RESOLUTION NUMBER R-283019 ADOPTED ON NOVEMBER 16, 1993

WHEREAS, Carmel Valley Partners I, Owner/Permittee appealed the decision of the Planning Commission in denying Carmel Valley Planned District Development Plan Permit, Conditional Use Permit and Coastal Development Permit No. 93-0451 submitted by Carmel Valley Partners I, Owner/Permittee, to construct, operate and maintain a commercial center (consisting of a maximum total of 222,858 square feet of gross retail floor area), including three major anchor tenants, various smaller retail development pads, a self-service station and carwash facility, related site landscaping, off-street parking facilities and other public and private improvements necessary to implement the proposed development of this site; and

WHEREAS, the project is located on portions of a vacant, previously graded 20-acre site, located at the southwest corner of Valley Centre Drive and Carmel Creek Road, legally described as a portion of Parcels 4 and 5 of Parcel Map No. 15957, in the Neighborhood 6 Precise Plan area of the Carmel Valley Planned District in the Carmel Valley Community Plan area, in the Visitor Commercial (VC) and Specialized Commercial (SC) zones; and

WHEREAS, the matter was set for public hearing on November 16, 1993, 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 Conditional Use Permit and Carmel Valley Planned District Development Plan Permit No. 93-0451:

1. The proposed use will fulfill a community need and will not adversely affect the General Plan or the adopted community plan.

There is a demonstrated need for visitor-commercial and retail land uses in this particular area of the community. The project will contribute to fulfilling this need by providing the various goods and services necessary to sustaining the growing population and expansion of the Carmel Valley Community.

The proposed development and use of this site is consistent with recommended land use designations, design guidelines and standards of the VC and SC zones, the City's Progress Guide and General Plan, and the Neighborhood 6 Precise Plan. The proposed development is also consistent with the City's Local Coastal Program (LCP) and Carmel Valley Planned District Ordinance.

2. The proposed use 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 properties in the vicinity.

The draft permit prepared for this project includes a number of conditions of approval relevant to project compliance with applicable regulations of the Municipal Code to assure the

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health, safety and general welfare of persons residing or working in the area.

The finished pad grade of the project site would be approximately 41 feet lower than that of the existing condominium development to the north (Coral Cove), across Carmel View Road. In addition, a variable height retaining wall and associated rear slope and right-of-way landscape features will be installed along the south side of Carmel View Road to better screen rooftop and surface parking area views of the retail center from the Coral Cove development, thereby avoiding significant visual quality impacts associated with the project design.

Proper implementation of the architectural, landscape and access features designed for the project, strict adherence to community signage guidelines and standards, as well as monthly maintenance and monitoring efforts of landscape and aesthetic features by the applicant will ensure visual comparability of the project with the character of the surrounding area, with particular emphasis on (and sensitivity to) existing residential uses to the north.

Therefore, the proposed development would not adversely affect other property in the vicinity and no mitigation will be necessary to implement the proposed project design.

3. The proposed use will fully comply with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED, that this Council adopts the following findings with respect to Coastal Development Permit No. 93-0451:

Corrected 06/28/94

R. BARNES 2A

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1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The subject property is not identified in the City's adopted LCP Land Use Plan as a public accessway. The site is privately owned and therefore would not encroach upon any existing physical accessway legally utilized by the general public.

The proposed structures would generally conform with the graded contours of the existing landform on the site in an attempt to minimize the obstruction of public views. Therefore, no mitigation will be necessary and no significant adverse impacts are anticipated to occur in these areas as a result of project implementation.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

Portions of the project site have been previously graded in accordance with approved maps for the property (TM No. 87-0228 and TM No. 88-0941). The Mitigated Negative Declaration prepared for this project identified no significant impacts to environmentally sensitive areas, habitats, paleontological or marine resources occurring as a result of project implementation. However, mitigation will be incorporated

into the project to reduce archaeological impacts to a level below significant.

A cultural resources survey prepared in 1985 for the Neighborhoods 4, 5, and 6 Precise Plan identified eight archaeological sites on the site. A subsequent 1989 investigation found that all cultural resource sites on the subject property had been destroyed without correct surveying for archaeological resource significance.

The project applicant has acknowledged that appropriate mitigation was not completed for the cultural resource sites in question and has agreed to compensate for the loss of these resources through a monetary contribution to the City's archaeological library and record-keeping efforts. The amount of monetary damages will be determined by the Principal Planner of the Environmental Analysis Section (EAS) of the Planning Department.

Although not specifically identified as mitigation in the project's Mitigation Monitoring and Reporting Program, this amount for cultural resource damages shall be included as a condition of the Carmel Valley Planned District Development Plan Permit and shall be submitted to EAS prior to the issuance of building permits.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, (San Diego Municipal Code

section 101.0462), unless by the terms of the Resource Protection Ordinance it is exempted therefrom.

The project site is located within the coastal zone and is therefore exempt from the Resource Protection Ordinance per requirements of the Municipal Code.

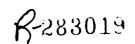
4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

No coastal scenic resources or recreational facilities presently exist or were identified for the area adjacent to and immediately surrounding the project site. Portions of the subject property and the adjacent site to the west are presently zoned for visitor commercial land uses in the adopted Neighborhood 6 Precise Plan.

The proposed rezone from Employment Center to Specialized Commercial would be consistent with the surrounding visitor commercial zone and existing visitor-serving facilities to the west (Doubletree Hotel). Therefore, no mitigation would be required and no adverse impacts would occur as a result of project implementation.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

No adjacent public parks or public recreational areas presently exist or were identified for the area adjacent to and immediately surrounding the subject site. Therefore, no impacts



to these resources would occur as a result of project implementation.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

Portions of the project site have been previously graded in accordance with approved maps for the property (TM No. 87-0228 and TM No. 88-0941). No significant natural slopes or sensitive vegetation remains on the site and therefore the project would not result in the significant alteration of natural landforms.

The Mitigated Negative Declaration prepared for this project concluded that no mitigation would be necessary to incorporate into the permit to reduce impacts associated with geologic and erosional forces. The project site is not located within the Floodway (FW) or Floodplain Fringe (FFP) Zones.

- 7. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.
- 8. The proposed development will conform with the general plan, the Local Coastal Program, and any other applicable adopted plans and programs.

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 Carmel Valley
Partners I is granted; the decision of the Planning Commission is
overruled, and Conditional Use Permit/Carmel Valley Planned

District Development Plan Permit/Coastal Development Permit
No. 93-0451 is hereby granted to Carmel Valley Partners I, under
the terms and conditions set forth in the permit attached hereto
and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

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John K. Riess

Deputy City Attorney

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CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PLAN PERMIT, CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT NO. 93-0451 NEIGHBORHOOD 6 RETAIL CENTER

CITY COUNCIL

This permit is granted by the Council of The City of San Diego to CARMEL VALLEY PARTNERS I, Owner/Permittee, under conditions in Section 101.0920 of the Municipal Code of The City of San Diego.

- 1. Permission is hereby granted by the Council to the Owner/
 Permittee to construct, operate and maintain a neighborhood commercial center and related site facilities and improvements located on portions of a vacant, previously graded 20-acre site located at the southwest corner of Valley Centre Drive and Carmel Creek Road in the Visitor Commercial (VC) and Specialized Commercial (SC) zones of the Neighborhood 6 Precise Plan area of the Carmel Valley Planned District. The project site is legally described as a portion of Parcels 4 and 5 of Parcel Map No. 15957.
- 2. The permit shall consist of the following facilities and site improvements as identified by size, dimension and location on the approved Exhibit "A," dated November 16, 1993, on file in the Planning Department:
 - a. Construct, operate and maintain a community commercial center (consisting of a maximum total of 222,858 square feet of gross retail floor area), including three major anchor tenants, a self-service station and carwash facility, various smaller retail development pads, related site landscaping, off-street parking facilities, and other public and private improvements necessary to implement the proposed development of this site;
 - b. Landscaping;
 - c. Off-street parking at the following ratios:
 - Restaurant (one space per 60 square feet of gross floor area)
 - Retail (one space per 200 square feet of gross floor area)
 - Service station/drive-through carwash (no maintenance or repair facility). Minimum three permanent spaces, including one for handicapped persons, <u>Plus</u> one for every 350 square feet of gross building floor area. (Gross building area shall exclude pump canopies and other accessory

structures). In addition, a minimum of one parking space shall be provided for each additional facility not specifically related to the sales and service of petroleum products.

- d. Incidental accessory uses as may be determined and approved by the Planning Director.
- 3. All required parking spaces shall be consistent with Chapter X, Article 1, 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. All parking areas shall be marked.
- 4. 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 November 16, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
- 5. 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 November 16, 1993, 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.
- 6. 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.
- 7. This 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 101.0920 of the Municipal Code.
- 8. Construction and operation of the approved uses associated with this permit shall comply at all times with the regulations of this or any other governmental agencies.
- 9. Prior to the issuance of any building permits, a final subdivision map (TM No. 93-0451) shall be recorded on the subject property. Rezoning of the subject property shall become effective with the recordation of the subdivision map.

- 10. No permit 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; and
 - b. The permit is recorded in the office of the County Recorder.
- 11. This permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
- 12. This permit is a covenant running with the subject property 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.
- 13. The use of texture 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. Final approval of this permit and the facilities, improvements and land uses described herein is subject to approval by the State Coastal Commission of the associated amendment to the City of San Diego Local Coastal Program (LCP) required for project implementation.
- 15. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Director; or
 - b. The proposed use meets every requirement of the zone(s) existing for the property at the time of conversion; or
 - c. The permit has been revoked by the City.
- 16. If the signed permit is not received by the Planning Department within 30 days of the Council decision, the permit shall be void.
- 17. All required parking facilities shall be marked, sized and otherwise subject to the regulations contained in Chapter X, Article 1, Division 8, "Off-Street Parking" of the City of San Diego Municipal Code (SDMC).
- 18. No required parking space shall be located at a pump island, before the opening to a trash container enclosure, or in any way so as to adversely affect the safe and efficient movement of vehicles on the premises.

- 19. All signs proposed for the site shall comply at all times with relevant standards and criteria of the Citywide Sign Code (SDMC Chapter X, Article 1, Division 11; and Chapter IX, Article 5, Division 1).
- 20. The proposed service station facility shall be designed in accordance with relevant criteria of the "Guidelines for Automobile Service Stations" document, adopted by the Council on July 1, 1986 (Resolution No. R-266156).
- 21. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises, unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building.
- 22. Architectural designs proposed for the remaining detached development pads on the project site must be generally consistent with the architectural appearance, treatment and materials of the main anchor buildings. These smaller buildings shall incorporate, at a minimum, acceptable standards for building design and scale including, pitched roofs, varied window elements, compatible material and color treatment, adequate off-street parking facilities, supplemental landscaping, and alternative site features which would be consistent with conceptual designs approved for the anchor tenant and secondary retail structures approved per this permit and other acceptable design criterion which would achieve a complimentary visual profile and interest.

Plans for these structures shall be approved ministerially, unless the proposed architectural elements or building materials scheme substantially deviates from those illustrated by the main anchor tenants, as identified by the approved Exhibits "A," dated November 16, 1993, for this permit/file.

In this instance, the plans would require either Substantial Conformance Review (SCR) approval or an amendment of this permit. Submittals deemed by the Planning Department to be substantially inconsistent with the prescribed architectural design guidelines and standards established for the project shall be deemed inappropriate and may require an amendment of this permit via a noticed public hearing before the Hearing Officer.

23. In accordance with the preceding architectural design and preferred structural profile condition, the project shall incorporate development guidelines which are intended to establish criteria for the review of subsequent development proposals within Permit No. 93-0451, particularly relating

to development of the free-standing pads. The proposed development shall be required at all times to meet the following criteria for a finding of substantial conformity or cause the permit to be revised via an amendment of this permit and resulting noticed public hearing before the Hearing Officer:

a. Building Placement

- Buildings shall be located in general conformance or similarity to the layouts shown on the approved site plan. Pedestrian walkway connections from public streets to the building entrances are strongly encouraged.
- Service areas and equipment shall be adequately screened from view by landscaping and/or screen walls.
- Building size may vary slightly within individual development area/footprints but in no case shall the aggregate square footage exceed the maximum allowed by this permit.

b. Roof Forms

- A variation in roof form is required; large flat roof areas are to be avoided or accented by either sloping roof areas, stepped parapets or trellis forms.
- Roof-mounted equipment is to be adequately screened from immediate public view by sloping roof forms, parapets or roof screens.
- Roof materials on visible roof forms shall consist of either concrete or clay tiles or prefinished metal.

c. Building Materials

- Materials and colors shall be complimentary to the material palette established for the overall project and anchor tenants.
- Wall finishes shall consist of cement plaster articulated with either dimensional trim shapes or ceramic tile accents, wood siding or split-face concrete block.

d. <u>Landscape</u>

 Landscape shall comply with the relevant requirements and standards of the Land Development Ordinance, City of San Diego Landscape Ordinance, the City of San Diego Landscape Technical Manual and the approved PD permit for this site.

- Plant material for pad buildings shall be similar in character, size, quantity, variety, and quality to the approved landscape plan for the entire site.
- Planting shall satisfy coverage and point requirements for vehicular use areas, street yards and remaining yards.
- One 24-inch-box tree shall be located within each 30 feet of any designated parking stall.
- All landscaped areas in or adjacent to vehicular use areas must be protected from vehicular damage by a minimum six-inch raised curb.
- A minimum 30-inch-high shrub screen is required between parking areas and the street.
- A minimum four-foot walkway or landscape separation is required between vehicular use areas and the street wall of buildings.
- All landscaped areas must be irrigated to properly establish and maintain the selected plant material with a minimum of overspray and without significant potential for causing erosion.
- All landscaped areas must be maintained in a clean and healthy condition at all times. Dead plants shall be replaced in kind within 30 days.

e. <u>Community Group Recommendation</u>

- Prior to approval by the Planning Department of plans to develop any of the remaining freestanding development pads, the applicant shall solicit a written recommendation on behalf of the Carmel Valley Community Planning Board for all plans associated with the proposed development of each pad tenant.
- 24. Prior to the recordation of a final map, the following mitigation measures shall be assured by the applicant to the satisfaction of the City Engineer, to reduce impacts to traffic circulation to a level less than significant:
 - a. The intersection of Valley Centre Drive/El Camino Real shall be restriped at the eastbound and westbound approaches to provide single left- and right-turn lanes

and a shared left/through/right-turn lane. East/west split phasing shall also be implemented. The northbound approach shall be restriped to provide a northbound right-turn lane.

- b. The intersection of Valley Centre Drive/Carmel Creek Road shall be restriped at the northbound approach to provide dual left-turn and through-lanes and a single right-turn lane.
- c. The westbound approach shall be restriped to provide single left- and right-turn lanes and a shared left/ through/right-turn lane.
- d. The westbound approach would not necessitate widening until State Route 56 is completed eastward to I-15. The eastbound approach shall be widened to accommodate an eastbound to southbound right-turn lane.
- e. Install a traffic signal at the westerly project driveway on Valley Centre Drive at Carmel Vista Road.
- f. Annually monitor the easterly full access project driveway on Valley Centre Drive to determine if further intersection control is needed. A report summarizing the annual monitoring shall be submitted to the Transportation Planning Division of the Engineering and Development Department.
- 25. This permit shall comply at all times with the conditions of the final map for Tentative Map No. 93-0451.
- 26. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street fronting the property (Uniform Fire Code (UFC) 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
 - d. Ensure that post indicator valves, Fire Department connections, and alarm bell are located on the address/access side of the structure (UFC 10.301).
- 27. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with



- procedures established by the Director of Building Inspection.
- 28. This development may be subject to impact fees, as established by the City council, at the time of issuance of building permits. Development on any property within this permit shall pay the fees as set by the Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.
- 29. This permit will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- 30. Prior to the issuance of building permits, the applicant shall compensate for the loss of identified archaeological resources on the project site through a monetary contribution to the City's archaeological library and record-keeping efforts. The amount of monetary damages shall be determined by the Principal Planner, Environmental Analysis Section of the Planning Department.
- 31. Prior to the issuance of any grading or building permits for this project, the applicant shall obtain approval from the City Engineer of a lot line adjustment to include the adjacent Pad "A" indicated on the site plan (Parcel 1 of Tentative Map No. 98-0941) into Tentative Map No. 93-0451. Conversely, the lot line adjustment shall result in the deletion of this parcel from TM No. 88-0941 and will imply that conditions and requirements of the previously-approved North City West Planned District Development Plan Permit (No. 88-0941) relevant to permitted structural and site improvement plans shall no longer apply to Parcels 4 and 5 of TM No. 88-0941.
- 32. With the exception of apartments, truck sales, automobile wash establishments, automobile repair and paint shops (including body and fender work if entirely within an enclosed building), boat and trailer sales agencies, equipment and tool rental establishments, frozen food lockers, hotels, motels and time share projects, the project shall comply at all times with Municipal Code section 101.0428 for permitted uses, special development regulations, outdoor display and storage regulations, minimum lot area and dimension standards, minimum yard and floor area ratio requirements, landscaping regulations, offstreet parking standards and coastal zone regulations of the Area Shopping Center (CA) zone, unless otherwise specified by the Council.
- 33. The applicant shall provide notice to future tenants of the retail center of the proximity of the project site to NAS Miramar's Seawolf and Radar Vectored Departure Corridors and

the potential over flights and associated noise generated by various military aircraft in the area.

- 34. Prior to recordation of a final map, the subdivider shall demonstrate conformance with the approved traffic study prepared for this site/development to the satisfaction of the City Engineer.
- 35. Should the applicant fail to obtain the necessary CALTRANS approvals for utilization of the existing CALTRANS right-of-way located along portions of the project site adjacent to the future Route 56, project implementation shall then require either a determination of substantial conformity from the Planning Department or an amendment of this permit to implement a revised project design (including a revised site plan and modified shared parking analysis) to the satisfaction of the City Engineer and the Planning Department, prior to the issuance of any grading or building permits.
- 36. The hours of operation for any tenant within this development (including all deliveries) shall be limited from 6:00 a.m. to midnight.
- 37. The variable eight-foot-high retaining wall to be constructed along the project frontage adjacent to Route 56 must be articulated in design and placement to avoid significant adverse visual impacts along this portion of the future highway. The design of this retaining wall shall be provided to the satisfaction of the City Engineer and the Planning Department prior to the issuance of any grading permits.
- 38. Prior to the issuance of a grading permit, a fee of \$265.28 shall be deposited with the Planning Department for the Los Penasquitos Watershed Restoration and Enhancement Program.

Passed and adopted by the San Diego City Council on November 16, 1993 by Resolution No. R-283019.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor CHI The City of San Diego The

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

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

On this day of , before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw SUSAN GOLDING known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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.

CARMEL VALLEY PARTNERS I Owner/Permittee

Ву	 		
BY			

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack

CORRECTED CONT.

Passed and adopted by the	n Diego on	MOA TO 1222				
by the following vote:	,	G	•••••••••••••	•••••••••••••••••••••••••••••••	,	
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Valerie Stallings	区					
Judy McCarty	<u> </u>					
Juan Vargas	M					
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AUTHENTICATED BY:		SUSAN GOLDING				
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		CHARLES G. ABDELNOUR				
(Seal)		City Clerk of The City of San Diego, California.				
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Office of the City Clerk, San Diego, California

Resolution R-283019

NOV 16 1993

.... Adopted