

RESOLUTION NO. 219899

R.78-1585

DEC 14 1977

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 35

WHEREAS, MESA MORTGAGE COMPANY, Owner, hereafter referred to as "Permittee," filed an application to construct a 10,000 square foot, 3-1/2 storey high office building, located at the southerly terminus of Scheidler Way, a short stub street connecting to Camino del Rio South, more particularly described as a portion of Lot 1, Nagel Tract No. 2, in the R-1-40 (H.R.) Zone; and

WHEREAS, on July 14, 1977, the Planning Commission of The City of San Diego made its findings of facts, denied said Planned Commercial Development Permit No. 35, and filed said decision in the office of the City Clerk on July 19, 1977; and

WHEREAS, on July 29, 1977, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, MESA MORTGAGE COMPANY appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 2, 1977, continued to December 14, 1977; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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The following findings of fact as submitted by the permittee exist with respect to Planned Commercial Development Permit No. 35:

1. The proposed use at this particular location is compatible with adjacent properties that are zoned for office buildings. The project proposes construction of a 10,000 square foot office building at a location which is adequately served with the local road system. There currently is a need for office space in Mission Valley, and this addition will help fulfill that need while not adversely affecting the adopted General Plan.

2. The development would not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, nor will it be injurious to property and improvements existing now or in the future in the vicinity. The building will not adversely affect the visual appearance of the south slopes of Mission Valley due to its sensitive siting at the lowest elevation of the site and the "stepped back" design which follows the natural shape of the hillside.

3. All design criteria and minimum standards for planned commercial developments would be met.

4. The granting of this permit would not adversely affect the Progress Guide and General Plan for the City of San Diego. The plan creates the minimum impact consistent with private use of the property while recognizing the need to preserve the major portion of the site in slope areas by offering the

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dedication of a permanent open space easement over those areas outside of the development area. Further, the plan conforms to the public policy of densification of uses in the more central portions of the City.

BE IT FURTHER RESOLVED, that the appeal of MESA MORTGAGE COMPANY is granted, and this Council does hereby grant to MESA MORTGAGE COMPANY Planned Commercial Development Permit No. 35, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
2/17/78
Or.Dept.:Clerk

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 35
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to MESA MORTGAGE COMPANY, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0910 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a Planned Commercial Development located at the end of Scheidler Way, between I-15 and I-805, more particularly described as a portion of Lot 1, Nagel Tract No. 2, Map No. 4727 in the R-1-40 (HR) Zone, proposed CO (HR) Zone.

2. The Planned Commercial Development shall include and the term "Project" as used in the Planned Commercial Development shall mean the total of the following facilities:

- a. A 10,000 square foot office building.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 34 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated June 30, 1977, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be marked. Parking spaces and aisles

shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Delete Condition No. 4 of the General Conditions for Planned Commercial Development Permits and in its stead substitute the following:

This Planned Commercial Development must be utilized within 18 months after the effective date of the concurrent Rezoning Case No. 42-77-6. Failure to utilize subject permit within 18 months will automatically void the same unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the Municipal Code.

5. Prior to the issuance of any building permits, an open space easement shall be provided on that portion of Lot 1, Nagle Tract No. 2, Map 4727, not proposed for CO zoning.

6. The Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on December 14, 1977.

FCC:clh
2/17/78
Dr.Dept.:Clerk

GENERAL CONDITIONS FOR
PLANNED COMMERCIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated June 30, 1977, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated June 30, 1977, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

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

4. This Planned Commercial Development must be utilized within 18 months after the effective date of the concurrent Rezoning Case No. 4288-6. Failure to utilize subject permit within 18 months will automatically void the same unless an extension of time has been granted by the Planning Commission

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

6. The effectiveness of this planned commercial development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this planned commercial development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date the City Council granted this planned commercial development permit.

b. This planned commercial development permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning

Commission, or City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this planned commercial development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be cancelled or revoked. Cancellation or revocation of this permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0910.

10. This planned commercial development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before
me, the undersigned, a Notary Public in and for said County and
State, personally appeared _____,
known to me to be the _____ and
_____ known to me to be the
_____ of _____

the corporation that executed the within instrument and known
to me to be the persons who executed the same on behalf of said
corporation and acknowledged to me that said corporation
executed the same, pursuant to its bylaws or a resolution of
its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

Passed and adopted by the Council of The City of San Diego on DEC 14 1977
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Gay & Page*, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number <u>219899</u>	Adopted <u>DEC 14 1977</u>