projects that require a discretionary review process shall meet the purpose and intent of the supplemental development regulations and should address the design and compatibility of the project in relation to surrounding development.

DISCUSSION

Project Description:

The applicant is requesting approval of a Site Development Permit (SDP) for development within CPIOZ-A that does not comply with the development standards or criteria in the applicable community plan, per San Diego Municipal Code Sections 126.0501 and 132.1402(b), Table 132-14B. The project proposes the demolition of an existing 10,927-square foot restaurant, the construction of two drive-thru restaurant buildings, totaling 4,875-square feet, Building A: 1,000-square feet, and Building B: 3,875-square feet in the Grantville neighborhood of the Navajo Community Plan, within the Community Plan Implementation Zone (CPIOZ) Type A and Type B. The General Plan and the Navajo Community Plan designates the site for Community Commercial. The proposed project is consistent with the General Plan and Community Plan land use designations.

The project features include the reconstruction of the existing curb ramp at the northwest corner of Friars Road and Riverdale Street, the reconstruction the existing driveways adjacent to the site on Friars Road, and Riverdale Street, removal of a portion of the existing contiguous sidewalk and replacing it with a new non-contiguous sidewalk adjacent to the site on Riverdale Street, construction of a new non-contiguous sidewalk adjacent to the site on Friars Road, and, the replacement of any uplifted/cracked sidewalk of the existing contiguous sidewalk that is to remain, adjacent to the site on Friars Road and Riverdale Street.

Community Plan Analysis

The proposed development will comply with the regulations of the CC-1-3 zone and is consistent with the Navajo Community Plan land use designation as community commercial. The project is also within the Grantville Community Plan Implementation Overlay Zone (CPIOZ) Area A, which has numerous design considerations that are in conflict with the current zoning. The proposed project is part of a larger commercial development, which is overall consistent with the Navajo Community Plan, Community Commercial land use designation, but does not meet the Supplemental Development Regulation(s) (SDR), as required in the CPIOZ. Per SDMC Code Section No. 132.1402 and Table 132-14B, a development that does not comply with the development standards or criteria can be permitted with a Site Development Permit, Process Three.

This project is an interim use to span the time before the entire shopping center can be redeveloped, which would require a zone change to fully realize the intent of the Focused Plan Amendment. The project has the following condition added to the permit to ensure compliance; the

drive-through use for Buildings A and B is an interim use and shall have a sunset of 35 years. Redevelopment of the entire commercial center prior to the sunset shall require the project site be incorporated into the overall site design of the commercial center and demonstrate conformance with the Grantville CPIOZ Supplemental Development Regulations. The project site is also minimally within the San Diego Riverpark Master Plan CPIOZ, Area B. The site is outside the wetland buffer, Floodway, and River Corridor as described in the community plan. This project is an interim use on one parcel within the Neighborhood Shopping Center. The current anchor tenant has thirty-five years remaining on their lease. This project is intended to span the time before the entire shopping center can be redeveloped.

<u>Community Planning Group Recommendation</u>: On October 10, 2018, the Navajo Community Planning Board voted unanimously to approve the project, with the following conditions.

1. Queue parking to remain at the 19 minimum and 9 minimum respectively.

Staff response: LDC Section 141.0607(b)(1) requires any eating and drinking establishment with drive-thru to provide queue space for a minimum of five cars for each drive-up service window or position, as measured from the food and beverage pick-up window or position and LDC Section 141.0607(b)(2) requires an additional queue space of 2 cars from the order station for a total of 7 queue spaces. Exhibit A, Attachment -10, of the report shows the proposed project would be providing 20 queue spaces for Building B restaurant and 8 queue spaces for Building A restaurant which is more than the minimum required per LDC Section 141.0607. No additional conditions have been added to the permit.

2. The landscape plan keeps the existing mature trees as suggested.

Staff Response: The mature trees are being maintained by the project. Please see Exhibit A (Attachment 10).

Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted policies and regulations of the San Diego Municipal Code. Staff has provided draft findings to support approval of the project (Attachment 5) and draft conditions of approval (Attachment 6). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

- 1. Approve Site Development Permit No. 2326455, with modifications.
- 2. Deny Site Development Permit No. 2326455, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Derrick Johnson (D.J.), Development Project Manager

Attachments:

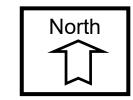
- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Project Data Sheet
- 5. Draft Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Exemption
- 8. Community Planning Group Recommendation
- 9. Ownership Disclosure Statement
- 10. Project Plans

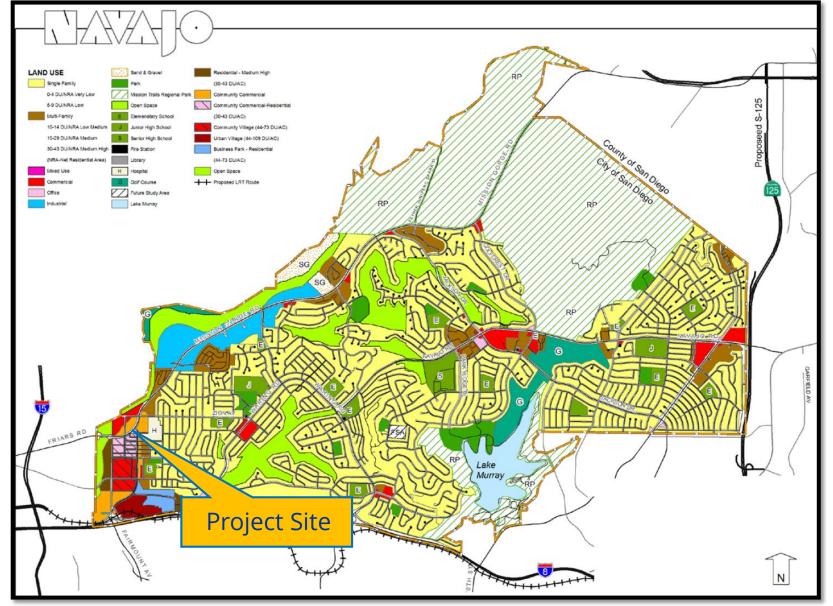




Aerial Photo Riverdale SDP / 10370 Friars Road

PROJECT NO. 612608

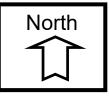






Land Use Map

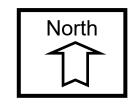
Riverdale SDP / 10370 Friars Road PROJECT NO. 612608





Project Location Map

Riverdale SDP / 10370 Friars Road PROJECT NO. 612608



PROJECT DATA SHEET			
PROJECT NAME:	Project No. 612608 – Riverdale SDP		
PROJECT DESCRIPTION:	Demolition of an existing 10,927sf restaurant and the construction of two drive-thru restaurants totaling 4,875sf on a 1.31-acre site		
COMMUNITY PLAN AREA:	Navajo		
DISCRETIONARY ACTIONS:	Site Development Permit for development within CPIOZ-A that does not comply with the development standards or criteria in the applicable land use plan		
COMMUNITY PLAN LAND USE DESIGNATION:	Community Commercial		

ZONING INFORMATION:

ZONE: CC-1-3

HEIGHT LIMIT: 45' permitted / 19' (Bldg A), 25' (Bldg B) proposed

LOT SIZE: 1.31 acres (57,351sf)

FLOOR AREA RATIO: 0.75 permitted / 0.09 proposed

FRONT SETBACK: 0' min / Conforms

SIDE SETBACK: 10' min, 0' optional / Conforms

STREETSIDE SETBACK: 0' min / Conforms

REAR SETBACK: 10' min, 0' optional / Conforms

PARKING: 73 parking spaces (74 provided) including 3 accessible spaces (1van), 6 designated parking spaces for carpool and zero emission vehicles, 4 EV charging spaces, 2 motorcycle spaces, 2 short term bicycle spaces, 3 long term bicycle spaces

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH:	Commercial; CC-1-3	Commercial		
SOUTH:	Commercial; CC-3-6	Commercial		
EAST:	Commercial; CC-1-3	Commercial		
WEST:	Commercial; CC-1-3	Commercial		
DEVIATIONS OR VARIANCES REQUESTED:	None			
COMMUNITY PLANNING GROUP RECOMMENDATION:	On 10-10-18 the Navajo Community Planning Board voted to approve the project, with the following conditions. 1.Queue parking to remain at the 19 minimum and 9 minimum respectively. 2.The landscape plan keeps the existing mature trees as suggested.			

HEARING OFFICER RESOLUTION NO. _____ SITE DEVELOPMENT PERMIT No. 2326455 RIVERDALE- SDP - PROJECT No. 612608

WHEREAS, Sunset 111 Partners, LLC., a California Limited Liability Company and Pacific 11

Partners LLC., a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to allow the demolition of an existing 10,927-square foot restaurant, the construction of two drive-thru restaurant buildings, totaling 4,875-square feet, Building A: 1,000-square feet, and Building B: 3,875-square feet, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2326455, on portions of a 1.31-acre site;

WHEREAS, the project site is located at 10370 Friars Road in the CC-1-3 Zone, the Airport Influence Area (Montgomery Field / Review Area 2), the- Community Plan Implementation OZ - Type A & B (CPIOZ-A & B), the- FAA Part 77 Notification Area (Montgomery Field / 547' AMSL), the Transit Priority Area zone, within the Navajo Community Plan area;

WHEREAS, the project site is legally described as: Parcel 2 of Map No. 9422 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 San Diego County, filed on November 27, 1979;

WHEREAS, on August 16, 2019 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15332, In-Fill Development; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on September 18, 2019, the Hearing Officer of the City of San Diego considered Site Development Permit No. 2326455, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 2326455:

A. <u>SITE DEVELOPMENT PERMIT SDMC Section 126.0505</u>

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

The project proposes the demolition of an existing 10,927-square foot restaurant, the construction of two drive-thru restaurant buildings, totaling 4,875-sqaure feet, Building A: 1,000-square feet, and Building B: 3,875-square feet in the Grantville neighborhood of the Navajo Community Plan, within the Community Plan Implementation Zone (CPIOZ) Type A and Type B. The General Plan and the Navajo Community Plan designates the site for Community Commercial. The proposed project is consistent with the General Plan and Community Plan land use designations. The project site is located with the Grantville Community Plan Implementation Overlay Zone (CPIOZ). Any proposal that does not comply with the CPIOZ supplemental development regulations (SDR) shall require a discretionary permit. Projects that require a discretionary review process shall meet the purpose and intent of the supplemental development regulations and should address the design and compatibility of the project in relation to surrounding development. The Grantville CPIOZ is intended to encourage transit-oriented developments, which will minimize the need for an overreliance on automobiles and emphasize pedestrian orientation and proximity to public transit. The purpose of the urban design framework listed on page 33 of the Navjo Community Plan is to foster creative approaches to design and facilitate the transition to transit-supportive land uses in the project area. Although the proposed site design does not meet the purpose and intent of the Grantville CPIOZ, the applicant has indicated that this is an interim use and a sunset permit condition shall be placed on the site. At the end of the sunset permit condition, the site shall be brought into conformance with the Grantville CPIOZ SDR. The drive-through use for Buildings A and B is an interim use and shall have a sunset of 35 years. Redevelopment of the entire commercial center prior to the sunset shall require the project site be incorporated into the overall site design of the commercial center and demonstrate conformance with the Grantville CPIOZ Supplemental Development Regulations. Therefore the project 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 permit controlling the development contains specific conditions addressing project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of

persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls. The safety checks and balances of the proposed project include the review of construction plans by professional staff to determine compliance with all regulations; inspection of construction to assure construction permits are implemented in accordance with the approved plans; and that final construction complies with the approved plans all of which will assure the continued health, safety and general welfare of persons residing or working in the area. The project features include the reconstruction of the existing curb ramp at the northwest corner of Friars Road and Riverdale Street, the reconstruction the existing driveways adjacent to the site on Friars Road, and Riverdale Street, removal of a portion of the existing contiguous sidewalk and replacing it with a new non-contiguous sidewalk adjacent to the site on Riverdale Street, construction of a new non-contiguous sidewalk adjacent to the site on Friars Road, and, the replacement of any uplifted/cracked sidewalk of the existing contiguous sidewalk that is to remain, adjacent to the site on Friars Road and Riverdale Street. Therefore the proposed project 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 including any allowable deviations pursuant to the Land Development Code.

The demolition of an existing 10,927-square foot restaurant, the construction of two drivethru restaurant buildings, totaling 4,875-sqaure feet, Building A: 1,000-square feet, and Building B: 3,875-square feet within the Grantville neighborhood of the Navajo Community Plan, and within the Community Plan Implementation Zone (CPIOZ) Type A and Type B. The proposed project complies with the applicable regulations of the Land Development Code, such as but not limited to setbacks, vertical height limits, Floor Area Ratio (FAR) restrictions, open space requirements, storage requirements, and parking and access requirements. The purpose of the CC zones is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Staff analyzed the requested project to determine consistency with the goals and recommendations of the General Plan, the Navajo Community Plan, and the purpose and intent of the CC-3-1 zone. Based on the facts discussed earlier in this paragraph the proposed development will comply with the applicable regulations of the Land Development Code.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 2326455, is hereby GRANTED by the Hearing Officer to the

referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2326455 a copy of which is attached hereto and made a part hereof.

Derrick Johnson (D.J.)
Development Project Manager
Development Services

Adopted on: September 18, 2018

IO#: 24007946

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

INTERNAL ORDER NUMBER: 24007946

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT No. 2326455 **RIVERDALE- SDP - PROJECT NO. 612608**HEARING OFFICER

This Site Development Permit No. 2326455 is granted by the Hearing Officer of the City of San Diego to Sunset 111 Partners, LLC., a California Limited Liability Company and Pacific 11 Partners LLC., a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The 1.31-acre site is located at 10370 Friars Road in the CC-1-3 Zone, the Airport Influence Area (Montgomery Field / Review Area 2), the- Community Plan Implementation OZ - Type A & B (CPIOZ-A & B), the- FAA Part 77 Notification Area (Montgomery Field / 547' AMSL), the Transit Priority Area zone, within the Navajo Community Plan area. The project site is legally described as: Parcel 2 in the City of San Diego, County of San Diego, State of California shown as page 9422 of Parcel Map in the office of the County Recorder of San Diego County, filed November 27, 1979;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the demolition of an existing 10,927-square foot restaurant, the construction of two drive-thru restaurant buildings, totaling 4,875-square feet, Building A: 1,000-square feet, and Building B: 3,875-square foot, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 18, 2019, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing 10,927-square foot restaurant, the construction of two drivethru restaurant buildings, totaling 4,875-square feet, Building A: 1,000-square feet, and Building B: 3,875-square feet; and
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. Public and private accessory improvements determined by the Development Services

 Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 9, 2022.
- 2. This Site Development Permit and corresponding drive-through use for Buildings A and B is an interim use and shall expire 35 years after the date on which all rights of appeal have expired. Redevelopment of the entire commercial center prior to the sunset shall require the project site be incorporated into the overall site design of the commercial center and demonstrate conformance with the Grantville CPIOZ Supplemental Development Regulations. The sunset for these interim uses will be October 9, 2054.
- 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" 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.

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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan

Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

- 13. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
- 14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing curb ramp at the northwest corner of Friars Road and Riverdale Street, per current City Standard, satisfactory to the City Engineer.
- 15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction the existing driveways, adjacent to the site on Friars Road, and Riverdale Street, per current City Standard, satisfactory to the City Engineer.
- 16. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to remove portion of the existing contiguous sidewalk and replace it with new non-contiguous sidewalk, adjacent to the site on Riverdale Street, satisfactory to the City Engineer.
- 17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to construct new non-contiguous sidewalk, adjacent to the site on Friars Road, satisfactory to the City Engineer.
- 18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the replacement of any uplifted/cracked sidewalk of the existing contiguous sidewalk that is to remain, adjacent to the site on Friars Road and Riverdale Street, satisfactory to the City Engineer.
- 19. 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.
- 20. 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 SDMC, into the construction plans or specifications.
- 21. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
- 22. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

- 23. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
- 24. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements 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.
- 25. Prior to issuance of any construction permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, 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 Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)5.
- 26. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.
- 27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
- 28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace 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.

PLANNING/DESIGN REQUIREMENTS:

29. Owner/Permittee shall maintain a minimum of 73 parking spaces (74 provided) including 3 accessible spaces (1van), 6 designated parking spaces for carpool and zero emission vehicles, 4 EV

charging spaces, 2 motorcycle spaces, 2 short term bicycle spaces, 3 long term bicycle spaces, offstreet parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

- 30. 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.
- 31. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
- 32. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

- 33. Prior to any Final Approval of Construction being issued, all domestic, irrigation, and fire water lines serving this development (except single family residential water service lines where the fire sprinkler system utilizes a passive purge style of design) must pass through a permitted, private, above ground, backflow prevention device (BFPD).
- 34. Prior to Final Approval of Construction being issued, any damages caused to the City of San Diego's public water and sewer facilities, which are due to the activities associated with this project, shall be repaired or reconstructed in a manner satisfactory to the Public Utilities Director and the City Engineer in accordance with Municipal Code section 142.0607.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement
 or continued operation of the proposed use on site. Any operation allowed by this
 discretionary permit may only begin or recommence after all conditions listed on this permit
 are fully completed and all required ministerial permits have been issued and received final
 inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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 construction permit issuance.

APPROVED by the Development Services Department of the City of San Diego on September 18, 2019 and Resolution Number ___.

Site Development Permit No. 2326455 September 18, 2019

N DIEGO DEVELOPMENT SERVICES DEPARTMENT
e , by execution hereof, agrees to each and every condition of each and every obligation of Owner/Permittee hereunder.
Sunset 111 Partners, LLC. and Pacific 11 Partners LLC. Owner/Permittee
By Brad Becker Owner

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



Date of Notice: August 16, 2019

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007946

PROJECT NAME / NUMBER: Riverdale SDP / 612608 **COMMUNITY PLAN AREA:** Navajo Community Plan

COUNCIL DISTRICT: 7

LOCATION: 10370 Friars Road, San Diego, CA 92120

PROJECT DESCRIPTION: Site Development Permit (SDP) for the demolition of an existing 10,927-square-foot restaurant and construction of two drive-thru restaurants (Building A: 1,000-square-foot Starbucks and Building B: 3,875-square-foot In-and-Out). The proposed project is located at 10370 Friars Rd (APN 458-720-1500) in the CC-1-3 zone, within the Navajo Community Plan area, on a 57,351 square-foot (1.31-acre) site. The project site is located within the following Overlay Zones: Airport Influence Area (Montgomery Field / Review Area 2), Community Plan Implementation OZ - Type A & B (CPIOZ-A & B), FAA Part 77 Notification Area (Montgomery Field / 547' AMSL) and Transit Priority Area. The proposed project site currently contains existing development within a developed neighborhood. The proposed project site is not mapped as having sensitive or potentially sensitive habitat. Furthermore, the project site does not contain nor is it adjacent to Multi-Habitat Preservation Area (MHPA) designated lands. The proposed project complies with all height and bulk regulations and is located on a site that is currently developed with all public utilities in place to serve the restaurants.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332, In-Fill Development.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15332 (In-Fill Development). The project meets the criteria set forth in CEQA Section 15332 (In-Fill Development). The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects related to air quality, noise,

traffic or water quality. The site can be adequately serviced by all required utilities and public services. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply because no cumulative impacts were identified; no significant effects on the environment were identified; the project is not adjacent to a scenic highway; nor is the project identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

DEVELOPMENT PROJECT MANAGER: Derrick Johnson

MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153

PHONE NUMBER / EMAIL: (619) 446-5477 / DNJohnson@sandiego.gov

On August 16, 2019 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (August 30, 2019). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

Page 4 of 4

City of San Diego • Information Bulletin 620

October 2016



City of San Diego Development Services

Community Planning

1222 First Ave., MS-302 San Diego, CA 92101			Committee		
	Distribution Form Part 2				
Project Name:	Project Numb	er:	Distribution Date:		
Riverdale - SDP	612608	3	7/12/18		
Project Scope/Location:					
SDP for redevelopmen	t of a ve	staurant	site to		
establish a two dri	establish a two drive eating establishment that				
is within CP102 To		evictes.	from CP1024		
Applicant Name:	Road.	Applicant Di	none Number:		
		Applicant Pi	ione Number.	-	
Jeannette Templ.	<	619 52	3-1930		
Jeannette Templ. Project Manager:	Phone #:	E-mail Addres	s:		
Tim Saly	419 746 375	e it be	ly Osandrege	0.50	
Committee Recommendations (To be	completed for Initia	al Review):			
	I Manakana Vaa	Members No	I Mambaya Abatain		
☐ Vote to Approve	Members Yes	Wembers No	Members Abstain		
	Members Yes	Members No	Members Abstain		
Vote to Approve	Wembers res	Members No	1-12		
With Conditions Listed Below		9	Ø		
☐ Vote to Approve	Members Yes	Members No	Members Abstain		
With Non-Binding Recommendations List	ed				
Below ☐ Vote to Deny	Members Yes	Members No	Members Abstain		
b vote to beny					
☐ No Action (Please specify, e.g., Nee	d further informati	on, Split	Continued		
vote, Lack of guorum, etc.)					
CONDITIONS: Que PLAKE	ng to ierais	at the	19 min j		
9 min and applicant +	o retain the	2 mature	trees,		
201001				İ	
NAME:		TITLE:			
David Smith		Chair		ŀ	
SIGNATURE:		DATE:			
hite		19/11/18	3		
Attach Additional Pages If Necessary.	Please re	turn to: lanagement Divi	sion		
	City of Sa		31011		
		nent Services De	partment		
	1222 First Avenue, MS 302				
San Diego, CA 92101					
Printed on recycled paper. Visit our	web site at www.sandi	ego.gov/developn	nent-services.		
Upon request, this information is avai	lable in alternative forn	nats for persons v	vith disabilities.		

(10-16)



City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000

Ownership Disclosure Statement

FORM

DS-318

October 2017

☐ Neighborhood Development Permi	it 🛚 Site Deve	oproval(s) requested: 🗆 Neighborhood elopment Permit 🗅 Planned Developn Waiver 🗅 Land Use Plan Amendment	nent Permit 🛭	Conditional Use Pe	
Project Title: Riverdale			Project No	. For City Use Only	·
Project Address: 10370 Friars Road					
Specify Form of Ownership/Legal S	tatus (please	check):			
☐ Corporation 🛚 Limited Liability -or	- 🛘 General	- What State?Corporate	e Identification	n No	
☐ Partnership ☐ Individual					
with the City of San Diego on the such owner(s), applicant(s), and other final individual, firm, co-partnership, joint with a financial interest in the application individuals owning more than 10% of officers. (A separate page may be attained and the separate page may be attained as a signature is required of at least or notifying the Project Manager of any ownership are to be given to the Project of the Pro	ubject proper ncially interest venture, asso ation. If the f the shares, cached if nece r director of the pro y changes in a ject Manager	ne owner(s) acknowledge that an applity with the intent to record an encursted persons of the above referenced ociation, social club, fraternal organiza applicant includes a corporation or partial applicant publicly-owned corporation, inclussary.) If any person is a nonprofit organization or as truperty owners. Attach additional pagownership during the time the applicat least thirty days prior to any publicat least thirty days prior to any publication and delay in the hearing processive with the second secon	nbrance againg property. A stion, corpora artnership, indethe name ganization or istee or beness if needed. ation is being a hearing on is	nst the property. P financially interested tion, estate, trust, r clude the names, tit s, titles, and addres: a trust, list the name ficiary of the nonp Note: The applicar g processed or cons	lease list below the diparty includes any eceiver or syndicate les, addresses of all ses of the corporate es and addresses of rofit organization. It is responsible for idered. Changes in
Property Owner					
Name of Individual: Sunset 111 Partner	rs, LLC & Pacific	111 Partners, LLC: Groundlease	_ 🗆 Owner	■ Tenant/Lessee	☐ Successor Agency
Street Address: 687 S. Coast Hwy. 101, S	Ste. 223				
City: _Encinitas	=:			State: CA	Zip: _92024
Phone No.: 858-395-4075		Fax No.:	Email: Bra	d@becker-properties.n	et
Signature:			Several section of the section of th		
	1 Yes	□No			
Applicant		WALLES TO THE TOTAL THE TOTAL TO THE TOTAL THE TOTAL TO T			
Name of Individual: Brad Becker, Becke	er Properties		_ 🛘 Owner	☑ Tenant/Lessee	☐ Successor Agency
Street Address: _687 S. Coast Hwy. 101, S	Ste. 223				
City: Encinitas				State: _CA	Zip: 92024
Phone No.: 858-395-4075		Fax No.:	Email: Bra		
Signature:		3 5703 2 1591 4	 Date:		
	⊒ Yes	□ No		=	
Other Financially Interested Persor	าร				
Name of Individual:			_ 🛭 Owner	☐ Tenant/Lessee	☐ Successor Agency
Street Address:					
City:				State:	Zip:
Phone No.:		Fax No.:	Email:		
Signature:			Date:		
Additional pages Attached:	⊈ Yes	□No			

Ownership for Riverdale – PTS#612608

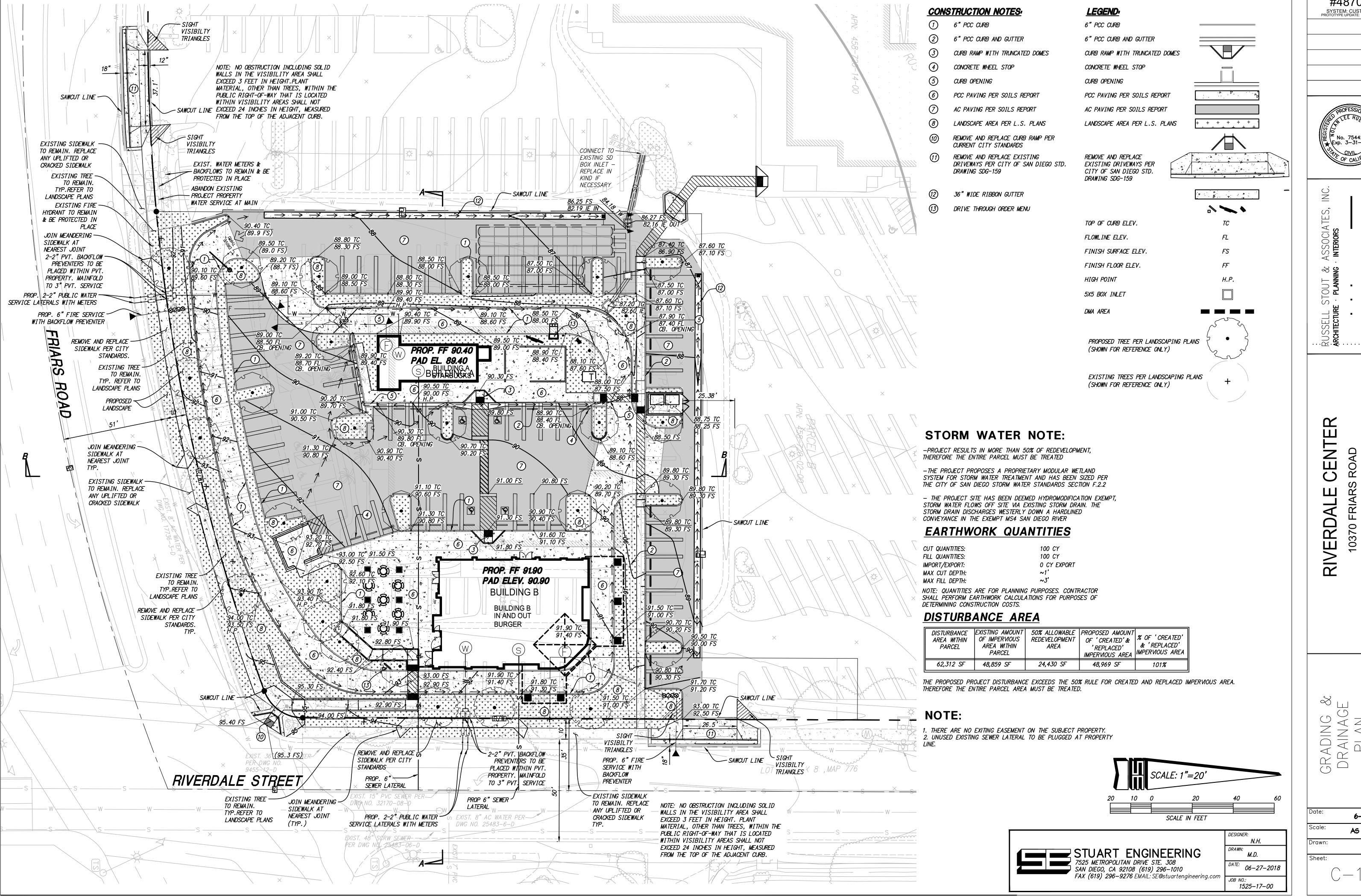
Sunset 111 Partners LLC:

Retail Holdings LLC:

Brad Becker and Kristi Becker.

Pacific 111 Partners LLC:

Becker Properties and Brad Becker



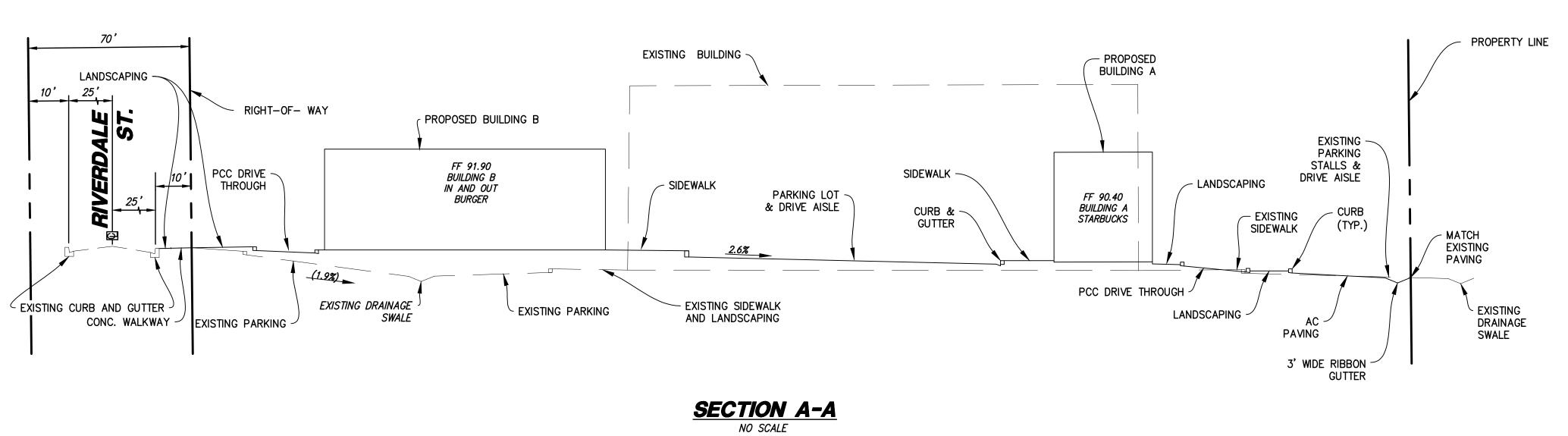
#4870 SYSTEM: CUSTOM PROTOTYPE UPDATE: 2015-02

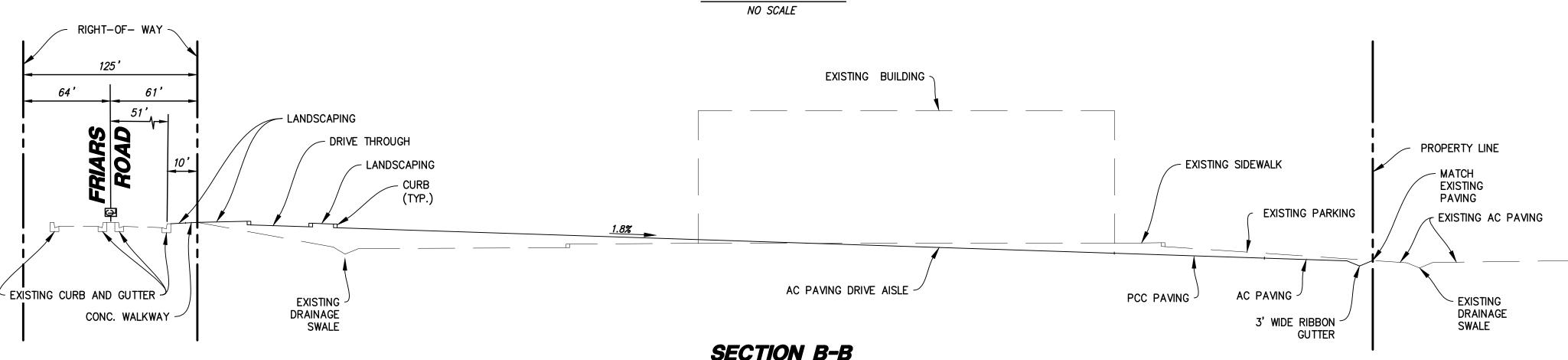


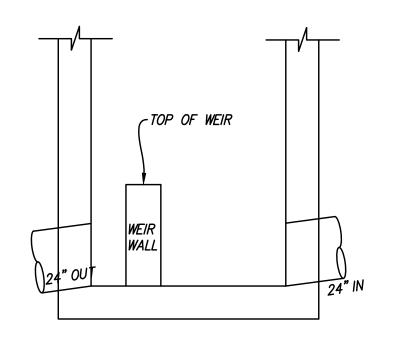
10370 FF SAN DIE

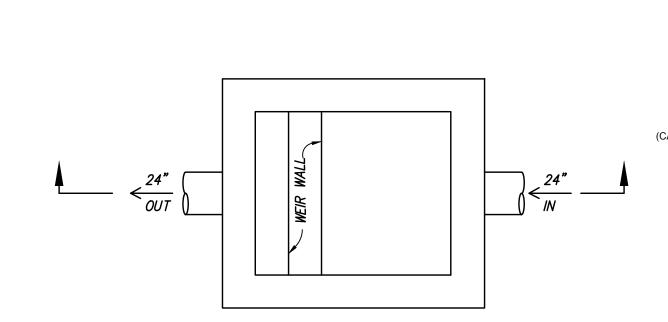
. 8 [___ GRADING DRAINAG PLAN

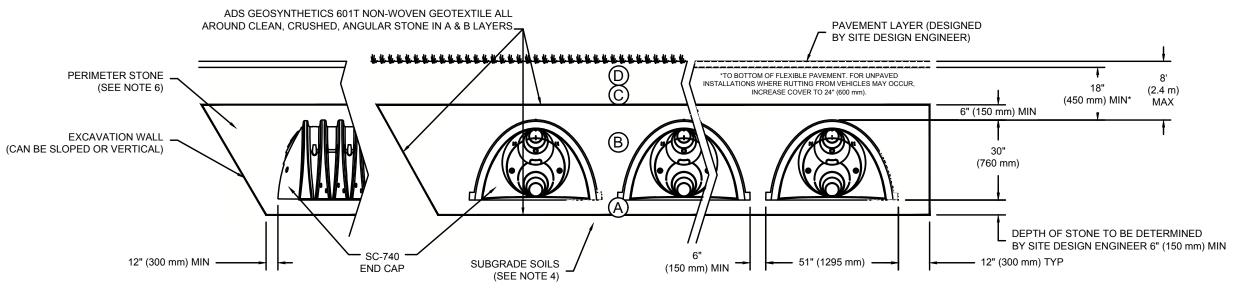
6-27-18 AS SHOWN











MODIFIED CLEAN OUT SECTION NO SCALE

MODIFIED CLEANOUT/DIVERSION STRUCTURE
NO SCALE

NOTES:

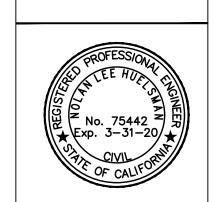
- 1. SC-740 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- 2. SC-740 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- 3. "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.
- 4. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- 5. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- 6. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- 6. ONCE LAYER 'C' IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.



DESIGNER:	
N.H.	
DRAWN: M.D.	
DATE: 06-27-2018	
IOD NO.	

1525-17-00

#4870
SYSTEM: CUSTOM
PROTOTYPE UPDATE: 2015-02



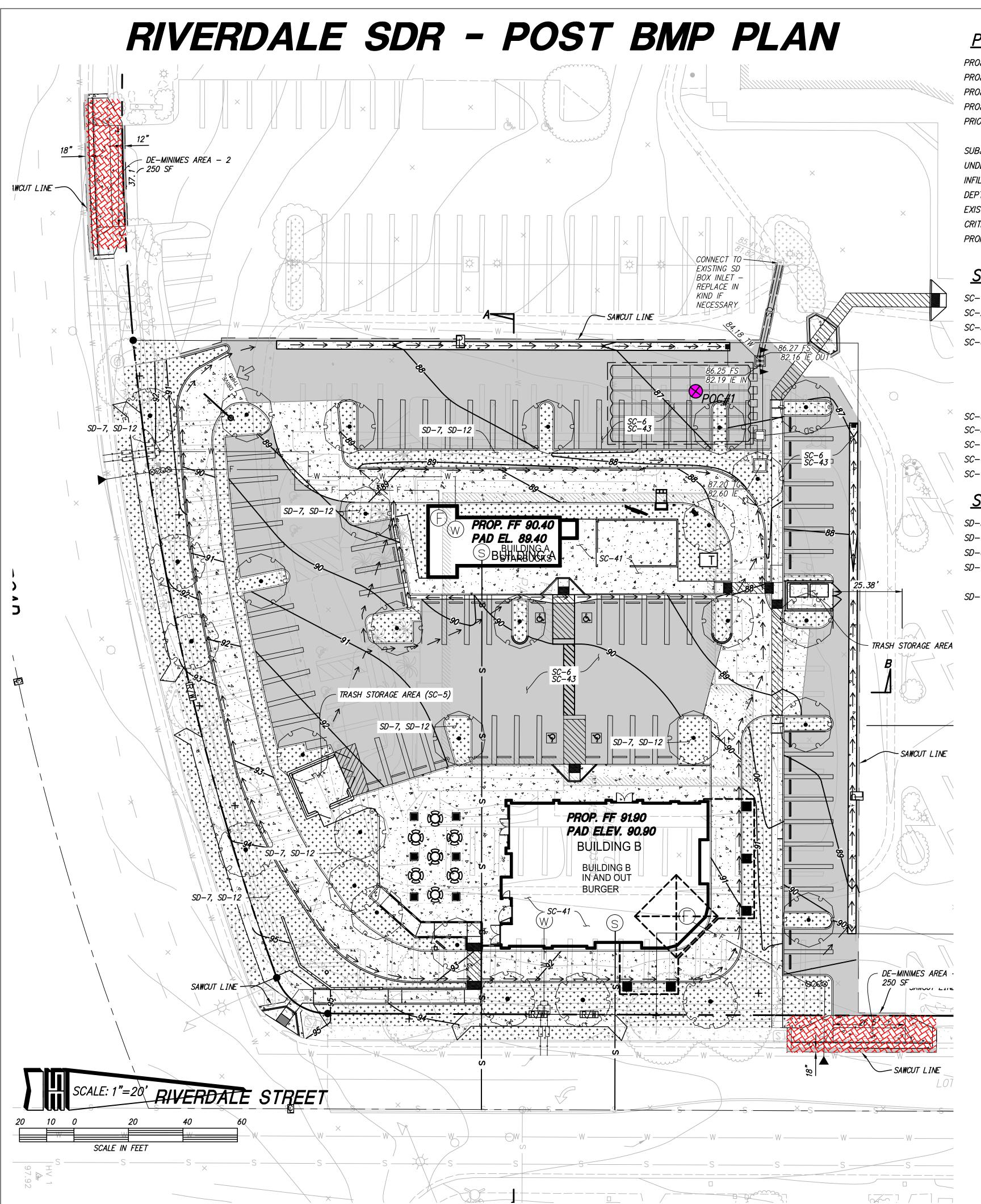
RUSSELL STOUT & ASSO

RIVERDALE CENTER
10370 FRIARS ROAD
SAN DIEGO, CA 92120

SITE CROSS SECTIONS

Date: 6-27-18
Scale: AS SHOWN
Drawn:
Sheet:

Sheet:



PROJECT INFORMATION:

PROJECT NAME: RIVERDALE - SDR PROJECT ADDRESS: 10780 FRIARS ROAD, SAN DIEGO, CA PROJECT SIZE: 1.43 ACRES PROJECT PRIORITY: PRIORITY DEVELOPMENT PROJECT (PDP)

PRIORITY LEVEL: MEDIUM PRIORITY

SUBJECT TO HMP REQUIREMENTS: NO - SD RIVER EXEMPT UNDERLYING HYDROLOGIC SOIL GROUP: SOIL TYPE 'A' INFILTRATION CONDITION: FULL INFILTRATION CONDITION DEPTH TO GROUNDWATER: >20 FT ABOVE MEAN SEA LEVEL EXISTING NATURAL HYDROLOGIC FEATURES: N/A CRITICAL COARSE SEDIMENT YIELD AREAS: N/A PROPOSED POLLUTANT TREATMENT CONTROL BMPS: - UNDERGROUND INFILTRATION PIPES

SOURCE CONTROL BMPS

SC-1 PREVENT ILLICIT DISCHARGE INTO MS4 - TYPICAL

SC-2 STORM DRAIN STENCILING OR SIGNAGE - TYPICAL

SC-5 TRASH STORAGE AREAS

SC-6 ADDITIONAL SOURCE CONTROLS ONSITE STORM DRAIN INLETS - TYPICAL LANDSCAPE/OUTDOOR PESTICIDE USE FIRE SPRINKLER TEST WATER

SC-6A LARGE TRASH GENERATING FACILITIES SC-34 WASTE HANDLING & DISPOSAL SC-41 BUILDING & GROUNDS MAINTENANCE SC-43 PARKING AREA MAINTENANCE SC-44 DRAINAGE SYSTEM MAINTENANCE

SITE DESIGN BMPS

SD-3 MINIMIZE IMPERVIOUS AREAS

SD-4 MINIMIZE SOIL COMPACTION WITHIN ALL LANDSCAPE AREAS

SD-6 COLLECT RUNOFF (ENTIRE SITE)

SD-7 LANDSCAPE WITH NATIVE OR DROUGHT TOLERANT SPECIES WITHIN ALL LANDSCAPE AREAS (TYPICAL)

SD-12 EFFICIENT IRRIGATION WITHIN ALL LANDSCAPE AREAS

LEGEND:

PROPOSED UNDERGROUND INFILTRATION SYSTEM 36" HDPE PIPES (TREATMENT CONTROL



PROPOSED PERVIOUS AREA (LANDSCAPE)*

DE-MINIMIS AREA

ASPHALT PAVEMENT

CONCRETE PAVEMENT POINT OF COMPLIANCE (POC) FOR TREATMENT CONTROL

DMA BOUNDARY

DMA DESIGNATOR

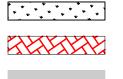
DMA AREA

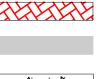
DIRECTION OF FLOW PROPOSED STORM DRAIN < 12"

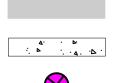
PROPOSED CONCRETE GUTTER

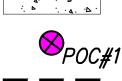
PROPOSED PERFORATED PIPE

PROPOSED STORM DRAIN CATCH BASIN/ CLEAN OUT

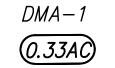


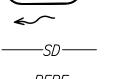


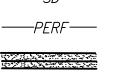












STORM WATER NOTE:

-PROJECT RESULTS IN MORE THAN 50% OF REDEVELOPMENT,

-THE PROJECT PROPOSES TO FULLY INFILTRATE THE TREATABLE STORM RUNOFF USING UNDERGROUND PIPES F.2.2

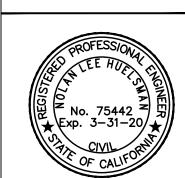
- THE PROJECT SITE HAS BEEN DEEMED HYDROMODIFICATION EXEMPT, STORM WATER FLOWS OFF SITE VIA EXISTING STORM DRAIN. THE STORM DRAIN DISCHARGES WESTERLY DOWN A HARDLINED CONVEYANCE IN THE EXEMPT MS4 SAN DIEGO RIVER

DISTURBANCE AREA

DISTURBANCE AREA WITHIN PARCEL	EXISTING AMOUNT OF IMPERVIOUS AREA WITHIN PARCEL	50% ALLOWABLE REDEVELOPMENT AREA	PROPOSED AMOUNT OF 'CREATED'& 'REPLACED' IMPERVIOUS AREA	% OF 'CREATED' & 'REPLACED' IMPERVIOUS AREA
62,312 SF	48,859 SF	24,430 SF	48,969 SF	101%

THE PROPOSED PROJECT DISTURBANCE EXCEEDS THE 50% RULE FOR CREATED AND REPLACED IMPERVIOUS AREA. THEREFORE THE ENTIRE PARCEL AREA MUST BE TREATED.

#4870 SYSTEM: CUSTOM PROTOTYPE UPDATE: 2015-02



S.

.. ARC

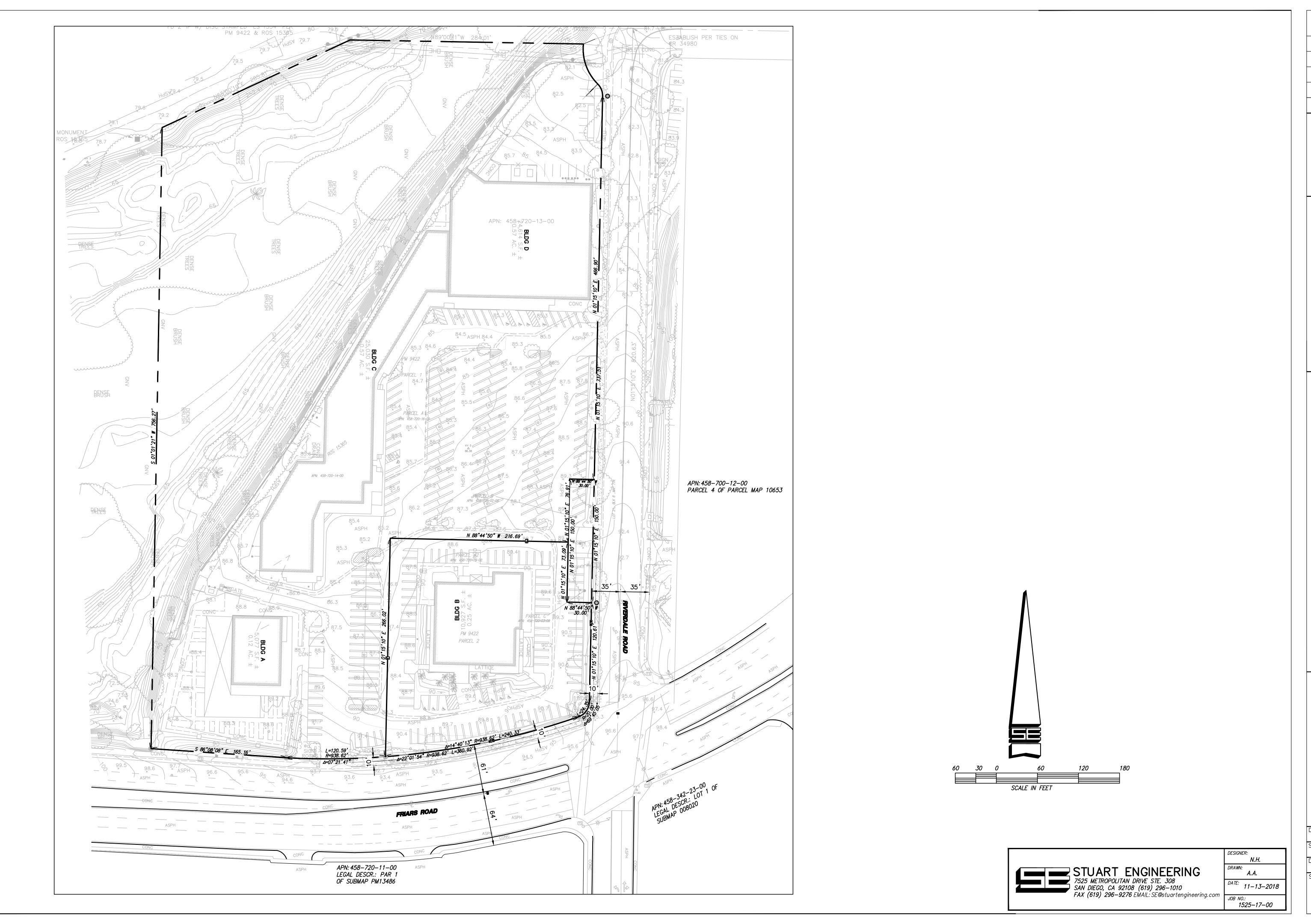
CENT 10370 FRIARS SAN DIEGO, C RIVERDAL

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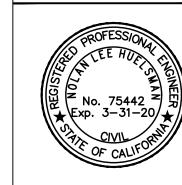
6-27-18 AS SHOWN

M.D. DATE: 06-27-2018 $\left(- \right)$ 1525-17-00

STUART ENGINEERING 7525 METROPOLITAN DRIVE STE. 308
SAN DIEGO, CA 92108 (619) 296-1010
FAX (619) 296-9276 EMAIL: SE@stuartengineering.com



#4870 SYSTEM: CUSTOM PROTOTYPE UPDATE: 2015-02



4635 CASS STREET SAN DIEGO, CA. 92109 858.581.2812 PH

RIVERDALE CENTER
10370 FRIARS ROAD
SAN DIEGO, CA 92120

OVERALL Site Plan

Date: **6-27-18**Scale: **AS SHOWN**

Sheet: