



REPORT NO. PC-16-053

**DATE ISSUED:** June 14, 2016

**ATTENTION:** Planning Commission, Agenda of June 23, 2016

**SUBJECT:** CVS 5<sup>TH</sup> & J (402-403 FIFTH AVENUE) – PLANNED  
DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT NO. 2015-  
71 – PROCESS FOUR

**OWNER/  
APPLICANT:** HPC Gaslamp Square, LLC  
Lyons Warren Engineers + Architects

**SUMMARY**

**Issue(s):** Should the Planning Commission (“Commission”) approve Planned Development Permit/Conditional Use Permit (PDP/CUP) No. 2015-71 for the CVS 5<sup>th</sup> & J project (“Project”)?

**Staff Recommendation:** That the Commission deny PDP/CUP No. 2015-71 for the Project.

**Community Planning Group Recommendation:** On May 18, 2016, the Downtown Community Planning Council (DCPC) reviewed this Project and voted 20-0 to recommend denial of the Project.

**Other Recommendations:** On May 25, 2016, the Gaslamp Quarter Association (GQA) Board of Directors recommended denial of the PDP/CUP.

**Environmental Review:** Development within the Downtown Community Plan (DCP) area (“Downtown”) is covered under the Final Environmental Impact Report (FEIR) for the San Diego DCP, Centre City Planned District Ordinance (CCPDO), and 10<sup>th</sup> Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively) and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115). The FEIR is a “Program EIR” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The project is within the scope of the development program described in the FEIR; therefore, no further environmental documentation is required under CEQA.

**Fiscal Impact Statement:** None

**Code Enforcement Impact:** None

**Housing Impact Statement:** None

## **BACKGROUND**

The Gaslamp Quarter was Downtown's first commercial and business center, linking to the original waterfront at the southern end of Fifth Avenue. After progressing through times of ill-repute and abandonment, revitalization efforts began in the late 1970s and early 1980s, and were aided by Horton Plaza's success. Today, the Gaslamp Quarter has emerged as San Diego's prime entertainment and celebration destination. Conventioneers, baseball fans, and weekend diners congregate here for its lively mixture of restaurants, cafés, nightclubs, and bars. Streets are sometimes closed for special events, making this a haven for festive crowds. The entertainment uses are served well by the neighborhood's historic buildings, which provide a fine-grain, pedestrian-scale environment and recall the district's colorful past.

In the 1980's the Gaslamp Quarter was listed as a historical district on the National Register of Historic Places. The Gaslamp Quarter extends from the south side of Broadway to Harbor Drive and from the east side of Fourth Avenue to the west side of Sixth Avenue. Also included is the west side of Fourth Avenue (to the mid-block property line) between Market and Island Avenue. The Gaslamp Quarter contains the highest concentration of historically significant commercial structures in the City of San Diego. Therefore, in order to ensure that the historical character of the Gaslamp Quarter is retained, the City of San Diego adopted the Gaslamp Quarter Planned District Ordinance (GQPDO) and the Gaslamp Quarter Design Guidelines ("Design Guidelines").

Under the GQPDO, ground floor uses are limited to those which create an active pedestrian environment and provide for pedestrian interest (i.e, retail stores and restaurants are permitted while general offices are restricted to upper floors). In addition, in order to reflect the historic 25-50 foot wide storefront module, ground floor uses are generally limited in size to less than 10,000 square feet (SF) in size. Ground floor uses of 10,000 SF or larger are permitted through a CUP process when the following findings are met:

1. Uses shall not occupy more than 150 feet of continual street frontage including around block corners;
2. Additional pedestrian entrances shall be provided for street frontages greater than 100 feet; and,
3. The proposed use and the design will create a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District.

These findings are to ensure that there are not overly large storefronts associated with a single user and that multiple entrances are provided to create the pedestrian interest and activity traditionally found in the district.

The Project consists of applications for both a Process Three CUP and a Process Four PDP for a deviation to #1 above. San Diego Municipal Code (SDMC) Section 112.0103 requires that when an applicant applies for more than one permit for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that development, and the findings required for approval of each permit shall be considered individually. Therefore, the combined application requires a Process Four decision by the Planning Commission, with the decision subject to appeal to the City Council.

### **Applicable DCP Goals**

The following are some of the key DCP Goals and Policies for the Horton/Gaslamp neighborhood:

- 3.1-G-2 Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services.
- 3.5-G-2 Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- 6.4-G-1 Maintain the Gaslamp Quarter as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal.

The GQPDO states that the distinctive historical character of the district will be retained and enhanced by established procedures and regulations that are deemed necessary to:

- a) Protect improvements which represent elements of the District's cultural, social, economic, and architectural history;
- b) Safeguard the District's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements;
- c) Foster civic pride in the beauty and character of the District and in the accomplishments of the District's past;
- d) Enhance the visual character of the District by encouraging new design and construction that complement the existing historical resources; and,
- e) Protect and enhance the District's aesthetic and historical attractions to residents, tourists, visitors and others, thereby serving as a stimulus and a support to businesses and industry.

### **Development Team**

<b>ROLE</b>	<b>FIRM / CONTACT</b>	<b>OWNERSHIP</b>
Applicant and Architect	Lyons Warren Engineers + Architects Steven Schneider, Architect	Steven Schneider Tracy Lindquist
Property Owner	HPC Gaslamp Square, LLC Sumeet Parekh	Sumeet Parekh (Privately Owned)
Project Manager	Boos Development West, LLC Brian Charles	Robert D. Boos Robert B. Boos

## **DISCUSSION**

Lyons Warren Engineer + Architects (“Applicant”) is requesting approval of PDP/CUP No. 2015-71 to allow a CVS ground floor store over 10,000 SF in area and a deviation from the maximum 150 feet of lineal frontage for the Project located in a 10,800 SF lease space on the northwest corner of Fifth Avenue and J Street within the 6-story, full block Gaslamp Square building in the Gaslamp Quarter Planned District (“Gaslamp Quarter”). The Project would combine three existing tenant spaces currently occupied by specialty retail uses and replace those with one new CVS retail use. Two of the existing spaces are currently occupied by the specialty retail stores Quicksilver Board Riders Club and Tatyana Boutique while the third space is currently vacant. The Gaslamp Square building also contains retail stores and restaurants including Reebok, It’Sugar, Oakley, and the Oceannaire Seafood Room. A map showing surrounding land uses in the vicinity is included as Attachment E.

Surrounding land uses:

- North: Retail use (Reebok) with residential above
- West: Vacant lease space with residential above
- South: Retail use (San Diego Trading Company) with offices above
- East: Pendry Hotel (under construction)

The proposed CVS store contains 10,800 SF and therefore requires approval of a CUP. The store’s frontage measures 89 feet along J Street and 109 feet along Fifth Avenue. While the GQPDO allows for such stores with approval of the CUP, it also requires that certain criteria be met, including that the continuous street frontage, including around street corners, be limited to no more than 150 feet. The Project requires a PDP for a deviation from this standard to allow the proposed 197 feet of frontage. In addition, the CUP findings require an additional pedestrian entrance when the street frontage exceeds 100 feet. The Project contains two pedestrian entrances along Fifth Avenue, located approximately 25 feet apart.

During review of the application, staff worked with the Applicant to address a number of concerns, including ensuring that all storefront windows were clear (the current Quicksilver store has illegal advertising panels along J Street blocking views into the store) and that all shelving was either lower than 42 inches or set back from storefront windows in order to ensure clear vision into the store’s interior consistent with the goals and policies of the Gaslamp Quarter. In addition, staff suggested that the pharmacy be moved to the north end of the Fifth Avenue frontage and provided with a separate entrance to better reflect the traditional smaller storefronts; however, the Applicant cited security concerns with this design and the pharmacy remains at the back of the store.

Staff initially supported the application, since the store only has 800 SF over the by-right limit and that its 197 feet of total frontage is wrapped around a corner, similar to several restaurants in the Gaslamp Quarter such as:

Barleymash at Fifth and Market with 150 feet of total street frontage  
Searsucker at Fifth and Market with 162 feet of total street frontage  
Old Spaghetti Factory at Fifth and K with 177 feet of total street frontage  
Rockin Baja Lobster at Fifth and k with 156 feet of total street frontage

It should be noted that the Applicant could revise the lease space to 9,999 SF (the Applicant has shown staff how this could be achieved) which would be permitted by right in the GQPDO and not require a CUP. If a lease space is less than 10,000 SF, there is no limit to the amount of lineal street frontage in the GQPDO. Moreover, the additional pedestrian entry requirement for street frontages over 100 feet does not apply to ground floor uses under 10,000 SF. Therefore, a project less than 10,000 SF in this location would not require any deviations for street frontage maximums and would not be required to provide additional pedestrian entrances. Additionally, staff weighed the advantages of the conditions which could be applied to a CUP including design features and operations of the store such as window signage (beyond the 30% maximum coverage under the GQPDO) and loading operations (restricting when loading could occur given the residential units located on the upper floors of the Gaslamp Square building).

The Project as proposed meets the transparency and additional pedestrian entrance requirements of the GQPDO. The awning design is consistent with the Design Guidelines (e.g. red fabric, scallop trim detail at the bottom of the valance). The existing architectural façade is not proposed to be altered, and the northern portion of the structure containing the third lease space currently contains a different architectural design and color on the street wall and different colored awnings which would provide additional pedestrian interest. As a result of this comparison of by-right vs. CUP lease space, staff originally recommended approval at the DCPC meeting on May 18, 2016. Unfortunately the Applicant was not present at the meeting due to a schedule misunderstanding.

The DCPC voted 20-0 to recommend denial of the PDP/CUP. The DCPC felt the Project, with its large size and long street frontages, were inconsistent with the Gaslamp Quarter. DCPC members expressed concerns over the consolidation of three tenant spaces into one, the length of the street frontage length, inconsistency with the Design Guidelines, loading operations, alcohol sales restrictions, and the fact that the GQA had not made a recommendation on the application. The motion to oppose the Project cited the inability to make the CUP findings #1, 3 and 4 and the PDP findings #1 and 3. The GQA has subsequently sent a letter dated June 3, 2016 stating that the Board of Directors voted unanimously at its May 25, 2016 meeting to oppose the Project (see Attachment G).

The clear opposition from the community has led staff to reconsider its original recommendation. The following is an analysis of the required findings for both the CUP and PDP:

Pursuant to SDMC Section 126.0305, the following four findings must be made to approve a CUP:

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

The intent of the GQPDO and Design Guidelines is to protect the historical significance of this National Historic District, which exhibits a variety of historical buildings as well as new construction. The district was typically developed with 25 to 50 foot wide lots, although some larger buildings were constructed over multiple lots and exhibit wider street frontages. The GQPDO limits ground floor uses to no more than 10,000 SF by right, but allows larger stores if they meet three criteria listed in the Background section

of this report. The Project would occupy more than the permitted maximum of 150 feet of continual street frontage, and as discussed later staff cannot support the PDP for a deviation from this standard. In addition, the two entrances provided, being approximately 25 feet apart within the 197 foot street frontage, do not meet the intent of the requirements for multiple entrances to create pedestrian interest as they lead into the same entrance/exit area and not into distinct areas similar to multiple storefronts. The proximity and design of these two street entrances do not meet the intent of the creation of a lively pedestrian experience along this long street frontage. Therefore, staff finds that the Project will adversely affect the land use plan consisting of the GQPDO and Design Guidelines.

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

The proposed use will not be detrimental to the public health, safety and welfare of the community. While not meeting the goals and policies of the land use plan, the use would not create safety or health hazards.

3. *The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code; and,*

The proposed use does not comply with the limits on continual street frontage, exceeding the 150 foot limit by 47 feet which diminishes the creation of a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District. As discussed below, the proposed PD for a deviation from this standard cannot be supported.

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

The proposed use is permitted by right in the GQPDO as a retail store, but the ground floor area dimensions and proposed street frontage deviation result in a project that fails to maintain the historic, fine-grain, pedestrian-scale environment of this National Historic District. The scale and street frontage of the proposed store are more appropriate in other land use districts Downtown and are not consistent with the fine-grain nature of the Gaslamp Quarter.

#### PDP

Pursuant to SDMC Section 126.0604 of the SDMC, the following findings must be made to approve a PDP:

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

Please see CUP Finding #1 above.

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

Please see CUP Finding #2 above.

3. *The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that 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, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.*

The proposed retail use would be appropriate for the Gaslamp Quarter but the requested deviation to increase the continuous street frontage would not. Large retail uses were specifically required to obtain a CUP due to concerns over larger tenants being inconsistent with the traditional, historical presence of smaller retail stores and restaurants in the historic district. The GQPDO specifically required a discretionary CUP in order to carefully evaluate such proposals for larger lease spaces, and specifically required a finding that continuous street frontages longer than 150 feet should not be allowed. This limitation was intended to mitigate the larger lease space's impacts on the character of the district and encourage the development of multiple lease spaces to maintain the pedestrian activity and interest along the streets in this district. Therefore, staff cannot find that the granting of a deviation to allow a longer street frontage would result in a more desirable project as it results in a scale of the retail use that is not consistent with the nature of the historic Gaslamp Quarter and the ground floor elements do not contribute to a traditional storefront character and a pedestrian scale, as required in the GQPDO.

## **CONCLUSION**

Staff is recommending denial of the PDP/CUP because of the inability to make the required findings for both the CUP (Findings #1,3 and 4) and the PDP (Findings #1 and 3) as discussed above.

## **ALTERNATIVE RECOMMENDATION**

If the Commission finds that the findings can be made to approve the Project, then staff would recommend that design and operational conditions be placed on the Project to address the concerns expressed by the community. Specifically, the following key conditions are included in the Draft Permit:

1. Placing the typical restrictions for alcohol sales with regards to hours of sale and size of containers typically applied to CUPs for alcohol sales in the Downtown area (Condition #4).
2. Restricting loading hours (street loading is all that is available for this use) from 7 a.m. to 45 p.m. weekdays and 9 a.m. to 4 p.m. on weekends.
3. Prohibiting the use of temporary window signage along the storefronts.

Respectfully submitted,



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Steven Bossi  
Associate Planner

Concurred by:



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Brad Richter  
Assistant Vice President, Planning

Attachments: A – Project Data Sheet  
B – Ownership Disclosure Statements  
C – PDP and CUP Supplemental Applications  
D – Basic Concept/Schematic Drawings dated June 7, 2016  
E – Map of Adjacent Land Uses  
F – Draft PDP/CUP No. 2015-71  
G – GQA Letter

PROJECT DATA SHEET		
PROJECT NAME	CVS 5 <sup>th</sup> & J	
PROJECT DESCRIPTION	PDP/CUP No. 2015-71 to allow a ground floor use over 10,000 SF and a deviation from the maximum 150 feet of lineal frontage for the Project located in a 10,800 SF lease space on the northwest corner of Fifth Avenue and J Street within the 6-story, full block Gaslamp Square building in the Gaslamp Quarter Planned District (402-403 Fifth Avenue). The Project would combine three existing tenant spaces currently occupied by specialty retail uses and replace those with one new CVS Pharmacy retail use.	
COMMUNITY PLAN	Downtown Community Plan	
COMMUNITY PLAN LAND USE DESIGNATION	Gaslamp Planned District Ordinance	
ZONE:  SITE AREA: FRONT SETBACK: SIDE SETBACK: REAR SETBACK: PARKING:	<b>ZONING INFORMATION</b> Gaslamp Planned District Ordinance (This ordinance establishes design and development criteria to ensure that the development and redevelopment of the Gaslamp Quarter Planned District and Gaslamp Quarter Historical District implement the goals of the Downtown Community Plan.) 10,800 square-foot lease space 0 Feet 0 Feet 0 Feet None required / provided	
ADJACENT PROPERTIES	LAND USE DESIGNATION	EXISTING LAND USE
NORTH	Gaslamp Planned District Ordinance	Mixed-Use
SOUTH	Gaslamp Planned District Ordinance	Mixed-Use
EAST	Gaslamp Planned District Ordinance	Commercial
WEST	Gaslamp Planned District Ordinance	Mixed-Use
DEVIATIONS OR VARIANCES REQUESTED	Deviation: 1. Exceeding maximum 150 feet of lineal street frontage, including around block corners	
COMMUNITY PLANNING GROUP RECOMMENDATION	On May 18, 2016, the Downtown Community Planning Council voted 20-0 to recommend that the Commission deny PDP/ CUP No. 2015-71, because they did not make PDP findings numbers 1 and 3 and CUP findings numbers 1, 3 and 4.	

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Project Title: CVS Pharmacy - 5th & Jst

**Part 3 – To be completed by all other financially interested parties**

List below the names, titles, and addresses of all financially interested parties and state the type of financial interest (e.g., applicant, architect, lead design/engineering professional). Original signatures are required from at least one individual, corporate officer, and/or partner with a financial interest in the application for a permit, map, or other matter, as identified above. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☐ No

Name of Individual (type or print):

**Boos Development West, LLC**

☒ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

**701 N. Parkcenter Drive, Ste 110**

City/State/Zip Code:

**Santa Ana, CA 92705**

Phone Number:

**701.953.0004**

E-mail:

**bcharles@boosdevelopment.com**

Signature:

Date:

**12/8/15**

Corporation/Partnership Name (type or print):

☐ Corporation ☐ LLC ☐ Partnership

☐ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):

Title:

Phone Number:

E-mail:

Signature:

Date:

Name of Individual (type or print):

☐ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature:

Date:

Corporation/Partnership Name (type or print):

☐ Corporation ☐ LLC ☐ Partnership

☐ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):

Title:

Phone Number:

E-mail:

Signature:

Date:



## Ownership Disclosure Statement

**Approval Type:** Check appropriate boxes for type of approval(s) requested:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Limited Use Approval    | <input type="checkbox"/> Neighborhood Development Permit | <input type="checkbox"/> Centre City Development Permit     |
| <input type="checkbox"/> Temporary Use Permit    | <input type="checkbox"/> Planned Development Permit      | <input type="checkbox"/> Gaslamp Quarter Development Permit |
| <input type="checkbox"/> Neighborhood Use Permit | <input type="checkbox"/> Site Development Permit         | <input type="checkbox"/> Marina Development Permit          |
| <input type="checkbox"/> Conditional Use Permit  | <input type="checkbox"/> Coastal Development Permit      | <input type="checkbox"/> Other: _____                       |

**Project Title:** CVS Pharmacy - 5th & Jst

**Project Address:** 402 5th Ave

**Assessor Parcel Number(s):** 535 085 1352

**Part 1 – To be completed by property owner when property is held by individual(s)**

By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the owner(s) and tenant(s) (if applicable) of the above referenced property or properties; all subject properties must be included. The list must include the names and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property or properties). Original signatures are required from at least one property owner for each subject property. Attach additional pages if needed. Note: The Applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☐ No

**Name of Individual (type or print):**

**Assessor Parcel Number(s):**

**Street Address:**

**City/State/Zip Code:**

**Phone Number:**

**E-mail:**

**Signature:**

**Date:**

**Name of Individual (type or print):**

**Assessor Parcel Number(s):**

**Street Address:**

**City/State/Zip Code:**

**Phone Number:**

**E-mail:**

**Signature:**

**Date:**

Project Title: CVS Pharmacy - 5th & Jst

**Part 2 – To be completed by property owner when property is held by a corporation or partnership**  
By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the names, titles, and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and/or all partners in a partnership who own the property or properties). Original signatures are required from at least one corporate officer or partner who own the property for each subject property. Attach additional pages if needed. Provide the articles of incorporation, articles of organization, or partnership agreement identifying all members of the corporation or partnership. Note: The applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☐ No

Corporation/Partnership Name (type or print):

HPC Gaslamp Square, LLC  
☐ Corporation ☒ LLC ☐ Partnership

Assessor Parcel Number(s):

535 085 1352

Street Address:

402 5TH AVE

City/State/Zip Code:

San Diego, CA 92101

Name of Corporate Officer/Partner (type or print):

Sumeet Parekh

Title:

Manager

Phone Number:

858.271.6701

E-mail:

Sumeet.parekh@investors.com

Signature:



Date:

11/24/15

Corporation/Partnership Name (type or print):

☐ Corporation ☐ LLC ☐ Partnership

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):

Title:

Phone Number:

E-mail:

Signature:

Date:

Project Title: CVS Pharmacy - 5th & Jst**Part 3 – To be completed by all other financially interested parties**

List below the names, titles, and addresses of all financially interested parties and state the type of financial interest (e.g., applicant, architect, lead design/engineering professional). Original signatures are required from at least one individual, corporate officer, and/or partner with a financial interest in the application for a permit, map, or other matter, as identified above. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☐ No

Name of Individual (type or print):

**Boos Development West, LLC**☒ Applicant ☐ Architect ☐ Other

Street Address:

**701 N. Parkcenter Drive, Ste 110**

City/State/Zip Code:

**Santa Ana, CA 92705**

Phone Number:

**714.953.0004**

E-mail:

**bcharles@boosdevelopment.com**

Signature:

Date:

**12/8/15**

Corporation/Partnership Name (type or print):

**LYONS WARREN ARCHITECTS: ENCLOSURE**☒ Corporation ☐ LLC ☐ Partnership☒ Applicant ☒ Architect ☐ Other

Street Address:

**9560 CAMINO ST.**

City/State/Zip Code:

**SAN DIEGO, CA 92126**

Name of Corporate Officer/Partner (type or print):

**STEVEN P. SCHNEIDER**

Title:

**PRESIDENT / CEO**

Phone Number:

**858-573-8999**

E-mail:

**SSCHNEIDER@LYONSWARREN.COM**

Signature:

Date:

**12/21/15**

Name of Individual (type or print):

☐ Applicant ☐ Architect ☐ Other

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature:

Date:

Corporation/Partnership Name (type or print):

☐ Corporation ☐ LLC ☐ Partnership☐ Applicant ☐ Architect ☐ Other

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):


Title:

Phone Number:

E-mail:

Signature:

Date:

	<b>Conditional Use Permit Supplemental Application</b>
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Name of Business or Facility: CVS Pharmacy

Summary of Request (description of proposed use): Conditional use permit to allow use greater than 10,000 square feet in the GQPD- GASLAMP- OTR & GASLAMP- PDO.

#### REQUIRED INFORMATION

Under Section 126.0305 of the San Diego Municipal Code, four findings must be made in order to approve a conditional use permit. Please explain how the application meets these findings:

1. The proposed use or development will not adversely affect the applicable land use plan;  
The proposed project is merely proposing to use three existing lease space as a singular space.  
The size of the proposed space is allowed via CUP approval.
2. The proposed use or development will not be detrimental to the public health, safety, and welfare;  
The proposed project will have no detrimental effects on public health, safety and welfare.  
In fact it will have benefits for all as the proposed project is a health oriented business.
3. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code; and  
The only deviation for this proposed project is to the storefront footage. This project complies with all other applicable land use codes.
4. The proposed use is appropriate at the proposed location.  
The proposed project is merely proposing to use three existing Use M- Mercantile lease spaces as a singular Use M- Mercantile lease space. No change in use.

**CIVIC SAN DIEGO  
PLANNED DEVELOPMENT PERMIT  
SUPPLEMENTAL APPLICATION**

The purpose of a Centre City Planned Development Permit (CCPDP) is to provide flexibility in the application of development regulations for projects where the strict application of the development regulations would restrict design options and results in a less desirable project. CCPDP's may be approved or denied by the Civic San Diego (CSD) Board of Directors at a publicly noticed hearing as part of the Design Review process. The CSD Board of Directors decision is appealable to the City of San Diego Planning Commission.

Project Name: CVS Pharmacy

Address/Location: NWC 5th Avenue and J Street

List **ALL** CCPDO development regulations (include relevant CCPDO sections) for which the project is seeking a deviation. Provide a separate sheet if necessary.

*EXAMPLE: CCPDO Section 156.0310(a) - Minimum Lot Size and Minimum Lot Coverage*

1. Section 157.0305(d)(1) - Ground Floor Uses Over 10,000 Square Feet
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Provide a brief description of reasons for requested deviations listed above. How will the strict application of development regulation(s) result in a less desirable project?

The proposed project utilizes three existing suites within the existing building. One suite is a corner unit and while it only provides 27.8% of the total floor area of the proposed project it accounts for more than 63% of the street frontage due to have two exposed frontages. The only way to comply with the 150' street frontage limit would be to use a portion of one interior suite and leave behind a sliver of a space that would be very difficult to lease.

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\_\_\_\_\_

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**PLANNED DEVELOPMENT PERMIT FINDINGS**

Under the CCPDO the following four findings must be made in order to approve a CCPDP. For each finding listed below, please explain how the application meets these findings:

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

The proposed project is merely proposing to use three existing lease space as a singular space. The size of the proposed space is allowed via CUP approval.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

The proposed project will have no detrimental effects on public health, safety and welfare. In fact it will have benefits for all as the proposed project is a health oriented business.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The proposed development will comply with the regulations of the CCPDO, except for any proposed deviations which are appropriate for this location and will result in a more desirable project than would be achieved if designed in conformance with the strict regulations of the CCPDO; and

The alternate to what is proposed is create an oddly shaped space that leaves behind a sliver of a unit to reduce the street frontage. The remaining space would be undesirable size as a lease space and would likely remain vacant for long periods of time.

4. The proposed deviations will result in a development exhibiting superior architectural design.

The proposed deviation will have zero negative effect on the existing architectural design of the building. The building currently utilizes multiple facade treatments along its length for character and these will not change.

PRINT

S:\Planning\Current Planning\Current Application Forms\CCDP\2012 Application Forms\2012 Application Forms Word\2012. Planned Development Permit Supplemental Application.doc

# CVS/pharmacy®

## PROJECT INFORMATION:

### SCOPE OF WORK

#### APPLICATION FOR:

- Conditional Use Permit for area greater than 10,000 sq. ft.
- Deviation from section 157.0305 (d)1 limiting store frontage to 150'.
- Center City Planned Development Permit.

This project is a Tenant Improvement (T.I.) for a proposed CVS Pharmacy retail store located within an existing lease space in downtown San Diego, CA at the corner of 5th Street and J Street.

The interior portion of the T.I. includes

- Finishes
- Restrooms
- Pharmacy
- Mechanical
- Electrical
- Plumbing
- Structural support for mechanical and storefront
- Accessibility

1. PREMISES ADDRESS: 402-430 5th AVENUE, SAN DIEGO CA 92101.

2. LEGAL DESCRIPTION:

Parcel 1 of Parcel Map No:19567  
APN: 535-085-13 & 14

3. GROSS PREMISES AREA:

Structure gross floor area: 59,400 sq. ft.  
Use floor area: 10,800 sq. ft.

4. CONSTRUCTION TYPE:

TYPE 1-A CONSTRUCTION (SPRINKLERED)

USE AND OCCUPANCY CLASSIFICATION (302.0)

(Primary) M-MERCANTILE (309)  
(Secondary) S-STORAGE (311)

5. ZONING DESIGNATION: GQPD - GASLAMP - OTR & GASLAMP - PDO

6. EXISTING USE: M-Mercantile  
PROPOSED USE: M-Mercantile  
(No Change)

7. EXISTING BUILDING AGE:  
Project originally built in 2004.

8. PARKING CALCULATION: Existing

### APPLICATION TEAM:

LANDLORD:	HPC GASLAMP SQUARE, LLC 402 5th AVENUE SAN DIEGO, CA 92101	SUMEET PAREKH MANAGER TEL: (858) 271-6701
ARCHITECT:	LYONS WARREN, ENGINEERS + ARCHITECTS 9560 CANDIDA STREET SAN DIEGO, CA 92126	TRACY LINDQUIST TEL: (858) 573-8999 FAX: (858) 573-8998
TENANT DEVELOPER:	BOOS DEVELOPMENT WEST, LLC 701 N. PARKCENTER DRIVE SANTA ANA, CA 92705	BRIAN CHARLES DEVELOPMENT MANAGER CEL: (714) 935-0004 CEL: (714) 914-0224
STRUCTURAL ENGINEER:	LYONS WARREN, ENGINEERS + ARCHITECTS 9560 CANDIDA STREET SAN DIEGO, CA 92126	STEVE SCHNEIDER TEL: (858) 573-8999 FAX: (858) 573-8998

### SHEET INDEX:

C-1 COVER SHEET  
C-2 VICINITY MAP KEY  
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C-4 SITE PLAN  
C-5 FLOOR PLAN  
C-6 EXTERIOR ELEVATION-EAST  
C-7 EXTERIOR ELEVATION-SOUTH  
C-8 EXTERIOR ELEVATION-EAST  
C-9 EXTERIOR ELEVATION-SOUTH  
C-10 INTERIOR ELEVATION-5TH AVE  
C-11 INTERIOR ELEVATION-J ST  
C-12 PHOTO SURVEY KEY MAP  
C-13 PHOTO SURVEY SHEET  
C-14 STORE FRONTAGE COMPARISON MAP  
C-15 STREET VIEW

#### ARCHITECT OF RECORD

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## 5TH AND J

ATTACHMENT D

**CVS**  
pharmacy  
NORTH WEST CORNER  
OF 5TH AVE. AND J ST.  
SAN DIEGO, CA 92101

COVER SHEET

DATE: JUNE 7, 2016

SHEET

# C-1

NEIGHBORING BUSINESS TYPES	
NUMBER	USE
1	GOVERNMENT/ COURTHOUSE
2	COMMERCIAL/ OFFICE
3	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL
4	COMMERCIAL/ OFFICE
5	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL
6	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL
7	COMMERCIAL/ OFFICE
8	MIXED-USE COMMERCIAL/ RETAIL RESTAURANT/RESIDENTIAL
9	PUBLIC PARK
10	COMMERCIAL/ CONVENTION CENTER
11	COMMERCIAL/ RETAIL/ RESTAURANT/ OFFICE/ PARKING
12	COMMERCIAL/ RETAIL
13	COMMERCIAL/ OFFICE
14	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL/ RETAIL PARKING
15	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL/ OFFICE RESIDENTIAL
16	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL/ OFFICE RESIDENTIAL
17	RESIDENTIAL
18	COMMERCIAL/ RETAIL
19	MIXED-USE COMMERCIAL/ RESTAURANT/RESIDENTIAL/ HOTEL
20	COMMERCIAL/ RETAIL/ HOTEL
21	MIXED-USE COMMERCIAL/ RESIDENTIAL/ RETAIL
22	COMMERCIAL/ OFFICE
23	MIXED-USE COMMERCIAL/ RETAIL/RESTAURANT/OFFICE/ RESIDENTIAL
24	COMMERCIAL/ RETAIL/ RESTAURANT/ HOTEL
25	RESIDENTIAL
26	RESIDENTIAL
27	COMMERCIAL/ OFFICE
28	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ OFFICE/RESIDENTIAL
29	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
30	COMMERCIAL/ RESTAURANT
31	COMMERCIAL/ RESTAURANT
32	COMMERCIAL/ RETAIL / RESTAURANT

33	COMMERCIAL/ RETAIL
34	COMMERCIAL/ RESTAURANT/ HOTEL
35	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
36	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
37	COMMERCIAL/ THEATER
38	COMMERCIAL/ RETAIL
39	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
40	COMMERCIAL/ RETAIL
41	COMMERCIAL/ RESTAURANT/ OFFICE
42	COMMERCIAL/ RESTAURANT/ RETAIL
43	COMMERCIAL/ RESTAURANT
44	COMMERCIAL/ RESTAURANT
45	COMMERCIAL/ HOTEL
46	COMMERCIAL/ RESTAURANT
47	COMMERCIAL/ RESTAURANT
48	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
49	COMMERCIAL/ RESTAURANT/ RESIDENTIAL
50	COMMERCIAL/ RESTAURANT/ OFFICE
51	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
52	COMMERCIAL/ RESTAURANT/ HOTEL
53	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
54	COMMERCIAL/ HOTEL/ RESTAURANT
55	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
56	COMMERCIAL/ RESTAURANT/ OFFICE/ RETAIL
57	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
58	MIXED-USE COMMERCIAL/ OFFICE/ RESIDENTIAL
59	COMMERCIAL/ RESTAURANT
60	COMMERCIAL/ RESTAURANT
61	COMMERCIAL/ RESTAURANT
62	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
63	COMMERCIAL/ RESTAURANT/
64	COMMERCIAL/ RESTAURANT/

65	MIXED-USE COMMERCIAL/ RESTAURANT/ OFFICE/ RESIDENTIAL
66	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
67	COMMERCIAL/ RESTAURANT
68	COMMERCIAL/ RESTAURANT/ OFFICE
69	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
70	COMMERCIAL/ RESTAURANT
71	COMMERCIAL/ HOTEL
72	COMMERCIAL/ RESTAURANT/ RETAIL
73	COMMERCIAL/ RESTAURANT
74	COMMERCIAL/ RETAIL
75	COMMERCIAL/ RETAIL/ OFFICE
76	MUSEUM
77	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
78	COMMERCIAL/ RESTAURANT
79	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
80	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
81	COMMERCIAL/ RESTAURANT/ HOTEL
82	COMMERCIAL/ RESTAURANT
83	COMMERCIAL/ RETAIL
84	COMMERCIAL/ OFFICE
85	COMMERCIAL/ RESTAURANT/ HOTEL
86	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
87	COMMERCIAL/ RESTAURANT
88	COMMERCIAL/ RESTAURANT
89	COMMERCIAL/ OFFICE
90	COMMERCIAL/ RESTAURANT
91	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
92	COMMERCIAL/ RETAIL
93	COMMERCIAL/ RESTAURANT
94	COMMERCIAL/ RESTAURANT
95	COMMERCIAL/ RESTAURANT
96	PUBLIC PARK
97	COMMERCIAL/ HOTEL
98	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
99	COMMERCIAL/ RETAIL

100	COMMERCIAL/ RESTAURANT/ OFFICE
101	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
102	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
103	COMMERCIAL/ RESTAURANT
104	PARKING
105	COMMERCIAL/ RESTAURANT/ HOTEL
106	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
107	COMMERCIAL/ RESTAURANT
108	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL
109	COMMERCIAL/ RETAIL
110	COMMERCIAL/ RESTAURANT/ RETAIL
111	MIXED-USE COMMERCIAL/ OFFICE/ RESIDENTIAL
112	COMMERCIAL/ RESTAURANT
113	COMMERCIAL/ THEATER
114	COMMERCIAL/ RETAIL
115	COMMERCIAL/ RETAIL
116	COMMERCIAL/ RESTAURANT
117	COMMERCIAL/ RETAIL
118	COMMERCIAL/ RETAIL
119	COMMERCIAL/ RETAIL
120	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
121	COMMERCIAL/ RESTAURANT/ OFFICE
122	COMMERCIAL/ RESTAURANT
123	COMMERCIAL/ RESTAURANT/ HOTEL
124	COMMERCIAL/ RESTAURANT/ OFFICE
125	COMMERCIAL/ RETAIL/ OFFICE
126	COMMERCIAL/ RESTAURANT
127	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ OFFICE/ RESIDENTIAL
128	COMMERCIAL/ RETAIL/ HOTEL
129	COMMERCIAL/ RESTAURANT
130	MIXED-USE COMMERCIAL/ RETAIL/RESIDENTIAL
131	PARKING
132	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL
133	COMMERCIAL/ RESTAURANT

134	FUTURE COMMERCIAL/ RESTAURANT/ HOTEL
135	COMMERCIAL/ RETAIL/ OFFICE
136	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL/ PARKING
137	COMMERCIAL/ RESTAURANT
138	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL/ PARKING
139	COMMERCIAL/ RESTAURANT
140	COMMERCIAL/ RETAIL/ OFFICE/ PARKING
141	PARKING
142	COMMERCIAL/ RETAIL/ HOTEL
143	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
144	COMMERCIAL/ RESTAURANT
145	PARKING
146	COMMERCIAL/ HOTEL
147	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ OFFICE/ RESIDENTIAL
148	COMMERCIAL/ RETAIL
149	COMMERCIAL/ RETAIL/ OFFICE
150	PARKING
151	COMMERCIAL/ RETAIL/ PARKING
152	COMMERCIAL/ RETAIL/ HOTEL
153	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
154	COMMERCIAL/ RESTAURANT
155	COMMERCIAL/ RETAIL
156	COMMERCIAL/ HOTEL
157	COMMERCIAL/ RESTAURANT
158	COMMERCIAL/ RESTAURANT
159	COMMERCIAL/ RESTAURANT
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161	COMMERCIAL/ RESTAURANT
162	COMMERCIAL/ RESTAURANT
163	COMMERCIAL/ RESTAURANT/ HOTEL/ PARKING
164	COMMERCIAL/ RESTAURANT/ RETAIL/ PARKING
165	COMMERCIAL/ RESTAURANT/ HOTEL
166	RESIDENTIAL
167	PARKING
168	RESIDENTIAL
169	COMMERCIAL/ RETAIL
170	COMMERCIAL/ HOTEL

171	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
172	COMMERCIAL/ RESTAURANT/ OFFICE
173	PARKING
174	COMMERCIAL/ RESTAURANT/ RETAIL
175	PARKING
176	COMMERCIAL/ RESTAURANT/ HOTEL
177	COMMERCIAL/ OFFICE
178	COMMERCIAL/ RESTAURANT/ PARKING
179	COMMERCIAL/ OFFICE
180	GOVERNMENT/ FIRE STATION
181	COMMERCIAL/ RESTAURANT/ OFFICE
182	COMMERCIAL/ RETAIL
183	COMMERCIAL/ RESTAURANT/ OFFICE
184	COMMERCIAL/ RESTAURANT
185	RESIDENTIAL
186	GOVERNMENT/ POST OFFICE
187	COMMERCIAL/ RETAIL
188	RESIDENTIAL
189	COMMERCIAL/ OFFICE
190	COMMERCIAL/ RETAIL
191	RESIDENTIAL
192	COMMERCIAL/ RETAIL
193	COMMERCIAL/ RETAIL
194	PARKING
195	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
196	COMMERCIAL/ RESTAURANT/ HOTEL
197	COMMERCIAL/ RESTAURANT
198	COMMERCIAL/ RESTAURANT/ RETAIL
199	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
200	RESIDENTIAL
201	RESIDENTIAL
202	COMMERCIAL/ OFFICE
203	COMMERCIAL/ OFFICE
204	PUBLIC PARK
205	PETCO PARK

ARCHITECT OF RECORD



DEVELOPER



5TH AND J



VICINITY MAP KEY  
NEIGHBORING BUSINESS TYPES

DATE: JUNE 7, 2016

SHEET

C-2



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5TH AND J

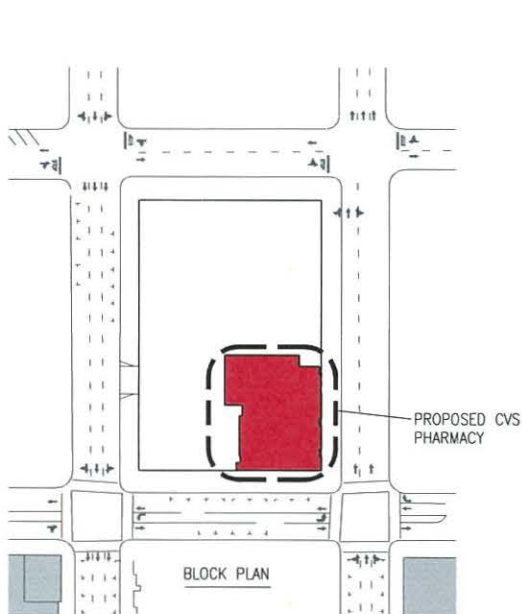
**CVS**  
**pharmacy**  
 NORTH WEST CORNER  
 OF 5TH AVE. AND J ST.  
 SAN DIEGO, CA 92101

VICINITY MAP  
 NEIGHBORING BUSINESS TYPES

DATE: JUNE 7, 2016

SHEET  
**C-3**





AREA NOT A PART OF PROJECT

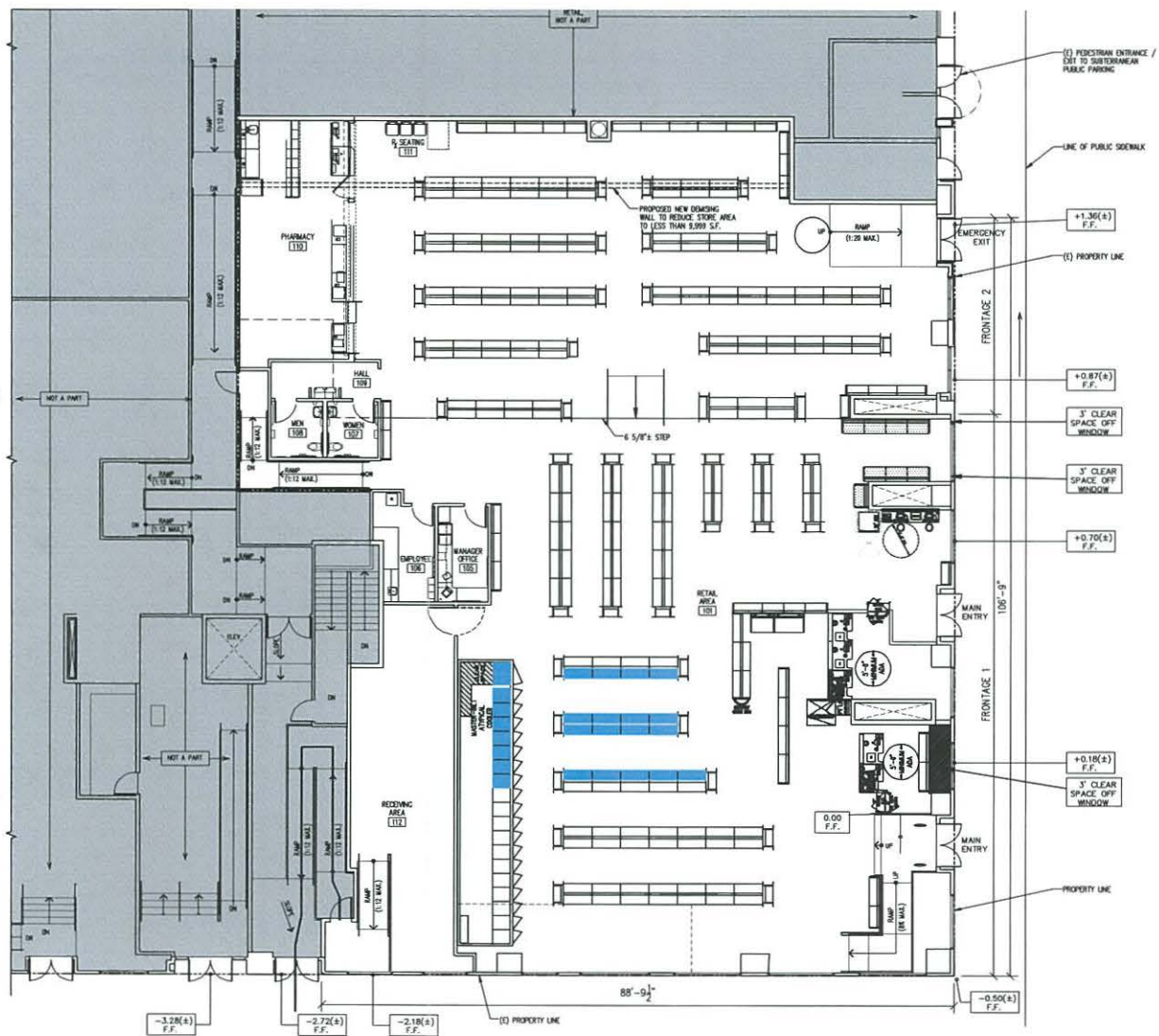
#### ALCOHOL SALES:

SHELVING ALLOCATED TO ALCOHOL SALES

TOTAL RETAIL SHELVING: 1555 SQ. FT.  
 SHELVING FOR ALCOHOL SALES: 134 SQ. FT.  
 PERCENTAGE OF SHELVING ALLOCATED TO ALCOHOL SALES: 8.62% (LESS THAN 10%)

#### STREET FRONTAGE:

5th STREET: 106'-9"±  
 J STREET: 88'-9"±



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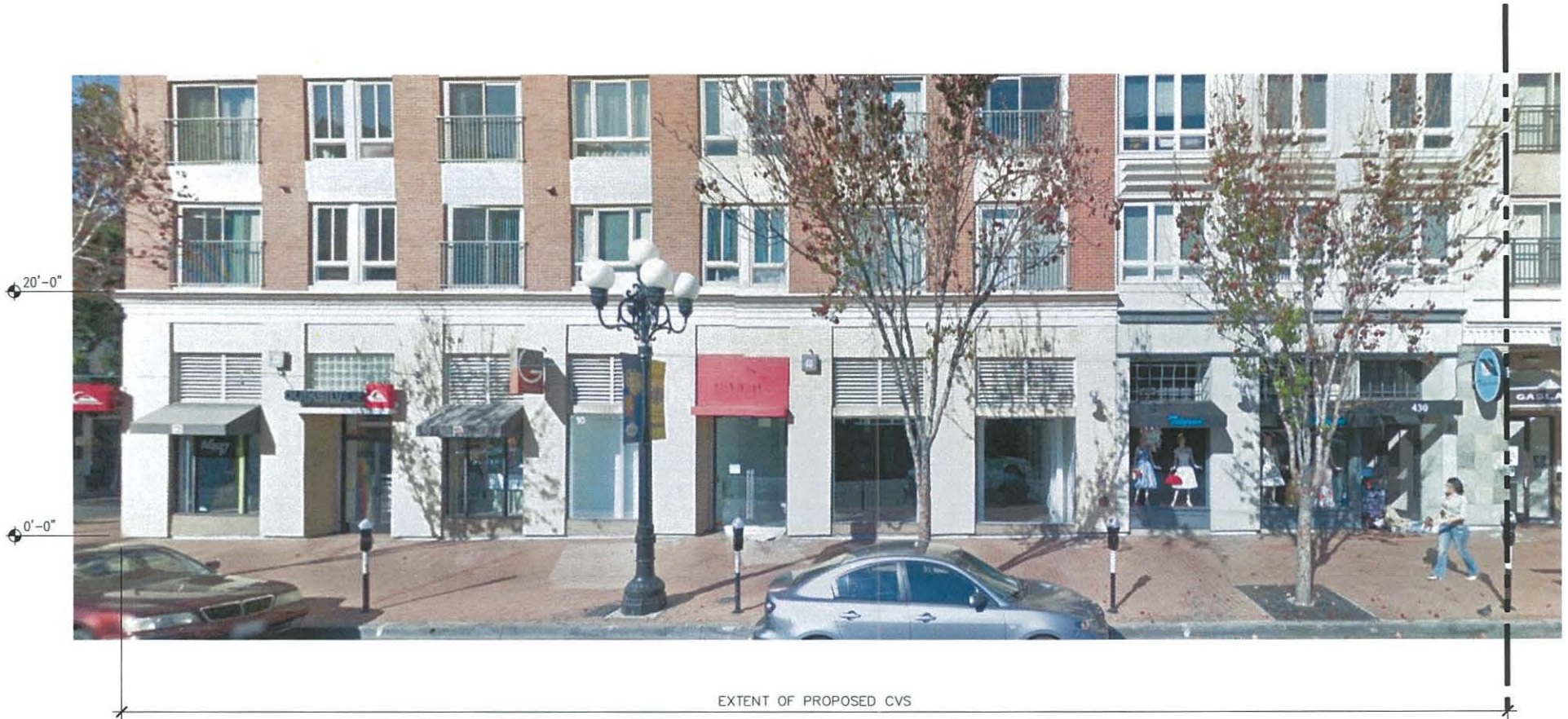
5TH AND J

**CVS**  
 pharmacy  
 NORTH WEST CORNER  
 OF 5TH AVE. AND J ST.  
 SAN DIEGO, CA 92101

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

DATE: JUNE 7, 2016

SHEET  
**C-5**



NOTE:  
NO EXTERIOR WORK TO BE  
PROPOSED

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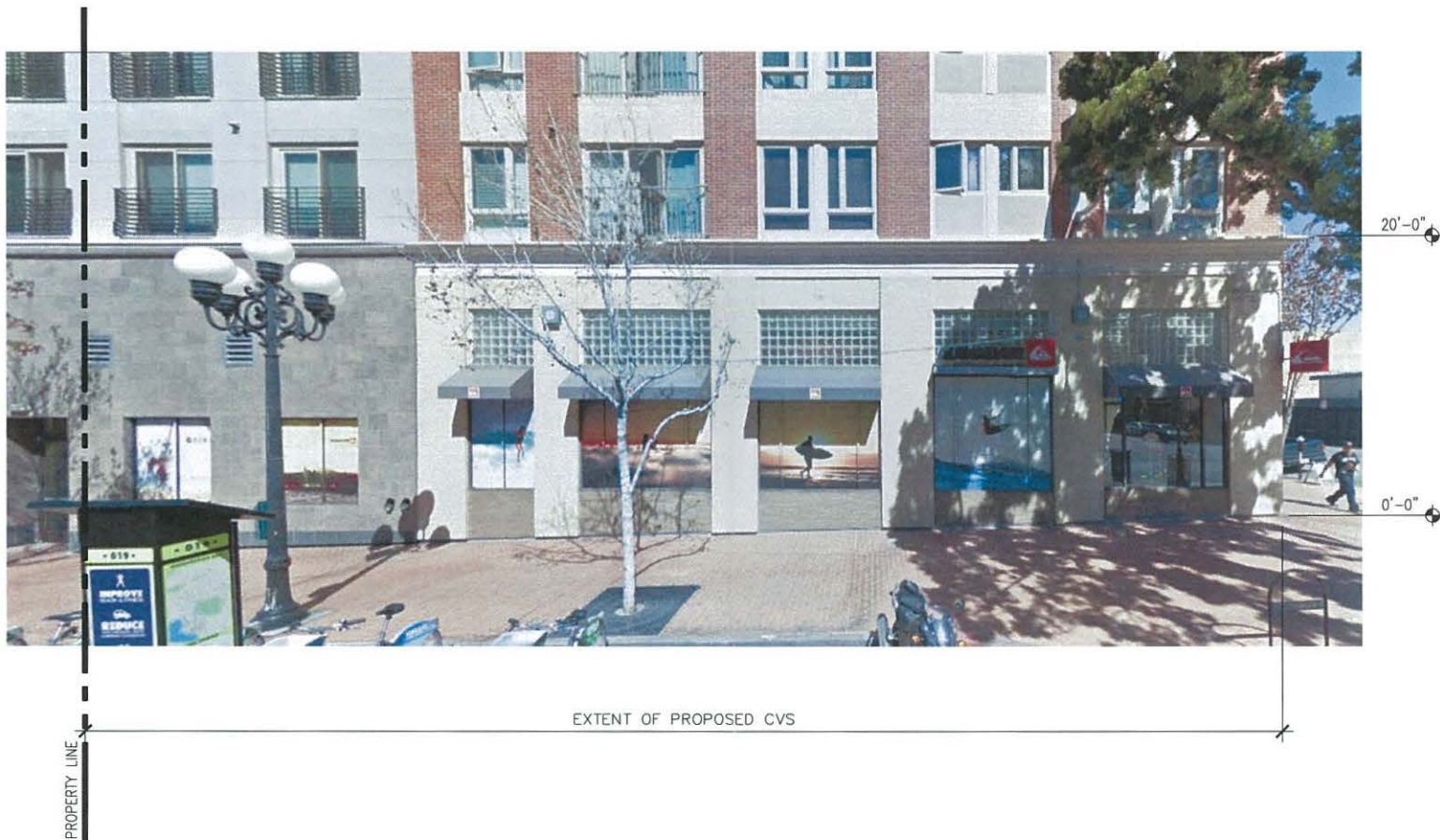
5TH AND J

**CVS**  
pharmacy  
NORTH WEST CORNER  
OF 5TH AVE. AND J ST.  
SAN DIEGO, CA 92101

EAST ELEVATION

DATE: JUNE 7, 2016

SHEET  
**C-6**



NOTE:  
NO EXTERIOR WORK TO BE  
PPROPOSED

ARCHITECT OF RECORD  
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5TH AND J

**CVS**  
pharmacy  
NORTH WEST CORNER  
OF 5TH AVE. AND J ST.  
SAN DIEGO, CA 92101

SOUTH ELEVATION

DATE: JUNE 7, 2016

SHEET  
**C-7**



VIEW FROM 5TH AVENUE

C-8  
06.07.2016



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ELEVATION

CVS / pharmacy  
5th Avenue and J Street, San Diego, CA



VIEW FROM J STREET

C-9  
06.07.2016

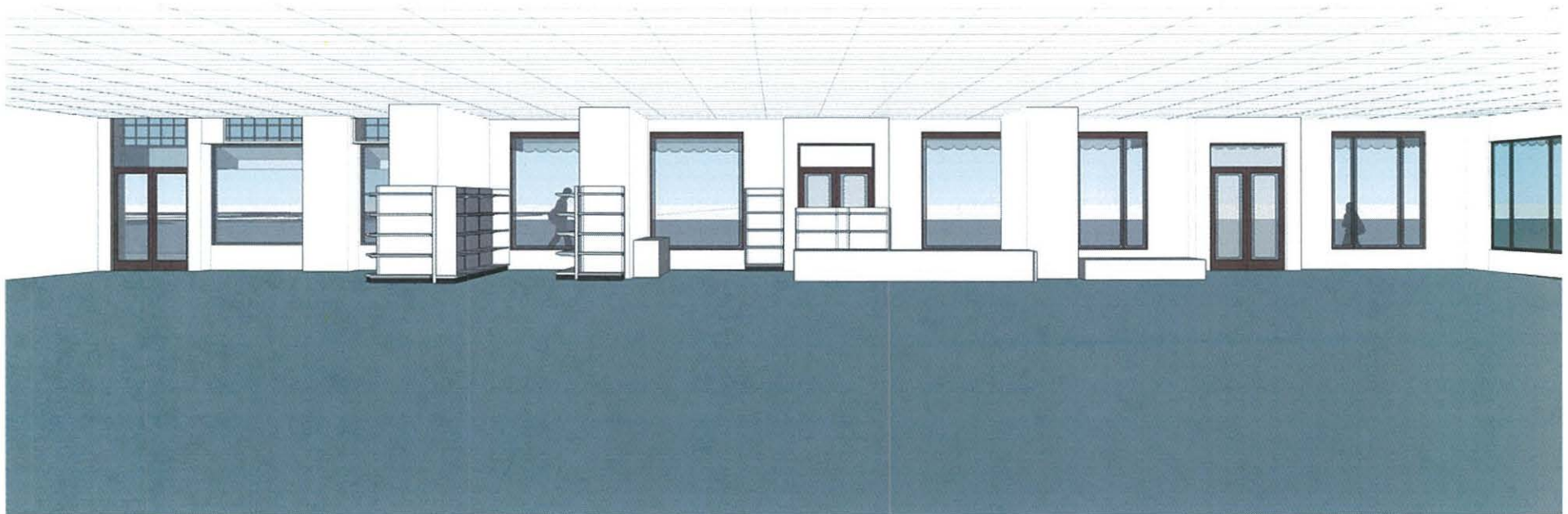
# ELEVATION

CVS / pharmacy  
5th Avenue and J Street, San Diego, CA



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VIEW TO 5TH AVENUE

C-10  
06.07.2016

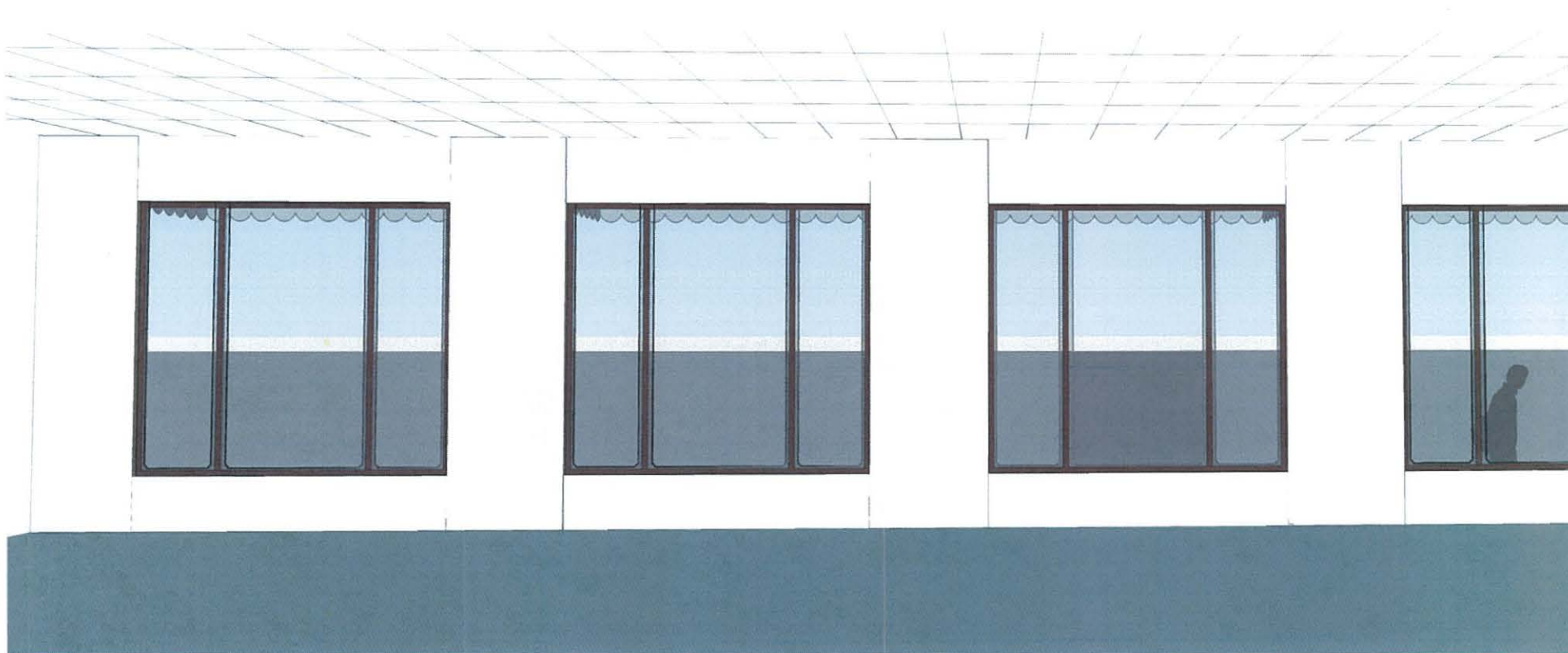
# ELEVATION

CVS / pharmacy  
5th Avenue and J Street, San Diego, CA



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VIEW TO J STREET

C-11  
06.07.2016

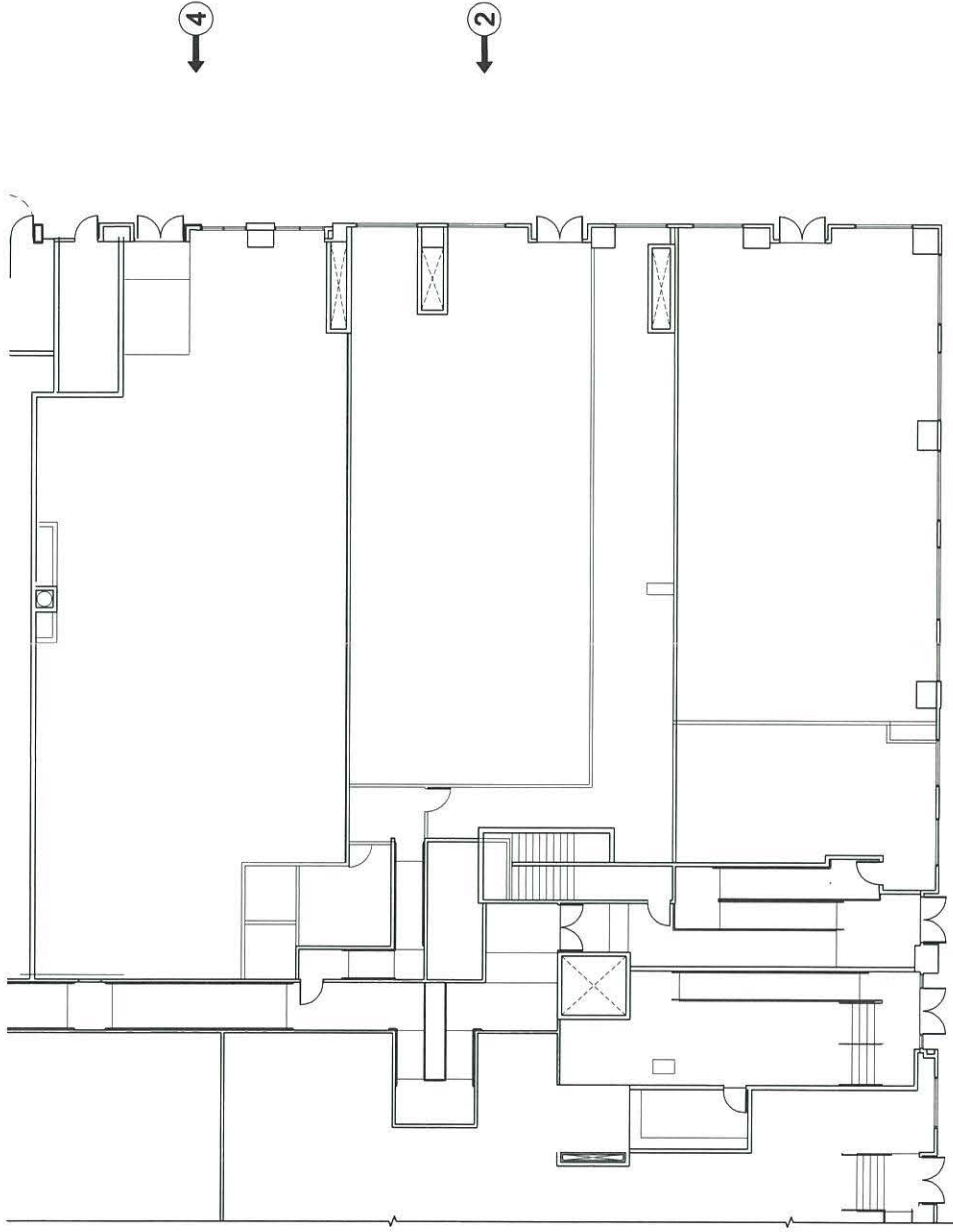
# ELEVATION

CVS / pharmacy  
5th Avenue and J Street, San Diego, CA



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FAX: (714) 953-0005

## 5TH AND J

**CVS**  
pharmacy  
NORTH WEST CORNER  
OF 5TH AVE. AND J ST.  
SAN DIEGO, CA 92101

PHOTO SURVEY  
KEY MAP

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

DATE: JUNE 7, 2016

SHEET

C-12



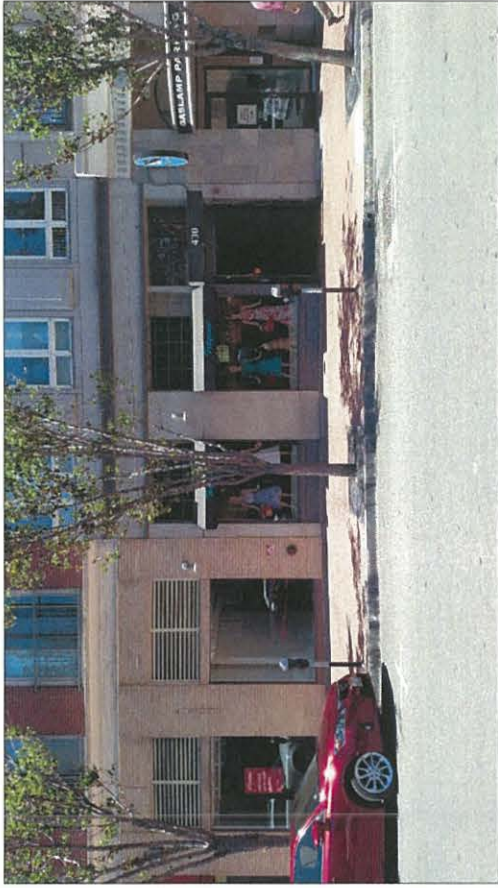
1



3




2



4

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# 5TH AND J

**CVS**  
 pharmacy  
 NORTH WEST CORNER  
 OF 5TH AVE. AND J ST.  
 SAN DIEGO, CA 92101

PHOTO SHEET  
 SCALE: NIS  
 DATE: JUNE 7, 2016  
 SHEET  
**C-13**

STORE FRONTAGE COMPARISON KEY		
NUMBER	BUSINESS NAME	STORE FRONTAGE
1	BARLEY MASH	150'
2	SEARSUCKER RESTAURANT	162'
3	THE OLD SPAGHETTI FACTORY	177'
4	LOU & MICKEY'S RESTAURANT	160'
5	NOBU RESTAURANT	125'
6	HARD ROCK HOTEL	166'
7	UNION KITCHEN & TAP RESTAURANT	80'
8	JOLT'N JOE'S	146'
9	ROCK'N BAJA LOBSTER	156'



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5TH AND J

**CVS**  
**pharmacy**  
 NORTH WEST CORNER  
 OF 5TH AVE. AND J ST.  
 SAN DIEGO, CA 92101

STORE FRONTAGE MAP  
 NEIGHBORING BUSINESS STORE FRONTS

DATE: JUNE 7, 2016

SHEET

C-14



VIEW FROM INTERSECTION OF 5TH AVE AND J STREET

C-15  
06.07.2016

# PERSPECTIVE

CVS / pharmacy  
5th Avenue and J Street, San Diego, CA



LYONS WARREN | engineers + architects

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NEIGHBORING BUSINESS TYPES	
NUMBER	USE
1	GOVERNMENT/ COURTHOUSE
2	COMMERCIAL/ OFFICE
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26	RESIDENTIAL
27	COMMERCIAL/ OFFICE
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30	COMMERCIAL/ RESTAURANT
31	COMMERCIAL/ RESTAURANT
32	COMMERCIAL/ RETAIL / RESTAURANT


33	COMMERCIAL/ RETAIL
34	COMMERCIAL/ RESTAURANT/ HOTEL
35	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
36	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
37	COMMERCIAL/ THEATER
38	COMMERCIAL/ RETAIL
39	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
40	COMMERCIAL/ RETAIL
41	COMMERCIAL/ RESTAURANT/ OFFICE
42	COMMERCIAL/ RESTAURANT/ RETAIL
43	COMMERCIAL/ RESTAURANT
44	COMMERCIAL/ RESTAURANT
45	COMMERCIAL/ HOTEL
46	COMMERCIAL/ RESTAURANT
47	COMMERCIAL/ RESTAURANT
48	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
49	COMMERCIAL/ RESTAURANT/ RESIDENTIAL
50	COMMERCIAL/ RESTAURANT/ OFFICE
51	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
52	COMMERCIAL/ RESTAURANT/ HOTEL
53	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
54	COMMERCIAL/ HOTEL/ RESTAURANT
55	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
56	COMMERCIAL/ RESTAURANT/ OFFICE/ RETAIL
57	COMMERCIAL/ RESTAURANT/ OFFICE/ RETAIL
58	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
59	COMMERCIAL/ RESTAURANT
60	COMMERCIAL/ RESTAURANT
61	COMMERCIAL/ RESTAURANT
62	COMMERCIAL/ RESTAURANT/ RESIDENTIAL
63	COMMERCIAL/ RESTAURANT
64	COMMERCIAL/ RESTAURANT

65	MIXED-USE COMMERCIAL/ RESTAURANT/ OFFICE/ RESIDENTIAL
66	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
67	COMMERCIAL/ RESTAURANT
68	COMMERCIAL/ RESTAURANT/ OFFICE
69	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
70	COMMERCIAL/ RESTAURANT
71	COMMERCIAL/ HOTEL
72	COMMERCIAL/ RESTAURANT/ RETAIL
73	COMMERCIAL/ RESTAURANT
74	COMMERCIAL/ RETAIL
75	COMMERCIAL/ RETAIL/ OFFICE
76	MUSEUM
77	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
78	COMMERCIAL/ RESTAURANT
79	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
80	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
81	COMMERCIAL/ RESTAURANT/ HOTEL
82	COMMERCIAL/ RESTAURANT
83	COMMERCIAL/ RETAIL
84	COMMERCIAL/ OFFICE
85	COMMERCIAL/ RESTAURANT/ HOTEL
86	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
87	COMMERCIAL/ RESTAURANT
88	COMMERCIAL/ RESTAURANT
89	COMMERCIAL/ OFFICE
90	COMMERCIAL/ RESTAURANT
91	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
92	COMMERCIAL/ RETAIL
93	COMMERCIAL/ RESTAURANT
94	COMMERCIAL/ RESTAURANT
95	COMMERCIAL/ RESTAURANT
96	PUBLIC PARK
97	COMMERCIAL/ HOTEL
98	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
99	COMMERCIAL/ RETAIL

100	COMMERCIAL/ RESTAURANT/ OFFICE
101	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
102	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
103	COMMERCIAL/ RESTAURANT
104	PARKING
105	COMMERCIAL/ RESTAURANT/ HOTEL
106	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
107	COMMERCIAL/ RESTAURANT
108	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL
109	COMMERCIAL/ RETAIL
110	COMMERCIAL/ RESTAURANT/ RETAIL
111	MIXED-USE COMMERCIAL/ OFFICE/ RESIDENTIAL
112	COMMERCIAL/ RESTAURANT
113	COMMERCIAL/ THEATER
114	COMMERCIAL/ RETAIL
115	COMMERCIAL/ RETAIL
116	COMMERCIAL/ RESTAURANT
117	COMMERCIAL/ RETAIL
118	COMMERCIAL/ RETAIL
119	COMMERCIAL/ RETAIL
120	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
121	COMMERCIAL/ RESTAURANT/ OFFICE
122	COMMERCIAL/ RESTAURANT
123	COMMERCIAL/ RESTAURANT/ HOTEL
124	COMMERCIAL/ RESTAURANT/ OFFICE
125	COMMERCIAL/ RETAIL/ OFFICE
126	COMMERCIAL/ RESTAURANT
127	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ OFFICE/ RESIDENTIAL
128	COMMERCIAL/ RETAIL/ HOTEL
129	COMMERCIAL/ RESTAURANT
130	MIXED-USE COMMERCIAL/ RETAIL/RESIDENTIAL
131	PARKING
132	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL
133	COMMERCIAL/ RESTAURANT

134	FUTURE COMMERCIAL/ RESTAURANT/ HOTEL
135	COMMERCIAL/ RETAIL/ OFFICE
136	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL/ PARKING
137	COMMERCIAL/ RESTAURANT
138	COMMERCIAL/ RESTAURANT/ RETAIL/ HOTEL/ PARKING
139	COMMERCIAL/ RESTAURANT
140	COMMERCIAL/ RETAIL/ OFFICE/ PARKING
141	PARKING
142	COMMERCIAL/ RETAIL/ HOTEL
143	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
144	COMMERCIAL/ RESTAURANT
145	PARKING
146	COMMERCIAL/ HOTEL
147	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ OFFICE/ RESIDENTIAL
148	COMMERCIAL/ RETAIL
149	COMMERCIAL/ RETAIL/ OFFICE
150	PARKING
151	COMMERCIAL/ RETAIL/ PARKING
152	COMMERCIAL/ RETAIL/ HOTEL
153	MIXED-USE COMMERCIAL/ RETAIL/ RESIDENTIAL
154	COMMERCIAL/ RESTAURANT
155	COMMERCIAL/ RETAIL
156	COMMERCIAL/ HOTEL
157	COMMERCIAL/ RESTAURANT
158	COMMERCIAL/ RESTAURANT
159	COMMERCIAL/ RESTAURANT
160	COMMERCIAL/ RESTAURANT
161	COMMERCIAL/ RESTAURANT
162	COMMERCIAL/ RESTAURANT
163	COMMERCIAL/ RESTAURANT/ HOTEL/ PARKING
164	COMMERCIAL/ RESTAURANT/ RETAIL/ PARKING
165	COMMERCIAL/ RESTAURANT/ HOTEL
166	RESIDENTIAL
167	PARKING
168	RESIDENTIAL
169	COMMERCIAL/ RETAIL
170	COMMERCIAL/ HOTEL

171	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
172	COMMERCIAL/ RESTAURANT/ OFFICE
173	PARKING
174	COMMERCIAL/ RESTAURANT/ RETAIL
175	PARKING
176	COMMERCIAL/ RESTAURANT/ HOTEL
177	COMMERCIAL/ OFFICE
178	COMMERCIAL/ RESTAURANT/ PARKING
179	COMMERCIAL/ OFFICE
180	GOVERNMENT/ FIRE STATION
181	COMMERCIAL/ RESTAURANT/ OFFICE
182	COMMERCIAL/ RETAIL
183	COMMERCIAL/ RESTAURANT/ OFFICE
184	COMMERCIAL/ RESTAURANT
185	RESIDENTIAL
186	GOVERNMENT/ POST OFFICE
187	COMMERCIAL/ RETAIL
188	RESIDENTIAL
189	COMMERCIAL/ OFFICE
190	COMMERCIAL/ RETAIL
191	RESIDENTIAL
192	COMMERCIAL/ RETAIL
193	COMMERCIAL/ RETAIL
194	PARKING
195	MIXED-USE COMMERCIAL/ RESTAURANT/ RETAIL/ RESIDENTIAL
196	COMMERCIAL/ RESTAURANT/ HOTEL
197	COMMERCIAL/ RESTAURANT
198	COMMERCIAL/ RESTAURANT/ RETAIL
199	MIXED-USE COMMERCIAL/ RESTAURANT/ RESIDENTIAL
200	RESIDENTIAL
201	RESIDENTIAL
202	COMMERCIAL/ OFFICE
203	COMMERCIAL/ OFFICE
204	PUBLIC PARK
205	PETCO PARK

ARCHITECT OF RECORD  
 **LYONS WARREN**  
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 San Diego, CA  
 92126-1540  
 (619) 573-8899  
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 **BOOS**  
 DEVELOPMENT  
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 SANTA ANA, CA 92705  
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 FAX (714) 953-0005

5TH AND J

**CVS**  
 pharmacy  
 NORTH WEST CORNER  
 OF 5TH AVE. AND J ST.  
 SAN DIEGO, CA 92101

VICINITY MAP KEY  
 NEIGHBORING BUSINESS TYPES

DATE: MAY 6, 2015

SHEET

C-2



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5TH AND J

**CVS**  
 pharmacy  
 NORTH WEST CORNER  
 OF 5TH AVE. AND J ST.  
 SAN DIEGO, CA 92101

VICINITY MAP  
 NEIGHBORING BUSINESS TYPES  
 DATE: MAY 6, 2015

SHEET  
**C-3**

**RECORDING REQUESTED BY:**

Civic San Diego  
Planning Department  
401 B Street, Suite 400  
San Diego, CA 92101

**AND WHEN RECORDED MAIL TO:**

Civic San Diego  
Planning Department  
401 B Street, Suite 400  
San Diego, CA 92101

*THIS SPACE FOR RECORDER'S USE ONLY*

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

**GASLAMP QUARTER PLANNED DISTRICT  
PLANNED DEVELOPMENT PERMIT /  
CONDITIONAL USE PERMIT  
NO. 2015-71**

**CVS 5<sup>TH</sup> & J  
GROUND FLOOR USE OVER 10,000 SQUARE FEET  
WITH OVER 150 FEET OF STREET FRONTAGE  
402-430 FIFTH AVENUE  
APN 535-085-13 & 14**

**GASLAMP QUARTER PLANNED DISTRICT  
PLANNED DEVELOPMENT PERMIT / CONDITIONAL USE PERMIT  
NO. 2015-71**

**CVS 5TH & J  
GROUND FLOOR USE OVER 10,000 SQUARE FEET  
WITH OVER 150 FEET OF STREET FRONTAGE  
APN 535-085-13 & 14**

This Planned Development Permit / Conditional Use Permit (PDP/CUP) No. 2015-71 is granted by the City of San Diego Planning Commission to HPC Gaslamp Square, LLC, Owner, and Lyons Warren Engineer + Architects, Permittee, for a ground floor retail store known as CVS 5<sup>th</sup> & J ("Project") located on the northwest corner of Fifth Avenue and J Street in the Gaslamp Quarter neighborhood of the Downtown Community Plan (DCP) area within the Gaslamp Quarter Planned District (GQPD); and more particularly described in the Legal Description included in Attachment A.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner and/or Permittee to construct and operate uses as described and identified by size, dimension, quantity, type and location as follows and on the approved Basic Concept/Schematic Drawings dated May 6, 2016, on file at Civic San Diego ("CivicSD").

1. General

The Owner and/or Permittee shall construct, or cause to be constructed on the site, an approximately 10,800 SF retail store that will sell pharmaceuticals, general pre-packaged groceries, cosmetics, and assorted household items.

2. PDP

The City of San Diego Planning Commission hereby grants a PDP allowing a deviation from the Gaslamp Quarter Planned District Ordinance (GQPDO) Development Regulations for ground floor uses over 10,000 SF for permitting a use that occupies more than 150 feet of continual lineal street frontage including around block corners [GQPDO 157.0305(d)]

3. CUP

The construction shall include an approximately 10,800 SF retail store on the ground floor in the GQPD where ground floor uses over 10,000 SF require a CUP. The intended use must be in conformance with permitted uses outlined in the GQPDO and all other relevant regulations in the LDC. Any proposed change in use or expansion shall be reviewed and approved by CivicSD prior to initiating such changes.

4. Alcohol Sales

The following conditions apply to the sale of alcoholic beverages for off-site consumption:

- a. The business shall maintain a valid State Department of Alcohol Beverage Control (ABC) liquor license. The business shall be in compliance with all conditions of said license at all times.
- b. No more than 10 percent of the total shelving within the store shall be allocated to alcoholic beverages.
- c. No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.
- d. No malt beverage products shall be sold in less than six-pack quantities per sale.
- e. No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.

5. Store Design Elements

- a. All awnings and signage shall be consistent with the GQPDO, Gaslamp Quarter Design Guidelines. All awnings shall be made of a canvas-type fabric, and not a shiny or high-gloss material.
- b. All shelving adjacent to windows shall be placed no more than 42" high and behind an opaque frosting blocking views of the shelving.
- c. All shelving near windows must be located with a walk aisle between the window and the shelving.
- d. There shall be no less than two pedestrian entrances and an emergency exit on the street frontage, as shown on the approved Basic Concept/Schematic Drawings dated May 6, 2016, and the pedestrian entrances must remain open and unlocked during all hours of operation.
- e. There shall be no storefront signage on awnings or windows.

6. Loading Operations

- a. Loading operations for the store shall be limited to between the hours of 7:00 a.m. to 4:00 p.m. on weekdays and 9:00 a.m. to 4:00 p.m. on weekends.

Standard Conditions

7. This Permit shall not become effective until:
  - a. The Owner and Permittee sign the Permit;
  - b. The permit is recorded in the Office of the County Recorder.

8. This Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
9. 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 Section 126.0108 of the SDMC within the 36 month period, this Permit shall be void unless an Extension of Time (EOT) has been granted pursuant to Section 126.011 of the SDMC.
10. After establishment of the project, the property shall not be used for any other purposes unless:
  - a. Authorized by CivicSD; and
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The Permit has been revoked by CivicSD.
11. This Permit may be revoked by CivicSD if there is a material breach or default in any of the conditions of this Permit.
12. No permit for construction, operation or occupancy of any facility shall be granted nor shall any activity authorized by this Permit be conducted on the premises until this Permit is recorded in the OFFICE OF THE COUNTY RECORDER.
13. The Owner/Permittee shall defend, indemnify, and hold harmless the City/CivicSD, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City/CivicSD 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/CivicSD 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/CivicSD 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/CivicSD and Owner/Permittee regarding litigation issues, the City/CivicSD 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.

This PDP/CUP No. 2015-71 is granted by City of San Diego Planning Commission on \_\_\_\_\_.

ATTEST:

PERMITTEE/PROPERTY OWNER:

\_\_\_\_\_  
Steven Bossi Date  
Associate Planner

\_\_\_\_\_  
Steven Schneider Date  
Lyons Warren Engineers + Architects

Attachment: A – Legal Description

**Note: Notary acknowledgements  
must be attached per Civil Code  
Section 1189 et seq**

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 535-085-13-52**

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A Condominium composed of:

**Parcel 1:**

Unit 2, Commercial Retail Unit, in Module B, as shown on that certain Condominium Plan for Parcel 1 of Parcel Map No. 19567, in the City of San Diego, County of San Diego, State of California, recorded on September 3, 2004, as Document No. 2004-844099 of Official Records, which Condominium Plan, recorded September 3, 2004, as Document No. 2004-0844100 of Official Records, and amended by that certain Amendment to Condominium Plan, recorded August 24, 2005 as Document No. 2005-0728991 of Official Records, all in the Office of the County Recorder of said County, together with

(i) An undivided one-half interest in and to the common area of Module B, as said common area is defined in that certain Declaration of Establishment of Conditions, Covenants and Restrictions for Gaslamp City Square, recorded September 3, 2004, as Document No. 2004-0844101 of Official Records, and as further shown and defined on the Condominium Plan herein above referred to and;

(ii) Those certain exclusive use common area easements for storage areas appurtenant to said Unit 2 of Module B, located on floors 3 through 7 of the Module A Building, as shown and described on that certain Condominium Plan for Parcel 1 of Parcel Map No. 19567, in the City of San Diego, County of San Diego, State of California, recorded September 3, 2004, as Document No. 2004-0844099 of Official Records, which Condominium Plan recorded September 3, 2004, as Document No. 2004-0844100 of Official Records, and amended by that certain Amendment to Condominium Plan, recorded August 24, 2005, as Document No. 2005-0728991 of Official Records, and further amended by document entitled "Gaslamp City Square Consent to Condominium Plan Amendment Certificate", recorded April 19, 2006, as Document No. 2006-0273790 of Official Records, all in the Office of the County Recorder of said County.

**Parcel 2:**

Non-exclusive easements for access, ingress, egress, use, enjoyment, drainage, encroachment, support, maintenance, repairs, and for other purposes, all as described and set forth in the Declaration of Establishment of Covenants, Conditions and Restrictions for Gas Lamp City Square (the "Declaration"), recorded September 3, 2004, as Document No. 2004-0844101 of Official Records of San Diego County, California, including any Amendments thereto.



June 3, 2016

HEARING OFFICER

City of San Diego Planning Commission  
1222 First Ave, Fifth floor  
San Diego, CA 92101

Re: CVS 5<sup>th</sup> & J (402-403 Fifth Avenue) - PDP/CUP No. 2015-71

Dear Sir/Madam,

I write in connection with the above planning application for a CVS at the corner of Fifth Avenue and J Street. The Gaslamp Quarter Association has carefully examined and considered the plans and The Board of Directors voted UNANIMOUSLY at their May 25, 2016 meeting NOT to support the Civic San Diego staff recommendation of approving the Conditional Use Permit and Planned District Permit for the proposed project.

We believe the applicant has failed to make the necessary findings for the approval of a Conditional Use Permit and Planned Development Permit and echo the concerns of DCPC that were expressed when their Board unanimously voted not to support staff's recommendation to approve.

Representatives of the GQA Board of Directors as well as the Land Use and Planning Committee of the Gaslamp Quarter Historical Foundation recently met with CVS representatives to better understand the project. At that initial meeting several topics were discussed:

- Alcohol sales restrictions including but not limited to sales hours, security, advertising, maintenance, etc.
- Exterior design elements that would be in concert with the historic nature of the Gaslamp Quarter including but not limited to lighting, façade improvements, signage, awnings, window treatments, etc.
- No signage on the awnings or windows
- Single entrance/exit
- Loading hours, access and sizing of delivery vehicles
- Review and sunset time periods relative to the CUP

If this application is to be decided by the Planning Commission, please take this as notice that a representative of our organization would like to speak at the meeting of the committee at which this



application is expected to be decided. Please let us know as soon as possible the date of the meeting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "H. Greenberg".

Howard Greenberg  
Chair, Board of Directors  
Gaslamp Quarter Association