

RESOLUTION NO. R-223835 (R.80-1610)

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 59

JUN 26 1979

WHEREAS, MRS. SHELDON CAMPBELL, an individual, Owner, and LION PROPERTY COMPANY, INC., a California corporation, hereafter referred to as "Permittee", filed an application to construct and operate five buildings with a total floor area of 221,296 square feet for office, theatre, restaurant and health spa with parking and landscaping on a 16.0 acre site in the R-1-40 (proposed CA) Zone. The property is located on the north side of 1-8 between 1-805 and Stadium Way and is more particularly described as a portion of Pueblo Lot 1109 of The Pueblo Lands of San Diego, Miscellaneous Map No. 36; and

WHEREAS, on May 3, 1979, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Commercial Development Permit No. 59, and filed said decision in the office of the City Clerk on May 23, 1979; and

WHEREAS, on May 11, 1979, and May 14, 1979, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, MANN THEATRES, by Alan R. Perry, and WALNUT PROPERTIES, by Pamela Fairley, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on June 26, 1979; and

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

NOW, THEREFORE,

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

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as follows:

All of the following facts exist with respect to Planned Commercial Development Permit No. 59:

1. The proposed development would contribute to the general well-being of the neighborhood, the community and the City. The project would provide facilities serving both the community and City, as well as visitors to San Diego. The combination of office, dining, health and theater facilities would be compatible with and complement existing commercial and office developments in Mission Valley.

2. The proposed development would not be detrimental to the health, safety and general welfare of persons living or working in the area and would not be injurious to property or improvements in the vicinity.

3. All design criteria and minimum standards for a planned commercial development would be met. Although the subject development would not generally meet the parking requirements of the proposed CA zone, the applicant has proposed that the operating hours of the office activity and theater not overlap on weekdays in order that they may share parking. The Council conditions the permit on the theater not opening before 6 p.m. on weekdays. By operating independently, the activities would meet parking requirements of the CA zone. The City's Engineering and Development Department indicates that this form of shared parking would be satisfactory.

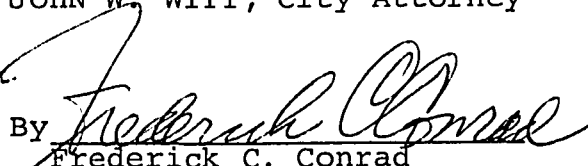
4. The granting of this planned commercial development permit would not adversely affect the Progress Guide and General

Plan of The City of San Diego. The proposed development would be consistent and compatible with existing and approved developments for surrounding properties in the area.

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

BE IT FURTHER RESOLVED, that the appeals of MANN THEATRES, by Alan R. Perry, and WALNUT PROPERTIES, by Pamela Fairley, are denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to MRS. SHELDON CAMPBELL, an individual, and LION PROPERTY COMPANY, INC., a California corporation, Planned Commercial Development Permit No. 59, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
3/4/80
Or.Dept. Clerk

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R-223835

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 59
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to MRS. SHELDON CAMPBELL, an individual, Owner, and LION PROPERTY COMPANY, INC., a California corporation, hereafter referred to as "Permittee", for the purpose and under 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 on the north side of Interstate 8, between Interstate 805 and Stadium Way, more particularly described as a portion of Pueblo Lot 1109 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36, in the R-1-40 zone (CA zone proposed).

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. Two four-story office buildings totaling 160,296 sq.ft. in floor area; a 20,000 sq.ft. theater; a 25,000 sq.ft. health spa; 8,000 sq.ft. restaurant and an 8,000 sq.ft. two-story office building.
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property and

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the property shall be zoned CA.

4. Not less than 845 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated April 19, 1979, on file in the office of the Planning Department. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

5. 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. 42-78-5. 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.

6. Prior to issuance of any sign permits, a comprehensive sign plan for the development shall be approved by the Planning Commission.

7. The theater shall not open before 6 p.m. on weekdays, Monday through Friday (except on legal holidays).

8. Showing in the six different screens of the theater shall be staggered time-wise in the early evening hours so as to relieve congestion and insure that parking is available during the time that the office building occupants are leaving the site and early theater patrons are arriving.

9. Prior to the issuance of any building permits, the Planning Commission shall approve elevations for the parking deck.

10. Parking shall be reviewed by the Planning Department within six months of occupancy of the theater.

11. 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 June 26, 1979.

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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 May 3, 1979, 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 May 3, 1979, 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.

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4. This Planned Commercial Development must be utilized within 18 months after the effective date of the concurrent Rezoning Case No. 42-78-5. 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. 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

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7C-223835

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.

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JUN 26 1979

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>
Lucy Killea	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

By Rita Ambrose, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-223835 Adopted JUN 26 1979