

RESOLUTION NUMBER R-284506

ADOPTED ON AUGUST 9, 1994

WHEREAS, DOUGLAS ALLRED COMPANY/BUILDING 6 PARTNERSHIP, a California limited partnership, Owner/Permittee, filed an application to establish a Planned Commercial Development, titled "Miramar and Padgett Business Center," described as Parcel 3, Parcel Map No. 13129 located at 9212-92 Miramar Road in the M-1B (proposed CC) Zone, within the Mira Mesa Community Planning Area; and

WHEREAS, the matter was set for public hearing on August 9, 1994, 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. 93-0550:

- a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The PCD Permit and the associated rezone to CC Zone will bring the property into conformance with the specialized commercial land use designation of the Mira Mesa Community Plan. This land use designation aims to

provide home furnishings and auto related uses which have been found to be needed by the community.

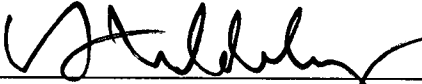
- b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. As conditions of this permit improvements to the pedestrian circulation system and future traffic (street) improvements to Miramar Road are intended to improve public health and safety. Owner/Permittee shall waive any right to oppose formation of an assessment district for such street improvements. These improvements will enable the project site to better function as a commercial property improved over the industrial development standards of the past.
- c. The proposed use will comply with the relevant regulations in the Municipal Code. With the required landscape and pedestrian circulation improvements the project will meet all the minimum Municipal Code requirements.

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

BE IT FURTHER RESOLVED, that Planned Commercial Development Permit No. 93-0550 is hereby granted to ALLRED COMPANY/BUILDING 6

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   
\_\_\_\_\_  
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps:pev  
09/14/94  
02/08/95 COR.COPY  
Or.Dept:Clerk  
R-95-329

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 93-0550  
MIRAMAR AND PADGETT BUSINESS CENTER  
CITY COUNCIL

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to DOUGLAS ALLRED COMPANY/BUILDING 6 PARTNERSHIP, a California Limited Partnership, Owner/Permittee, pursuant to Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee, to establish a Planned Commercial Development located at 9212-92 Miramar Road, described as Parcel 3, Parcel Map No. 13129, in the M-1B (proposed CC) Zone.
2. The facility shall consist of the following:
  - a. Six existing in-line buildings and three existing pad buildings totalling 71,289 square feet in floor area;
  - b. Landscape, pedestrian, and street improvements;
  - c. Off-street parking;
  - d. Accessory uses as may be determined incidental and approved by the Development Services Director.
3. This list of permitted uses and limited permitted uses shall supersede that of the CC Zone. The following is a list of the permitted uses:

Auto Body Repair and Painting  
Auto Parts and Accessories  
Auto Repair  
Auto Towing  
Automobiles, Light Trucks and Motorcycles  
Building & Landscaping Materials & Equip., including Pools & Spas  
Limited Car Washes and Detailing Operations  
Computer Sales and Service  
Home and Office Furnishings, including:  
    Art Supplies and Equipment  
    Electronic Equipment and Appliances  
    Floor and Window Coverings  
    Home Furnishings & Accessories, including doors & windows  
    Musical Instruments and Supplies  
    Office Furniture, Equipment and Supplies  
Leather Goods and Luggage  
Tire Repair  
Interior Design Service

The following is a list of limited uses which must not constitute more than 30 percent of the total leasable square footage:

Apparel  
Barber and Beauty  
Bicycle Sales and Service  
Books  
Card/Gift Shops  
Catering Services  
Childcare Centers, Day Nurseries  
Clothing Rental  
Dry Cleaning  
Health Clubs  
Hobby Stores  
Newsstands  
Optical Goods  
Pharmacies  
Photographic Equipment and Film Processing  
Postal Services  
Florist  
Sporting Goods  
Jewelry Stores  
Restaurants, including lounge and bar (shall be limited to 15 percent of the total leasable square feet).

General, financial and professional (including medical with no overnight patients) office uses are a limited use which must not constitute more than 15 percent of the total leasable square footage. It shall be the responsibility of the Owner/Permittee to update and tabulate the tenant roster by use and leasable square footage. The current tabulation shall be submitted with each tenant improvement (building plan).

4. No fewer than 320 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," which involves a change in occupancy/use, dated August 9, 1994, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services Department standards. Parking areas shall be marked.
5. No building permit, including tenant improvement(s) 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 Development Services Department;

- b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.
- 6. Before issuance of any building permits, including tenant improvements, complete building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 9, 1994, on file in the office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications, Findings of Substantial Conformance or amendment of this permit shall have been granted.
- 7. Future development shall conform to the M-1B Zone setbacks and lot coverage under which the site was developed.

Minimum yards: Front - 25 feet  
Side - 10 percent of lot width but need not exceed 25 feet  
Street side - 25 feet  
Rear - None

Maximum lot coverage - 50 percent

- 8. All new outdoor lighting or modification to existing 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. The effective date of this permit shall be the date of final action following all appeal dates and proceedings or the effective date of a concurrent rezoning case. 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 Development Services Director, as set forth in San Diego Municipal Code Section 101.0910 K. 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 Development Services Director.
- 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 Development Services Director; 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. The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Director or the permit has been revoked by The City of San Diego.
  13. This Planned Commercial 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 of San Diego or Permittee.
  14. This Planned Commercial Development 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.
  15. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Development Services Department.
  16. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
  17. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
  18. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
  19. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
  20. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
  21. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal

Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

22. Prior to the issuance of any 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 August 9, 1994, on file in the office of the Development Services Department, and shall indicate the proposed new additional landscaping required by this Planned Commercial Development Permit as shown on Exhibit "A." Approved planting, and irrigation system, shall be installed before the issuance of any new occupancy permits on any buildings. Such planting shall be maintained in a disease, weed and litter-free condition at all times. The planting plans submitted shall indicate the planting of sixteen, 24-inch box trees to be street trees, planted in the public right-of-way, 11 trees along Miramar Road and five trees along Padgett Street. Street trees shall be a canopy type broadleaf tree which is characterized by upward sweeping branching, evergreen or deciduous variety, and generally known as deeply rooting and without surface root problems. The planting plan shall also indicate the planting of six, 24-inch box trees to be parking lot trees planted in a minimum area of 40 square feet. Planter areas shall have a minimum dimension of five feet. Parking lot trees shall be a canopy type broadleaf tree. All new landscape and irrigation shall conform to the City of San Diego Landscape Technical Manual and all other applicable City and Regional standards for landscape installation and maintenance. All new landscape and irrigation shall not interfere with existing or proposed underground utility lines.

If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

23. Prior to the next building permit issuance, sidewalk improvements must be installed which connect the public right-of-way sidewalks and internal sidewalk system at more than the existing one per street frontage location to the satisfaction of the Development Services Director.
24. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for the improvement of Miramar Road.

APPROVED by the Council of The City of San Diego on August 9, 1994, by Resolution No. R-284506.



**AUTHENTICATED BY:**

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**SUSAN GOLDING, Mayor**  
**The City of San Diego**

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

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**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.**

**DOUGLAS ALLRED COMPANY/  
BUILDING 6 PARTNERSHIP  
Owner/Permittee**

By \_\_\_\_\_

By \_\_\_\_\_

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