

RESOLUTION NUMBER R- 267478

ADOPTED ON JAN 13 1987

WHEREAS, ELLIOT FEUERSTEIN, General Partner of Mesa Shopping Center East, appealed the decision of the Planning Commission in approving Planned Commercial Development Permit No. PCD-85-0500 submitted by MESA SHOPPING CENTER EAST, a general partnership, Owner/Permittee, for the development of a retail grocery store, home center, motel, financial offices and service station on a portion of the Northeast Quarter of the Northeast Quarter of Section 31, and a portion of the Northwest Quarter of the Northwest Quarter of Section 32, Township 14 South, Range 2 West, S.B.B.M., a 23.8-acre site located on the north side of Mira Mesa Boulevard, between I-15 and Black Mountain Road, in the Mira Mesa Community Plan area, in the CA and R-3000 Zones; and

WHEREAS, said appeal was set for public hearing on January 13, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Commercial Development Permit No. PCD-85-0500:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Plan. The project will supply an additional shopping center to the Mira Mesa Community.

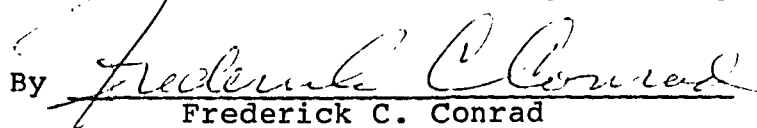
2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. Permit No. PCD-85-0500 contains specific conditions which mitigate any adverse impacts to a level of insignificance.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project has been reviewed and found to be in accordance with City regulations.

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 appeal of ELLIOT FEUERSTEIN is granted; the decision of the Planning Commission is modified, and Planned Commercial Development Permit No. PCD-85-0500 is hereby granted to MESA SHOPPING CENTER EAST, a general partnership, under the terms and conditions 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

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03/13/87
04/06/87 Rev. 1
Or.Dept:Clerk
R-87-1461
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. PCD-85-0500
CITY COUNCIL

This Planned Commercial Development Permit is granted by the City Council of The City of San Diego to MESA SHOPPING CENTER EAST, a General Partnership, Owner/Permittee, under the conditions in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct 118,000 square feet of General Commercial Uses and a 180-room motel, with 9,500 square feet of Commercial Visitor Uses located on the north side of Mira Mesa Boulevard between I-15 and Black Mountain Road, described as a portion of the northeast quarter of Section 31, T14S, R2W, SBBM, in the A-1-1 (proposed CA) Zone.

2. The facility shall consist of the following:

- a. Eleven buildings totaling 118,000 square feet for General Commercial Uses;
- b. A 180-room motel with 9,500 square feet of Commercial Visitor Uses;
- c. Off-street parking;
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. As a condition of approval of this PCD Permit, an amendment to the Mira Mesa Community Plan redesignating the site from low/medium density residential (10-15 dwelling units/acre) to a commercial land use designation shall be approved by the San Diego City Council prior to this permit becoming valid and prior to issuance of building permits.

4. No fewer than 805 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 13, 1987, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

5. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

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6. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A" dated January 13, 1987, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

7. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A" dated January 13, 1987, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

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

9. This Planned Commercial Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0910 of the Municipal Code.

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

11. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- 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 the City.

12. This Planned Commercial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

13. This Planned Commercial Development 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.

14. No driveways shall be allowed onto Mira Mesa Boulevard, except at those locations authorized by the City Engineer and shown on the approved tentative map.

15. In connection with the final map the applicant shall provide a paved access road between the CalTrans park-and-ride lot and Mesa Center Boulevard satisfactory to the City Engineer and CalTrans.

16. The driveway between the project and the CalTrans park-and-ride lot will require the approval of CalTrans.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO, JANUARY 13, 19

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared MAUREEN O'CONNOR, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk, of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

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

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

MESA SHOPPING CENTER EAST,
a general partnership,

By Elliot Levenstein General Partner

By _____

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED PER CIVIL
CODE SEC. 1180, et seq.

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JAN 13 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Maureen G. O'Connor* Deputy.

Office of the City Clerk, San Diego, California

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