

RESOLUTION NO. R-288147

ADOPTED ON DECEMBER 3, 1996

WHEREAS, RAYMOND KNOWLES, an Individual, Owner/ Permittee, filed an application to amend a Planned Industrial Development, Mira Mesa Business Park, described as a portion of Lot 1 Mira Mesa Business Park, Map 11188, filed March 28, 1985, located at the southwest corner of Mira Mesa Boulevard and Pacific Heights Boulevard in the Mira Mesa Community Plan, in the M-1B Zone; and

WHEREAS, on December 3, 1996, the City Council of The City of San Diego considered an amendment to Planned Industrial Development Permit No. 83-0858, pursuant to Section 101.0920 of the Municipal Code of the City of San Diego and; NOW, THEREFORE,

BE IT RESOLVED, that the City Council adopts the following findings, as to Planned Industrial Development Permit No. 83-0858:

- 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 proposed industrial development will fulfill an individual and community need by allowing the creation of additional industrial development in the Mira Mesa Community. The jobs created by development of this site will add to the employment base of the Community and the City. Currently the site is a vacant, graded, subdivided site. With the future development, the Community and City will benefit by the infill of this site into the urban fabric of the community. The site is designated for industrial development by the Mira Mesa Community Plan (Plan) and the proposed development will be consistent with the Plan. The development of this site will add to the fulfillment of the goals of the General Plan and Mira Mesa Community Plan by providing a development which meets the Plan(s) goals through the implementation of the Planned Development

Ordinance. Conditions of approval have been and will be applied to assure that the development will not have an adverse impact to the Community and City.

- 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.**

Development of this site will be compatible and complimentary to the surrounding area. The future industrial development will be conditioned to avoid and preclude any negative impacts to properties or persons residing or working in the vicinity. As a result, no adverse impacts are anticipated as a result the development of this site.

- c. The proposed use will comply with the relevant regulations in the municipal code.**


Conditions of approval will require compliance with the Municipal Code, Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code and all other applicable City codes and regulations. Resulting from the enforcement of these conditions, the project will comply with all the relevant regulations of the Municipal Code and all other relevant codes.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Planned Industrial Development Permit 96-0336 (Amendment to PID Permit 83-0858) is hereby granted to Owner/Permittee in the form and with the terms and conditions set forth in Planned Industrial Development Permit 96-0336 (Amendment to PID Permit 83-0858), a copy of which

is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, CITY ATTORNEY

By 

Harold O. Valderhaug
Deputy City Attorney

HOV:cdk
12/12/96
Or.Dept.:Clerk
Case #96-0336
R-97-655
Reviewed by John Fisher

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED INDUSTRIAL DEVELOPMENT PERMIT 96-0336
(AMENDING PLANNED INDUSTRIAL DEVELOPMENT PERMIT 83-0858)

MIRA MESA BUSINESS PARK

CITY COUNCIL

This Planned Industrial Development Permit is granted by City Council of San Diego to RAYMOND KNOWLES, AN INDIVIDUAL, OWNER/PERMITTEE, pursuant to in Section 101.0920 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee, to construct a Planned Industrial Development (PID) on a portion of a vacant 6.84 acre site located at the southwest corner of Mira Mesa Boulevard and Pacific Heights Boulevard. The project site is identified as Lots 2 and 3 of Tentative Parcel Map 96-0336 and legally described as a portion of Lot 1 of Mira Mesa Business Park, Map 11183, filed March 28, 1985, in the M-1B Zone.
2. Approved Planned Industrial Development No. 83-0858 can not be constructed as approved. This permit amendment is necessary to guide and control future development of Parcel Two and Three.
3. Prior to the issuance of any building permits on Parcel Two and Three, a project specific, detailed and complete application shall be submitted, reviewed and processed in accordance with Municipal Code Chapter X, Article I, Division 9 (M.C. 101.900). No development shall occur on these parcels without an amendment to this permit in accordance with M.C. 101.0900.
4. The Planned Industrial Development Permit 83-0858 shall be revoked by the Development Services Department in accordance with Municipal Code Chapter XI, Article 1, Division Six (M.C. 111.0600) as a concurrent action with the approval of this Planned Industrial Development Amendment 96-0336.
5. The Planned Industrial Development Permit 96-0336 shall comply with the conditions of the final map for Tentative Parcel Map 96-0336.
6. 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 Manager, as set forth in Section 111.1122, 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 City Manager.

7. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the Owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the Owner/Permittee complies with all the conditions of this permit.

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. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

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.).

APPROVED by City Council of San Diego on December 3, 1996, by Resolution No. R-288147.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

Raymond Knowles, an individual,
Owner/Permittee

By _____

NOTE: Notary acknowledgments
must be attached per Civil Code
Section 1180, et seq.
01/21/97