

RESOLUTION NUMBER R- 307093

DATE OF FINAL PASSAGE NOV 09 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE A  
DEFERRED IMPROVEMENT AND MITIGATION  
AGREEMENT AND COVENANT RUNNING WITH THE  
LAND WITH MIRA MESA SHOPPING CENTER-WEST, LLC.

WHEREAS, Mira Mesa Shopping Center-West, LLC, Applicant, requested a rezone for the purpose of changing 4.5 acres, located at 9812-9946 Reagan Road, and legally described as Parcel 17 of Parcel Map 12698, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4279, filed in the office of the City Clerk as Document No. OO- 20112 (Property), from the RM-2-5 zone to the RM-3-7 zone (the Rezone); and

WHEREAS, on NOV 01 2011, the City Council adopted Resolution No. R- 307093, certifying Mitigated Negative Declaration No. 158201 (MND) and adopting a Mitigation, Monitoring and Reporting Program (MMRP) for the Rezone, on file in the Office of the City Clerk as Document No. RR- 307093; and

WHEREAS, the MND identified a potentially significant traffic impact of the Rezone, which would be mitigated to a less than significant level by the mitigation measures set forth in MMRP; and

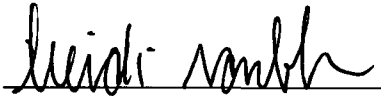
WHEREAS, California Public Resources Code section 21081.6 requires that the mitigation measures set forth in the MMRP are fully enforceable through permit conditions, agreements, or other measures, and that the mitigation measures may be incorporated into the regulation being approved; and

WHEREAS, the Applicant has executed a Deferred Improvement and Mitigation Agreement and Covenant Running with the Land (Agreement), on file in the Office of the City Clerk as Document No. RR- 307093 , to be recorded against the Property to ensure that the mitigation measures set forth in the MMRP are fully enforceable and will be implemented; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that upon adoption of the Rezone, the Mayor be and hereby is authorized and empowered to execute, for and on behalf of the City, the Agreement.

BE IT FURTHER RESOLVED, that upon execution by the City, the Development Services Department is directed to record the Agreement against the Property.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Heidi K. Vonblum  
Deputy City Attorney

HKV:hm  
10/13/11  
Or.Dept:DSD

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting on NOV 01 2011.

ELIZABETH S. MALAND  
City Clerk

By *Mon Zuma*  
Deputy City Clerk

Approved: 11-9-11  
(date)

*JSL*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor