

(R-88-1081)

RESOLUTION NUMBER R-269708

ADOPTED ON NOVEMBER 10, 1987

WHEREAS, KARE DEVELOPMENT, INC., by John Pedroarena, appealed the decision of the Planning Commission in denying Mid-City Development Permit No. MCD-87-0302 submitted by KARE DEVELOPMENT, INC., Owner/Permittee, for an 8,898-square foot retail center on a portion of Lot 23 of La Mesa Colony, Map No. 346, located at the southwest corner of El Cajon Boulevard and Art Street, in the Mid-City Community Plan area, in the CL-3T Zone; and

WHEREAS, the matter was set for public hearing on November 10, 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 Mid-City Development Permit No. MCD-87-0302:

1. The proposed use and project design meet the purpose and intent of the Mid-City Planned District and the Mid-City Community Plan regulations.

2. The proposed development will be consistent with planned land use on adjoining properties in similar CL Zones which must conform to the provisions of the Mid-City Planned District regulations.

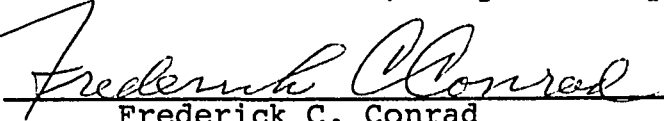
3. The proposed design will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

4. The proposed project meets the regulations of the San Diego Municipal Code.

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 KARE DEVELOPMENT, INC. is granted; the decision of the Planning Commission is overruled, and Mid-City Development Permit No. MCD-87-0302 is hereby granted to KARE DEVELOPMENT, INC., 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

FCC:cc:600
11/18/87
Or.Dept:Clerk
R-88-1081
Form=r.permit

MID-CITY DEVELOPMENT PERMIT NO. 87-0302
MARKET POINT

CITY COUNCIL

This Mid-City Development Permit is granted by the City Council of The City of San Diego to KARE DEVELOPMENT, INC., "Owner/Permittee," under the conditions contained in Section 103.1500 of the Municipal Code of The City of San Diego.

1. Permission is granted to "Owner/Permittee" to construct a Mid-City Development described as a Portion of Lot 23 of La Mesa Colony, Map No. 346, located at the southwest corner of Art Street and El Cajon Boulevard, in the CL-3T Zone.

2. The Mid-City Development Permit shall include the total of the following facilities:

- a. Nine thousand square feet of commercial gross floor area;
- b. A minimum of 23 off-street parking spaces;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of grading permits, a detailed landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval. All plans shall be in substantial conformity to Exhibit "A," dated November 10, 1987, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

4. The construction and continued use of this permit shall be subject to the regulation of this or other governmental agencies.

5. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

6. No manufactured slope shall be steeper than a ratio of 2:1.

7. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

8. The effective date of this permit shall be the date of final action by the Planning Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.

9. No development shall commence, nor shall any permit for construction be issued, until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Mid-City Development Permit is recorded in the Office of the County Recorder.

10. The property included within this Mid-City Development Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

11. This Mid-City Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.

12. This development shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

13. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

14. Prior to issuance of building permits, the applicant shall submit detailed landscape and irrigation plans which indicate the size, type, and location of all plant material and street trees. Calculations shall be provided to indicate conformance to the City Landscape Ordinance.

15. Final plans shall indicate the following items:

- a. A continuous six-inch concrete curb shall be provided between all parking and landscaping areas.
- b. All compact spaces shall be clearly labeled.

16. Signage shall meet the requirements of Division 11 of the San Diego Municipal Code. A 20-foot setback is currently required for pole signs.

17. Prior to the issuance of any building permits, the applicant shall dedicate additional right-of-way as necessary to provide for 30 feet of dedicated right-of-way west of the existing centerline in Art Street and for a 20-foot property line radius at the corner of Art Street and El Cajon.

18. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the construction of curb, gutter and sidewalk on Art Street also providing for a pedestrian ramp at the intersection of Art Street and El Cajon Boulevard constructed with a 30-foot curb return.

Passed and adopted by the City Council of The City of San Diego on November 10, 1987.

1331

NOV 10 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 type="checkbox"/> | <input checked="" 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"/> |
| District 4 | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

VACANT

AUTHENTICATED BY:

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

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

(Seal)

By *Jana M. Martin* Deputy

Office of the City Clerk, San Diego, California

Resolution Number *269708* Adopted NOV 10 1987