

(R-95-330 Corrected Copy)

RESOLUTION NUMBER R-284508

ADOPTED ON AUGUST 9, 1994

WHEREAS, METROPLEX MIRAMAR DEVELOPMENT LIMITED PARTNERSHIP, a California Limited Partnership, Owner/Permittee, filed an application to establish a planned commercial development, titled "Miramar Metroplex," described as Parcels 1-4, Parcel Map No. 17011, located at 7340-7380 Miramar Road, in the M-1B (proposed CC) zone, within the Mira Mesa Community Plan 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. 93-0551:

- 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 planned commercial development permit and 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 focuses on auto services and home furniture/furnishings which was found to be a needed use.

- 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 traffic 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 better the site to make the transition to commercial land use from industrial.
- c. The proposed use will comply with the relevant regulations in the Municipal Code. With the required street, landscape and pedestrian circulation improvements the project will meet all the minimum Municipal Code requirements. The buildings are existing with no changes proposed to them.

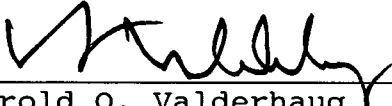
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Planned Commercial Development Permit No. 93-0551 is hereby granted to METROPLEX MIRAMAR

DEVELOPMENT LIMITED 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:pev
08/30/94
02/08/95 Cor.Copy
Or.Dept:Clerk
R-95-330
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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 93-0551
MIRAMAR METROPLEX

CITY COUNCIL

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to METROPLEX MIRAMAR DEVELOPMENT LIMITED PARTNERSHIP, a California Limited Partnership, Owner/Permittee, pursuant to in 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 7340-7380 Miramar Road, described as Parcels 1-4, Parcel Map No. 17011, in the M-1B (proposed CC) zone.
2. The facility shall consist of the following:
 - a. An existing four building complex totalling 347,250-square-foot;
 - 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 15 percent of the total leasable square feet:

- 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

General, financial and professional (including medical with no overnight patients) office uses are a limited use which must not constitute more than 46 percent of the total leasable square footage. The office uses will occupy floors 2-6 of the Pyramid Structure (Building "A") and the second floor of Buildings "C" and "D." There shall not be any office uses located in Building "B." 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) which involves a change in occupancy/use.

4. No fewer than 1,243 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated August 9, 1994, on file in the office of the Development Services Department. 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 Development Services 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 M1-B 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;

- 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 canceled 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 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 next building permit issuance, the internal sidewalk network shall be connected with the street sidewalks, one sidewalk connection should be toward Carroll Road and two connections toward Miramar Road.
23. Prior to the issuance of any building permits, the property owner shall grant to the City an irrevocable offer of dedication for Miramar Road, to provide an ultimate 67-foot width from centerline to property line for 275 feet east of Carroll Road, transitioning at four-to-one (4:1) to a 63-foot width from center-line to property-line. Provide a future 20-foot property-line radius at the corner of Carroll Road and Miramar Road, adjacent to this site, in a manner satisfactory to the City Engineer.
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.
25. Prior to the issuance of any building permits, the property owner shall close and landscape the western most driveway fronting Miramar Road, providing that the driveway is not needed for fire protection purposes. This condition must be met to the satisfaction of Development Services Director and City Engineer.

APPROVED by the Council of The City of San Diego on August 9, 1994 by Resolution Number R-284508.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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.

**METROPLEX MIRAMAR DEVELOPMENT
LIMITED PARTNERSHIP
Owner/Permittee**

By _____

By _____

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