



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 30, 2009 **REPORT NO. PC-09-062**

ATTENTION: Planning Commission, Agenda of August 6, 2009

SUBJECT: MIRA MESA SHOPPING CENTER REZONE
PROJECT NO. 158201, PROCESS 5

OWNER: Mira Mesa Shopping Center – West LLC (Attachment 8)

APPLICANT: Mira Mesa Shopping Center – West LLC

SUMMARY

Issue(s): Should the Planning Commission recommend approval of a rezone of a 5.29-acre parcel currently developed with 108 residential units from RM-2-5 to RM -3-7 in the Mira Mesa Community Planning Area?

Staff Recommendation:

1. Recommend City Council **CERTIFICATION** of Mitigated Negative Declaration No. 158201 and **ADOPTION** of the Mitigation, Monitoring and Reporting Program; and,
2. Recommend City Council **APPROVAL** of Rezone No. 563432.

Community Planning Group Recommendation: The Mira Mesa Community Planning Group recommended approval of the project on October 20, 2008 by a vote of 11-1-1 with one condition (Attachment 9).

Environmental Review: A Mitigated Negative Declaration No. 158201 has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). A Mitigation, Monitoring and Reporting Program (MMRP) will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process. Furthermore, to ensure implementation of the MMRP, the applicant has recorded an Agreement of Mitigation establishing a covenant running with the land against the project site with the San Diego County

Recorder's Office.

Fiscal Impact Statement: All costs associated with the processing of this project are paid for by a deposit account maintained by the applicant.

Housing Impact Statement: The project site is designated Medium-High Density Residential by the Mira Mesa Community Plan (30-45 dwelling units per net acre). The community plan recommends that either the R-1250 or the R-1000 residential zone be used to implement this designation. The R-1250 and R-1000 have been updated by the Land Development Code and are now the RM-2-6 and RM-3-7 Multi Family Residential Zones. The proposed rezone to RM-3-7 is consistent with the recommendations of the Mira Mesa Community Plan and would allow development of an additional 88 multi-family units on the project site or redevelopment of the entire site of up to 196 multi-family units.

DISCUSSION

The proposed project is a Rezone from RM-2-5 to RM-3-7 of a 5.29-acre site located at 9812 through 9946 Reagan Road, north west of the intersection of Camino Ruiz and Reagan Road. No development is proposed with this application. The property is designated for medium-high density residential development (30-45 dwelling units per acre) in the Mira Mesa Community Plan and is currently developed with 108 apartment units. Access to the site is from two driveways along Reagan Road.

Surrounding developments include the Mira Mesa Shopping Center contiguous to the north and east. Further east is Mira Mesa High School. To the south and west are detached, single-family homes. These surrounding sites are zoned CC-1-3, RS-1-14 and AR-1-2.

Although 108 units currently exist, the existing RM-2-5 zoning allows a maximum density of 131 units. The proposed RM-3-7 zone would allow a total of 196 units on the site, or an increase of 88 units over existing conditions. Since the proposed RM-3-7 zone is consistent with the Mira Mesa Community Plan's land use designation, a community plan amendment was not required for the Rezone. The applicant has noted that the requested rezone would create an increased opportunity for needed apartment housing in the community.

Community Plan Analysis:

The General Plan's Land Use Element states that the City's community plans provide guidance and set the framework for the implementing regulations found in the Land Development Code. The Land Development Code structure was established purposefully to enable the addition of use packages or development regulation packages when community plan policies call for zoning solutions beyond those already adopted in the code.

The project site is designated Medium-High Density Residential by the Mira Mesa Community Plan (30-45 dwelling units per net acre). This is the highest residential density range proposed in Mira Mesa. Areas designated for medium-high density are proposed for sites that are convenient to freeways, major streets, public transit, commercial services, and recreational uses. The community plan recommends that either the R-1250 or the R-1000 residential zone be used to

implement this designation. The R-1250 and R-1000 zones have been updated by the Land Development Code and are now the RM-2-6 and RM-3-7 Multi Family Residential Zones. The proposed rezone to RM-3-7 is consistent with the recommendations of the Mira Mesa Community Plan and the General Plan's Land Use Element policy LU-F.1.

Environmental Analysis:

City staff conducted an Initial Study which determined that the proposed increase in density could have a significant environmental effect on traffic. To address the potentially significant impacts to traffic, the Mitigation, Monitoring and Reporting Program (MMRP) requires the project applicant to record an agreement of mitigation in favor of the City of San Diego against the property requiring implementation of the conditions set forth in the MMRP. The applicant has since recorded this agreement against the property (Attachment 11). Impacts at the intersection of Reagan Road and Mira Mesa Boulevard would be mitigated to assure one of two options: Improvements at the intersection to accommodate an exclusive eastbound right-turn lane, or the modification of the traffic signal at the intersection. The project is a rezone with no associated development permits. As such, to ensure that such mitigation is implemented, on July 15, 2009, the applicant recorded an Agreement of Mitigation and Establishment of Covenant Running with the Land against the project site. The mitigation requirement would be triggered by permit issuance for the 132nd unit as a maximum of 131 units would be permitted under the current zone.

Community Planning Group Recommendation

On October 8, 2008, the Mira Mesa Community Planning Group recommended approval of the project by a vote of 11-1-1 with the stipulation that future redevelopment of the site be reviewed by the community group (Attachment 9). However, future redevelopment of the site would not typically involve review by the community group as only ministerial construction permits would be required. Staff has determined that the site does not have existing discretionary entitlements that would necessitate a future amendment. The applicant has agreed to informally present future ministerial development proposals for the site to the planning group for informational purposes only.

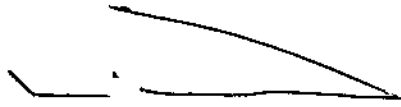
CONCLUSION:

The proposed project is a rezone of the site from RM-2-5 to RM-3-7. No development is proposed with this application. The rezone is in conformance with adopted City Council policies and regulations of the Land Development Code. Moreover, to ensure implementation of the required conditions of the MMRP, the applicant has recorded an Agreement of Mitigation and Establishment of a Covenant Running with the Land against the project site. Therefore, staff recommends that the Planning Commission recommend City Council approval of the rezone as proposed.

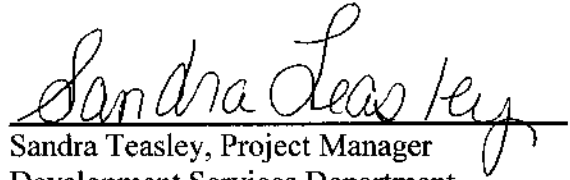
ALTERNATIVES

1. **Recommend approval** of Rezone No. 563432, Project No. 158201 **with modifications.**
2. **Recommend denial** of Rezone No. 563432, Project No. 158201, **if it cannot find that public necessity or convenience, the general welfare, or good zoning practice justifies the Rezone.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Sandra Teasley, Project Manager
Development Services Department

BROUGHTON/SMT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Rezone Exhibits Provided By Applicant (Aerial Photograph, Existing Zoning Designations, Proposed Zoning Designations)
5. Draft Rezone Ordinance
6. Draft Rezone Exhibit (B Sheet No. B-4279)
7. Draft Environmental Resolution with MMRP
8. Ownership Disclosure Statement
9. Community Planning Group Recommendation
10. Project Chronology
11. Agreement of Mitigation and Establishment of a Covenant Running With The Land
12. Project Site Plan



Mira Mesa Shopping Center Residential Rezone

FIGURE 2

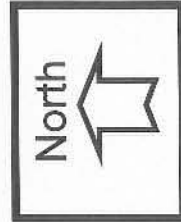
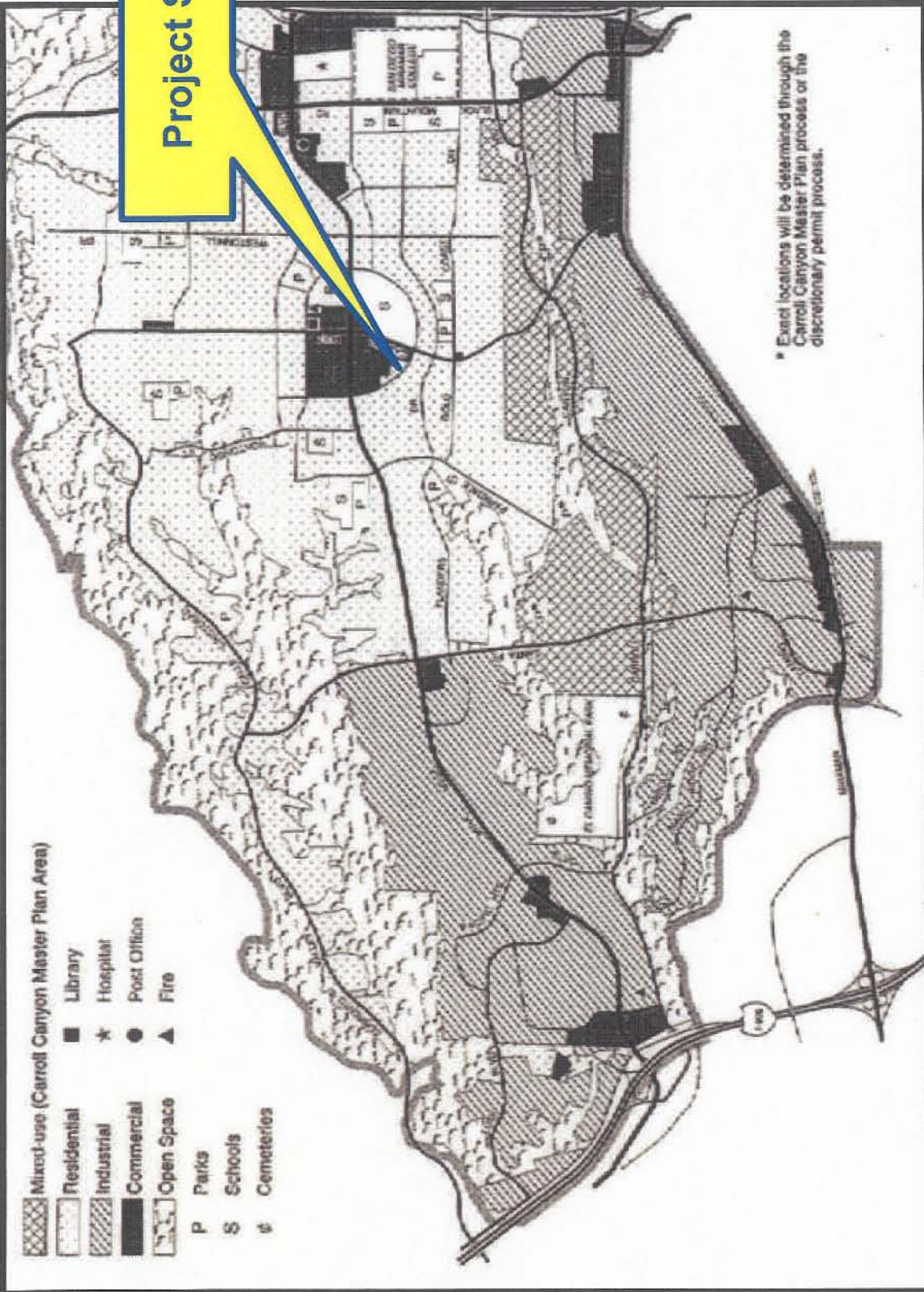
DATE: 05/21/2006

T&B PLANNING
12541 East 12th Street, Suite 102, Tustin, CA 92780
P: 714.801.3310 F: 714.801.6361
www.tbplanning.com



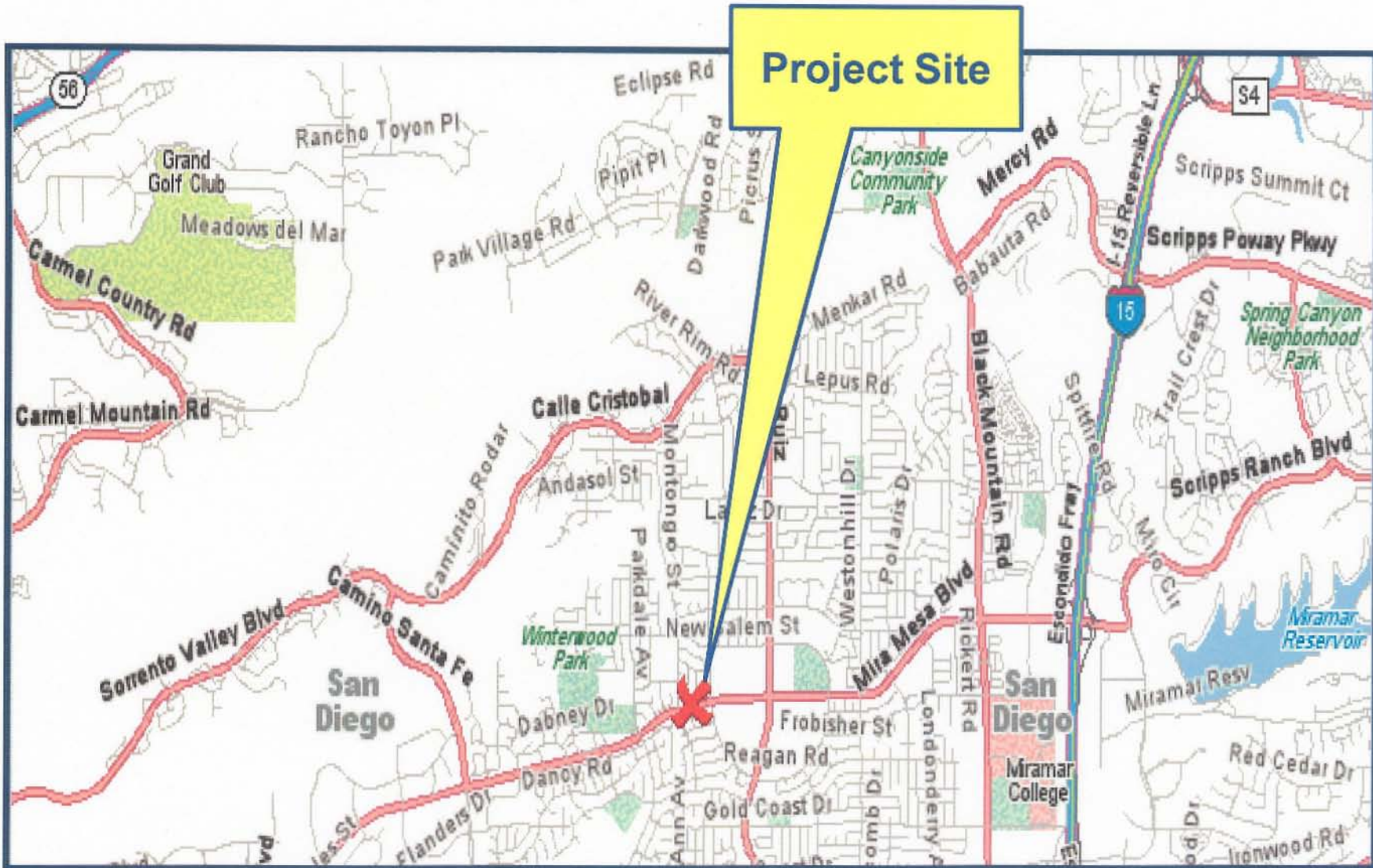
AERIAL PHOTOGRAPH

Map Document: G:\7000\7000\2006\1001\1001_052106\1001_052106.dwg



Land Use Map
Mira Mesa Shopping Center Rezone – 9812 Reagan Road
PROJECT NUMBER: PTS 158201 – Mira Mesa





Project Site








Project Location Map

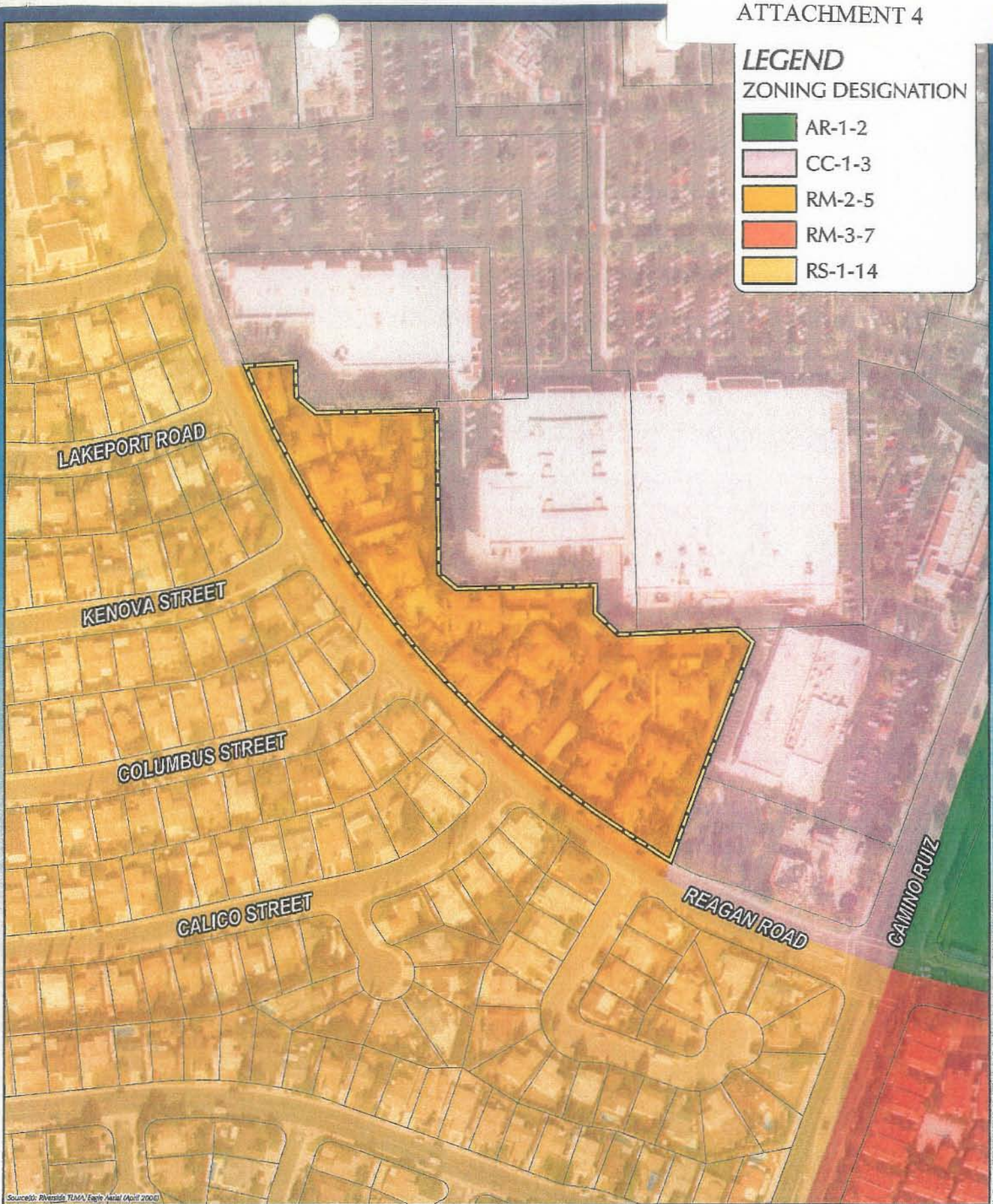
MIRA MESA SHOPPING CENTER REZONE- 158201
9812 Reagan Road



LEGEND

ZONING DESIGNATION

-  AR-1-2
-  CC-1-3
-  RM-2-5
-  RM-3-7
-  RS-1-14



Source: Riverside TUMA Eagle Aerial (April 2000)

Mira Mesa Shopping Center Residential Rezone

FIGURE 3

EXISTING ZONING DESIGNATIONS

DATE: 05/21/2008

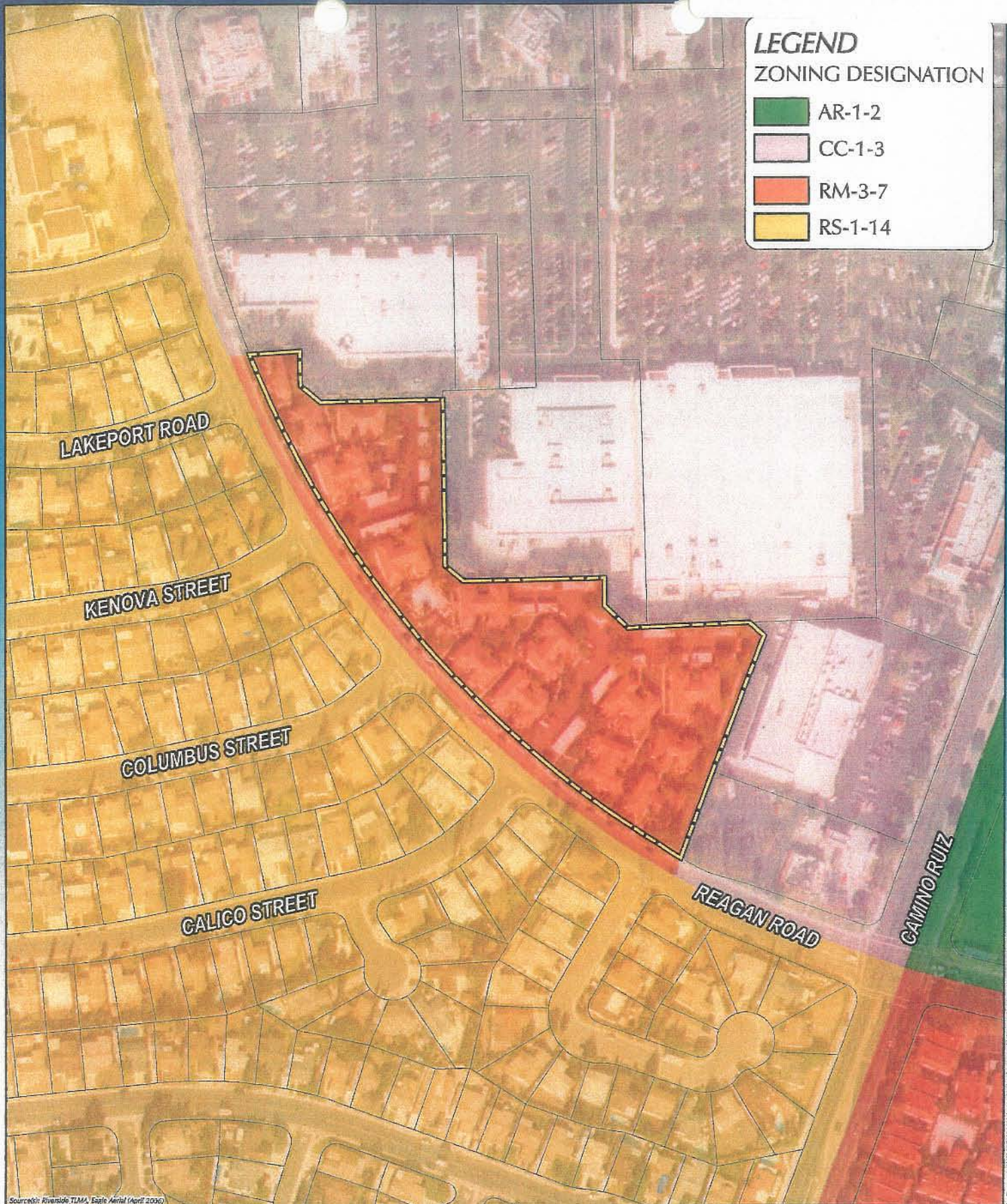
T&B PLANNING
11245 San Diego Street, Suite 100
San Diego, CA 92126
P: 619-594-8181 F: 619-594-8182
www.tbplanning.com



Map Document: B:\06-2008\1083 Mira Mesa Shopping Center Rezone\Zoning Design\Design\Map\Map_05_21_08.mxd

LEGEND
ZONING DESIGNATION

- AR-1-2
- CC-1-3
- RM-3-7
- RS-1-14



Source(s): Riverside TMA, Eagle Aerial (April 2006)

Mira Mesa Shopping Center Residential Rezone

FIGURE 4

DATE: 05/21/2008

T&B PLANNING
 17342 Brent 17th Street, Suite 100, Tustin, CA 92780
 p. 714.691.6300 f. 714.691.6211
 www.tbplanning.com



PROPOSED ZONING DESIGNATIONS

Map Document: 118703_10007203 Map - 118703_10007203.mxd; Project: 118703_10007203.mxd; Scale: 1:10000

ATTACHMENT 5

Rezone Ordinance

(O-INSERT~)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A REZONE OF 5.29 ACRES LOCATED WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE EXISTING RM-2-5 ZONE TO THE RM-3-7 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; AND REPEALING ORDINANCE NO. 10244 (NEW SERIES), ADOPTED FEBRUARY 19, 1970, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

WHEREAS, Mesa Shopping Center-West LLC, Applicant, requested a rezone for the purpose of changing 5.29 acres, located at 9812 through 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- _____, from the RM-2-5 zone to the RM-3-7 zone;

WHEREAS, an Initial Study identified a potentially significant traffic impact, which would be mitigated to a less than significant level by the conditions set forth in Mitigation, Monitoring and Reporting Program No. 158201; and

WHEREAS, to ensure implementation of the conditions set forth in the Mitigation, Monitoring and Reporting Program No. 158201, the Applicant has recorded an Agreement of Mitigation establishing a covenant running with the land against the project site with the San Diego County Recorder's Office;

NOW, THEREFORE,

ATTACHMENT 5

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That a 4.5-acresite located at 9812 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- _____, is rezoned from the RM-2-5 zone to the RM-3-7 zone described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 10244 (New Series), adopted February 19, 1970, of the ordinances of the City of San Diego is repealed insofar as the same conflict herewith.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, no permits that are inconsistent with the provisions of this ordinance shall be issued.

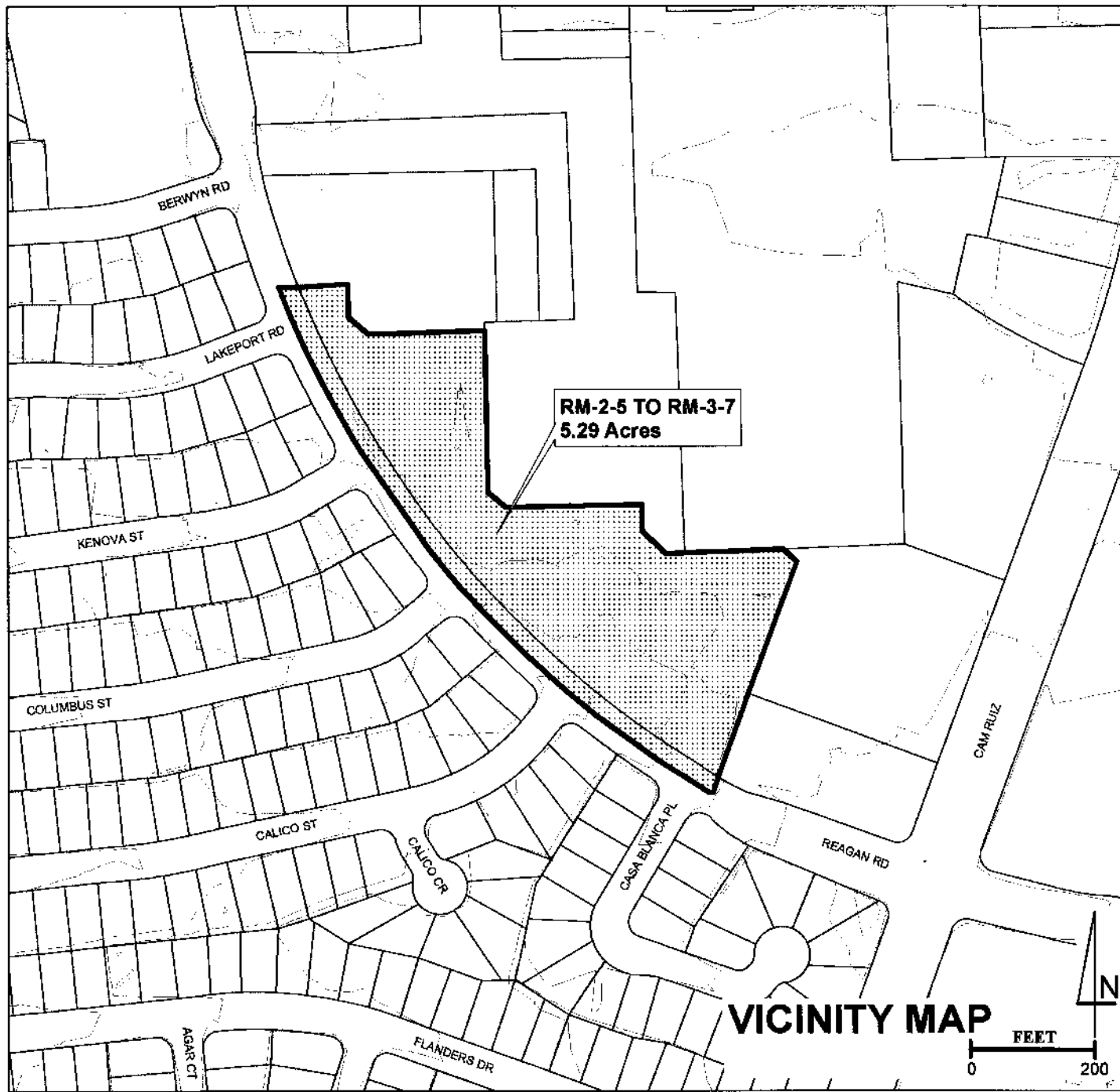
Sandra Teasely
Development Project Manager
Development Services

Initials~
Date~
Or.Dept: DSD
Case No. 158201
O-INSERT~
ZONING Rezone With Map



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



PAR 17, PARCEL MAP NO. 12698

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST RM-3-7
 PLANNING COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

CASE NO. 43-1069

DEVELOPMENT SERVICES MANAGER

B- 4279

APN: 311-042-17

(270-1722) 07-21-09 ldj

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on July 3, 2008, Elliot Feuerstein submitted an application to the Development Services Department for a Rezone.

WHEREAS, the Rezone was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 158201 NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 158201 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council.

BE IT FURTHER RESOLVED that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

Jan Goldsmith, City Attorney

By: _____
Deputy City Attorney

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NO. 158201

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 158201) shall be made part of the covenant and recorded with the San Diego County Recorder's Office. The MMRP is further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. General

MMRP Conditions - The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration 158201 satisfactory to the City Manager and the City Engineer. Prior to issuance of any construction permit(s) or filing of final map(s) for the 132nd unit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: **Traffic**.

TRAFFIC

1. The project applicant and/or his successor(s) shall construct an exclusive eastbound right-turn lane at the intersection of Reagan Road and Mira Mesa Boulevard to the City Engineer's satisfaction ("Required Mitigation").

2. If, prior to the issuance of the building permit for the 132nd unit, the project applicant and/or his successor (s) is unable to acquire sufficient right-of-way to accommodate the construction of an exclusive eastbound right-turn lane at the intersection of Reagan Road and Mira Mesa Boulevard to the City Engineer's satisfaction, the project applicant and/or his successor(s) shall fund all reasonable costs associated with the modification of the traffic signal at the intersection of Reagan Road and Mira Mesa Boulevard (north and south legs) to create a protected left-turn phase from a split phase ("Alternative Mitigation Requirement"). The Alternative Mitigation Requirement shall be completed to the City Engineer's satisfaction.

3. The project applicant and/or his successor(s) must implement the Required Mitigation, unless the owner and/or his successor(s) proves to the City Engineer's reasonable satisfaction, that it is infeasible to do so, in which case the project applicant and/or his successor(s) shall implement the Alternative Mitigation Requirement.

4. To ensure that all required traffic mitigation is implemented, prior to final adoption of the Rezone, the project applicant shall record a covenant in favor of the City of San Diego against the property that comprises the project site requiring implementation of the Required Mitigation or Alternative Mitigation Requirement, as applicable.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



City of San Diego
Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other Rezone

Project Title **Project No. For City Use Only**
 Mira Mesa Shopping Center Residential Rezone 158201

Project Address:
 9812 Reagan Road, San Diego, CA 92126 (APN: 311-042-17-00)

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: Mira Mesa Shopping Center Rezone	Project No. (For City Use Only) 158201
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? CA
 Corporate Identification No. 95-3102339
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
 Mira Mesa Shopping Center - West, LLC

Owner Tenant/Lessee

Street Address:
 8294 Mira Mesa Boulevard

City/State/Zip:
 San Diego, CA 92126

Phone No: Fax No:
 (858) 271-4682 (858) 271-5161

Name of Corporate Officer/Partner (type or print):
 Elliot Feuerstein

Title (type or print):
 Managing Member

Signature: Elliot Feuerstein Date: 5-29-08

Corporate/Partnership Name (type or print):
 Mira Mesa Shopping Center - West, LLC

Owner Tenant/Lessee

Street Address:
 8294 Mira Mesa Boulevard

City/State/Zip:
 San Diego, CA 92126

Phone No: Fax No:
 (858) 271-4682 (858) 271-5161

Name of Corporate Officer/Partner (type or print):
 Arnold Feuerstein

Title (type or print):
 Managing Member

Signature: Arnold Feuerstein Date: 5/29/08

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

OWNERSHIP DISCLOSURE STATEMENT SUPPLEMENTAL
INFORMATION
MIRA MESA SHOPPING CENTER – WEST, LLC.
Project No. 158201

Arnold Feuerstein- Managing Member
Elliot Feuerstein -Managing Member
Helene Feuerstein- Member
Roberta Feuerstein- Member
Lewis Feuerstein- Member
Brett Feuerstein- Member
Michael Feuerstein- Member
Bernard Lovett- Member
Marion Zabarsky- Member
Joan Isa- Member

**MIRA MESA COMMUNITY PLANNING GROUP
MONTHLY MEETING**

Mira Mesa Library Meeting Room
(Corner of Camino Ruiz and New Salem St.)
7:00 PM, Monday, November 17, 2008

AGENDA

7:00 p.m. **Call to Order**

1. Agenda Deletions or Additions
2. Approval of Minutes
3. Information Items
 - a. Council District 5 Update – Councilman Brian Maienschein
 - b. MCAS Miramar
 - c. Planning Department – Dan Monroe
 - d. Pedestrian Bridge Update – Michael Edmond
 - e. San Vicente Pipeline Update – Wade Griffis (San Diego County Water Authority)
 - f. Public Comment
4. Correspondence
5. Chairman's Report
6. New Business
 - a. Qualcomm Building BA – Phil Lisotta
7. Old Business
 - a. Capricorn Way Turn Restrictions – Action
 - b. Scripps Ranch Relining Project – Emily Powell (Katz and Associates for the San Diego County Water Authority) – Action
 - c. Sprint Maddox Park CUP Modification – Debra DePratti Gardner
 - d. Direct Access Ramp (DAR) for the Managed Lanes – Action
8. Committee Reports:
 - a. Los Peñasquitos Canyon Citizen's Advisory Committee Report – Pam Stevens
 - b. CPC – Jeff Stevens
 - c. Stone Creek Update – Jeff Stevens
 - d. COMPACT

9:00 p.m. **Adjourn**

The public is invited to these meetings and will be given an opportunity to speak on matters before the Planning Board. Speakers from the audience are requested to state their names and whether they represent any organization.

**Mira Mesa Community Planning Group
Meeting Minutes
October 20, 2008**

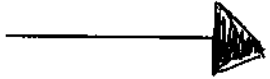
Attendees:

Jeff Stevens	Erwin Rose	Bob Chamberlain	Marlon Austria
Mark Kornheiser	Rich Ragus	Joe Frichtel	Marvin Miles
Phil Lisotta	Linda Geldner	Jori Tulkki	Bob Mixon
Ian Firth			

1. **Agenda Deletions or Additions - None**
2. **Approval of the Minutes**
Minutes from the September meeting were not available to members for review at the time of the meeting, therefore approval of the September minutes is postponed until the November meeting. In the absence of Chairman Ted Brengel, Vice-Chair Jeff Stevens chaired the October meeting.
3. **Information Items**
 - a. MCAS Miramar – Juan Lias reported that the San Diego Regional Airport Authority approved the Airport Compatibility Plan on September 22. Next year’s air show is scheduled for early October.
 - b. Council District 5
 - Brian Maienschein reported that a red light camera will be installed at the intersection of Mira Mesa Blvd and Scranton Rd. in western Mira Mesa.
 - Brian also reported the Camino Ruiz Trail into Los Peñasquitos Preserve should be done by December 2008 according to Ranger Rick Thompson.
 - Public input is need on the I-15 access ramp proposed at either Hillery Dr or Galvin Rd. CALTRANS will convene a meeting on November 12 from 5-8 PM at the Quality Inn Suites to take public input on concerns over ramp location.
 - \$250k funding has been allocated for Fire Station 38 improvements in Mira Mesa.
 - This was Brian’s last community update as his council seat is filled by councilman elect Carl DeMaio.
 - c. Planning Department – Dan Monroe reported that Casa Mira View project has been recommended for approval by the planning commission. The project has been tentatively scheduled for a council vote on October 28.

- d. **Pedestrian Bridge Update** – Michael Edmond provided updates on his effort to get approval for a pedestrian bridge across Mira Mesa Blvd near the Target shopping center. He proposes some short term solutions in the meantime such as new signs near Montongo and Parkdale warning motorists of increased pedestrian activity, reduced speed limits near schools, and new pole signs on the Mira Mesa Blvd island warning pedestrians about jaywalking. Funding for a potential bridge is problematic but discussions with CALTRANS have been initiated. The actual location has not been determined. Funding for the bridge, if forthcoming, can be placed into the Mira Mesa FBA for planning purposes.
- e. **Capricorn Way Turn Restrictions** – Nelda Spencer is proposing the removal of all turn restrictions at or near the intersection of Capricorn Way and Black Mountain Rd. This has been before the MMCPG before and was deferred until the SR-56/I-14 ramps were completed (this year). Spencer submitted a petition to the chairman containing 265 signatures in support of removing turn restrictions. This item will be trailed until the next MMCPG meeting so other concerned residents have a chance to review the proposal. This will be an action item at the November 2008 meeting.
- f. **Public comment** – No input.

- 4. **Correspondence** - No report.
- 5. **Chairman's Report** – No report.
- 6. **New Business**

- 
- a. **Mira Mesa Shopping Center Rezone** – Brett Feuerstien presented a proposal to rezone the housing element at 9830 Reagan Rd from the current RM-2-5 to RM-3-7. If approved this would provide for greater density at the site if a redevelopment project were planned. 2-story apartments currently sit on the property. No project is currently in the works. The proposal would increase density levels from 108 du to 296 du on the 4-5 acre site. City planner Dan Monroe stated that an amendment to the PCD is required because of the commercial element on the site. Planning group review will be necessary if any project comes forth under the rezone. Cycle issues have been cited by the city during their review and forwarded to the developer for resolution. Geldner expressed concern that this may be an example of “spot zoning”, but the current community plan allows for the rezone without a plan amendment because it meets density limitations for the site. A motion was made (Miles/Brown) to approve the rezone proposal with a stipulation that any proposed

redevelopment project be submitted to the MMCPG for review. Motion approved 11-1-1.

- b. T-Mobile at Calle Cristobal – Becky Siskowski is requesting approval of a T-Mobile cell phone relay antenna at the corner of Calle Cristobal and Lorirae St. The antenna will be attached atop a pole located at an approved location on the corner. A motion was made (Brown/Frichtel) to approve the proposal. Motion passed 11-1-1.

7. **Old Business - None**

8. **Committee Reports**

- a. Los Peñasquitos Canyon Citizen’s Advisory Committee – The trail from Camino Ruiz Park into the canyon is on its way. Next meeting of the CAC is the 3rd Thursday in November.
- b. CPC – No report.
- c. Stone Creek Update – No report
- d. COMPACT – No report. MMCPG needs a volunteer to attend COMPACT meetings.

9. **Announcements**

- a. Inputs are solicited for Mira Mesa Volunteer of the Year. Please submit nominations to Town Council. Town Council will elect the Volunteer of the Year during the December general membership meeting.
- b. Fresh & Easy grocery will have a grand opening on Thursday, October 23.
- c. Dog wash has been proposed for one of the parks in Mira Mesa..

Meeting adjourned at 0815 pm

Submitted by:

Robert Chamberlain
MMCPG Board Member

**DEVELOPMENT SERVICES
MIRA MESA SHOPPING CENTER REZONE
PROJECT NO. 158201**

Date	Action	Description	City Review Time	Applicant Response
7/3/08	Deemed Complete			
8/27/08	First Assessment Letter		1.5 months	
9/19/08 – 10/31/08	Conflict Resolution Meetings		1 Month	1 Month
12/17/08	Second Resubmittal			1.5 months
2/23/08	Second Assessment Letter		2 months	
3/27/09	Airport Authority Land Use Determination		1.5 months	
4/24/09	Traffic Study Accepted/Issues Resolved/Env. Doc. Preparation	Traffic Study Submitted December 2008		4 months
8/6/09	PC Hearing			
TOTAL STAFF TIME**			6 months	
TOTAL APPLICANT TIME**				6.5 months
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	11 Months Approx (Total)	

**Times approximate

**RECORDING REQUESTED BY AND
AFTER RECORDING, RETURN TO:**

Mira Mesa Shopping Center-West, LLC
8294 Mira Mesa Blvd.
San Diego, CA 92126
Attn: Mr. Brett Feuerstein

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUL 16, 2009
DOCUMENT NUMBER 2009-0391049
DAVID L. BUTLER, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 8:10 AM

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**AGREEMENT OF MITIGATION AND ESTABLISHMENT OF A
COVENANT RUNNING WITH THE LAND**

THIS AGREEMENT OF MITIGATION AND ESTABLISHMENT OF A COVENANT RUNNING WITH THE LAND ("Agreement") is made on JULY 15, 2009, by Mira Mesa Shopping Center-West, LLC, a California limited liability company ("Owner") in favor of the City of San Diego (the "City").

RECITALS

A. Owner is the owner of the real property located at 9812 Reagan Road in the City of San Diego, State of California, as more particularly described on Exhibit "A" attached hereto (the "Property").

B. Owner records this Agreement in anticipation of, and subject to, the City's approval of a rezone of the Property referred to as Rezone (RZ 43-1069, PTS 158201) (the "Rezone"), and adoption of Mitigated Negative Declaration No. 158201 ("MND") and Mitigation, Monitoring and Reporting Program No. 158201 ("MMRP"). Such Rezone would, in part, permit an increase in the number of units allowed to be developed at the Property beyond the 131 such units authorized under the prior zoning for the Property. The Rezone would allow a maximum of 196 units to be developed at the Property.

C. If and when the City approves the Rezone, this Agreement shall be effective immediately. The MND identified a potentially significant traffic impact that could result from the Rezone and included a mitigation measure (described below in Section 1) (the "Traffic Mitigation") to mitigate potentially significant traffic impacts to less than significant levels.

D. To ensure that the Traffic Mitigation is implemented, if the Rezone is approved, the City would adopt the MMRP, which requires Owner to record this Agreement against the Property as a covenant running with the Property in favor of the City.

E. To ensure that the Traffic Mitigation is implemented, prior to any action by the City on the proposed Rezone, this Agreement must be recorded against the Property as a covenant running with the Property.

NOW, THEREFORE, Owner covenants as follows in favor of the City:

1. Mitigation Requirements. Prior to the issuance of a building permit for the 132nd unit at the Property, Owner and/or his successor(s) shall implement the Traffic Mitigation as follows:

i) Owner and/or his successor(s) shall construct an exclusive eastbound right-turn lane at the intersection of Reagan Road and Mira Mesa Boulevard to the City Engineer's satisfaction ("Required Mitigation").

ii) If, prior to the issuance of building permits, the Owner and/or his successor(s) is unable to acquire sufficient right-of-way to accommodate the construction of an exclusive eastbound right-turn lane at the intersection of Reagan Road and Mira Mesa Boulevard to the City Engineer's satisfaction, , Owner and/or his successor(s) shall fund all reasonable costs associated with the modification of the traffic signal at the intersection of Reagan Road and Mira Mesa Boulevard (north and south legs) to create a protected left-turn phase from a split phase ("Alternative Mitigation Requirement"). The Alternative Mitigation Requirement shall be completed to the City Engineer's satisfaction. Owner and/or his successor(s) must implement the Required Mitigation unless it proves, to the City Engineer's reasonable satisfaction, that it is infeasible to do so, in which case, it shall implement this Alternative Mitigation Requirement.

2. Methods for Satisfaction of Traffic Mitigation Requirement. Owner and/or his successor(s) agrees that the Traffic Mitigation shall be satisfied, at its sole expense, through one or more financing mechanisms, including, without limitation, a fair-share contribution toward the Traffic Mitigation or through direct construction of the Traffic Mitigation.

3. Term. If and when the City approves the Rezone, this Agreement shall be effective immediately upon such approval. Once this Agreement becomes effective, this Agreement shall continue in effect until the earlier of (i) satisfaction of the Required Mitigation or Alternative Mitigation Requirement set forth in Section 1 of this Agreement, or (ii) a subsequent change in existing conditions eliminating the necessity for the Required Mitigation or Alternative Mitigation Requirement as determined by the City in its sole discretion. If and/or when this Agreement terminates, Owner and/or his successor(s) and City shall execute a Memorandum of Termination of this Agreement reflecting that all covenants and conditions contained herein are of no further force or effect and Owner and/or his successor(s) may then record such Memorandum of Termination against the Property. If the Rezone is not approved prior to January 31, 2010, this Agreement shall be null and void. However, Owner understands that in the event that the Rezone has not been approved prior to January 31, 2010, it would be required to record another agreement similar to this Agreement prior to approval of the Rezone.

4. Amendments. Any amendment to this Agreement must be in writing and shall require the prior written consent of the City Engineer (or his/her authorized representative) prior to recording of any such amendment.

5. Notices. Notices to the City and Owner that may be required or necessary under this Agreement, if any, shall be delivered in writing to the following addresses:

City: Development Services Department
1222 First Avenue
San Diego, CA 92101
Attn: Senior Traffic Engineer

Owner: Mira Mesa Shopping Center-West, LLC
8294 Mira Mesa Boulevard
San Diego, CA 92126
Attn: Mr. Brett Feuerstein

Mailing addresses may be changed at any time upon written notification to the other party delivered in accordance with this Section 5. Notices shall be deemed received forty-eight (48) hours after mailing if mailed certified mail, return receipt requested. Notices shall be deemed received on the next business day after being sent by overnight courier or upon delivery if delivered personally to the party set forth above.

6. Exhibit. The following exhibit is attached to this Agreement and is made a part hereof by reference as though fully set forth herein:

Exhibit A – Legal Description of the Property

7. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

8. No Third Party Rights. Nothing in this Agreement, express or implied, is intended to confer on any third person any rights or remedies under or because of this Agreement. There are no third party beneficiaries of this Agreement.

9. Covenants Running With the Land. Owner hereby declares that all of the Property shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the covenants and conditions set forth in this Agreement, all of which are for the benefit of the City and for the purpose of mitigating the traffic impacts resulting from the future development of the Property beyond the 131 such units authorized under the prior zoning for the Property. The covenants and conditions contained herein shall run with the land and shall be binding upon all persons obtaining any right, title or interest in the Property following the recordation of this Agreement, or any part thereof, and their heirs, successive owners and assigns. The covenants and conditions contained herein shall inure to the benefit of and be binding upon Owner and its successors and assigns and successors-in-interest.

IN WITNESS WHEREOF, Owner has executed this Agreement as of the date first above written.

MIRA MESA SHOPPING CENTER-WEST, LLC, a California limited liability company

By: 
Name: Elliot Feuerstein
Title: Managing Member

State of California
County of San Diego

On JULY 15, 2009 before me, CINDY TRAN, Notary Public, personally appeared ELLIOT FEUERSTEIN and _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Cindy Tran* (Seal)



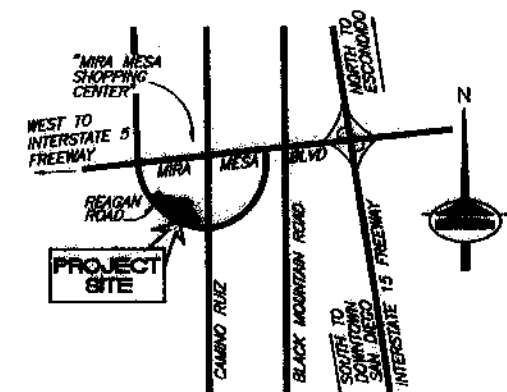
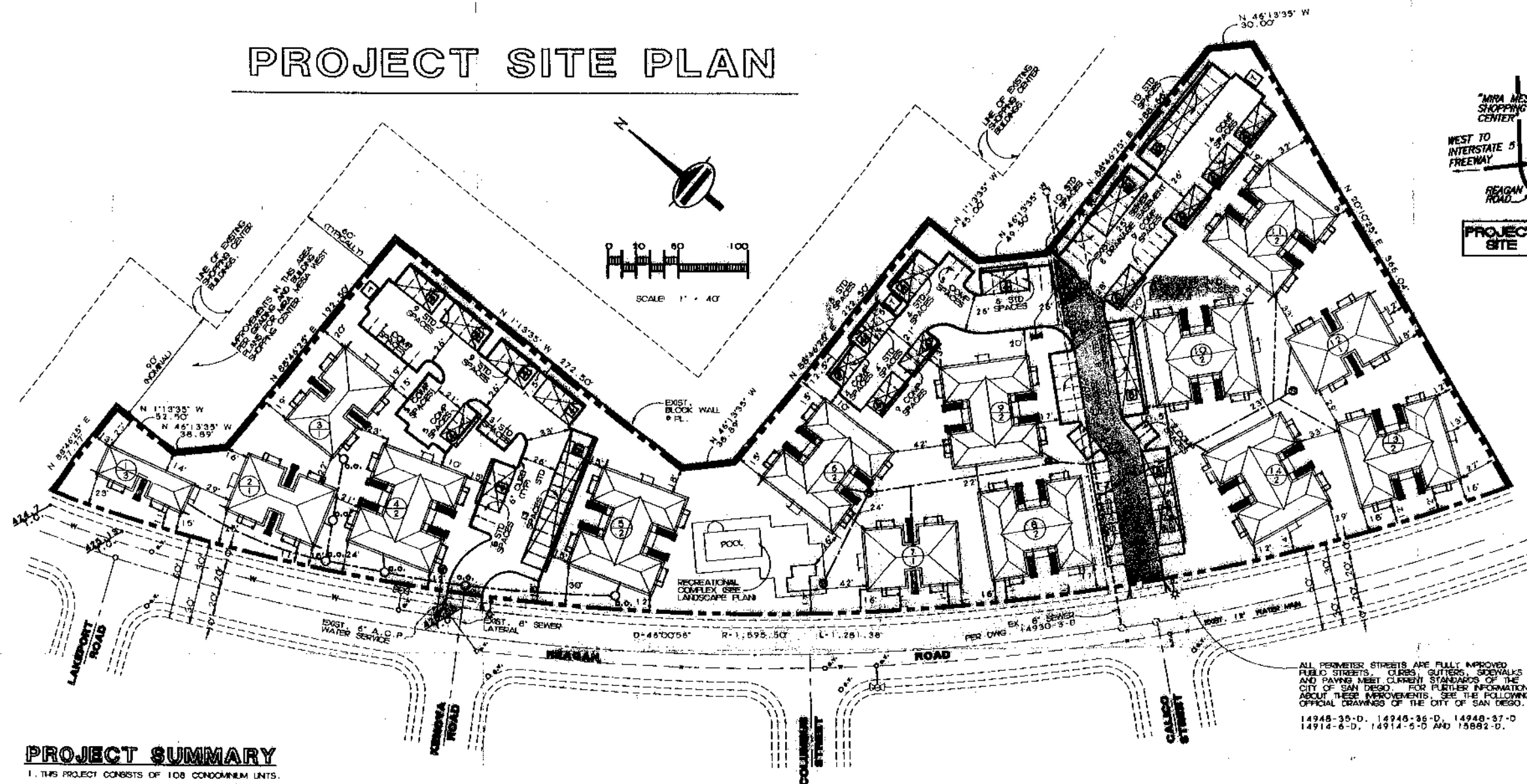
EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Parcel 17 of Parcel Map No. 12698 (as recorded in the office of the County Recorder on May 6, 1983, as file 83-149466).

San Diego County Assessor Parcel Number: 311-042-17

PROJECT SITE PLAN



VICINITY MAP
NO SCALE

PAD/ FINISH FLOOR ELEVATIONS

BUILDING NO.	PAD ELEV.	F.F. (1st)
1	427.0	427.7
2	426.5	427.2
3	427.0	427.7
4	426.5	427.2
5	426.0	426.7
6	426.0	426.7
7	421.0	421.7
8	419.0	419.7
9	424.5	425.2
10	422.5	423.2
11	425.0	425.7
12	425.0	425.7
13	422.0	422.7
14	419.0	419.7
REC. BLDG.	425.5	426.2

NOTE: 2ND STORY FINISH FLOOR ELEVATION PER REFERENCE PROVIDED IN ARCHITECTS PLANS.

PROJECT SUMMARY

- THIS PROJECT CONSISTS OF 108 CONDOMINIUM UNITS.
36 UNITS ARE 1-BEDROOM TYPE.
72 UNITS ARE MASTER SUITE TYPE.
 - THE REQUIRED PARKING FOR THIS PROJECT IS COMPUTED AS FOLLOWS:
1-BEDROOM UNITS: 36 X 1.3 PARKING SPACES (4 SPACES ARE REQUIRED).
MASTER SUITE UNITS: 72 X 1.6 PARKING SPACES (115.2 SPACES ARE REQUIRED).
TOTAL REQUIRED PARKING SPACES IS: 162 SPACES.
 - THE PROVIDED PARKING FOR THIS PROJECT IS AS FOLLOWS:
TOTAL SPACES: 168.
FULL-SIZED SPACES: (6.5X20) 97 (58%)
COMPACT SPACES: (7.5X15) 71 (42%)
PARKING AREAS TO BE WITH A MINIMUM OF 2' ASPHALT PAVING.
MAXIMUM SLOPE OF PARKING AND DRIVEWAY AREAS IS 6%.
 - THE TOTAL AREA OF THIS PROJECT SITE IS: 4.90 ACRES.
 - THE GROSS PROJECT DENSITY IS: 24.0 UNITS / ACRE.
- PRIORITY LINE SETBACKS FOR THIS PROJECT ARE IN CONFORMANCE WITH SECTION 101.0410 OF THE CITY OF SAN DIEGO ZONING ORDINANCE.
- FRONT: 15' STD. 10' MIN. :
REAR: 15' STD. 10' MIN. :
SIDE: 4'
- * MINIMUM YARD: THE MINIMUM FRONT, STREET SIDE AND REAR YARD MAY BE USED IF A FULL-HEIGHT VERTICAL OFFSET IN NO LESS THAN 50 PERCENT OF PERTINENT BUILDING WALL IS PROVIDED. THIS OPTION IS PERMITTED IF ALL STANDARD YARD ENCROACHMENTS, AND EQUAL YARD AREA IS PROVIDED BEHIND THE STANDARD YARD AS SHOWN IN ILLUSTRATION A OF SAID SECTION OF THE ZONING ORDINANCE.

RELATED DRAWINGS

THIS PLAN IS PRODUCED TO SHOW GENERAL INFORMATION ABOUT THE PROPOSED PROJECT. INFORMATION CONTAINED HEREON WITH DIMENSIONS IS PROVIDED FOR THESE GENERAL PURPOSES. UNDER NO CIRCUMSTANCES SHOULD THE DIMENSIONS ON THIS PLAN BE USED FOR CONSTRUCTION PURPOSES. A HORIZONTAL CONTROL PLAN PREPARED BY BIGGS ENGINEERING CORPORATION CONTAINS THE ADDITIONAL DETAIL NEEDED FOR CONSTRUCTION COORDINATION.

INFORMATION ABOUT VERTICAL GRADES OF THE PROJECT ARE CONTAINED IN THE PROJECT GRADING PLAN, PREPARED BY BIGGS ENGINEERING CORPORATION.

INFORMATION ABOUT THE STRUCTURES IS CONTAINED IN THE ARCHITECTURAL BUILDING PLANS PREPARED BY LORMER & CASE ARCHITECTS.

INFORMATION ABOUT THE PLANTINGS, PLANTWORK, RECREATIONAL FACILITIES, EROSION CONTROL PLANTING AND PROJECT IRRIGATION IS CONTAINED IN THE LANDSCAPING PLANS PREPARED BY GARNER-FERDUE ASSOCIATES.

INFORMATION ABOUT THE CONDITION OF THE PROJECT'S SOIL AND DATA RELATING TO THE DESIGN AND CONSTRUCTION OF THE ON-SITE PAVING AREAS IS CONTAINED IN THE DOCUMENTS PREPARED BY BENTON SOIL ENGINEERING COMPANY.

CARPORTS
 1 - STANDARD SPACES (8.5' X 20')
 2 - COMPACT SPACES (7.5' X 15')
 97 - TOTAL

LEGAL DESCRIPTION

PARCEL 17, OF PARCEL MAP NO. 12699, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER ON MAY 6, 1989, AS FILE NUMBER 89-149465.

OWNER / DEVELOPER

GPPER LTD.
3700 FOURTH AVENUE, SAN DIEGO, CA.
PHONE: (619) 291-7300

CONTRACTOR

NEWMARK CONSTRUCTION INC.
3700 FOURTH AVENUE, SAN DIEGO, CA.
PHONE: (619) 291-7300

ARCHITECT

LORMER & CASE, ARCHITECTS
1747 HAWDOCK STREET
SAN DIEGO, CALIFORNIA 92110
PHONE: (619) 291-0660

LANDSCAPE ARCHITECT

GARNER-FERDUE ASSOCIATES
2105 GARNET AVE., STE. C.
PACIFIC BEACH, CA. 92109
PHONE: (619) 270-0222

CIVIL ENGINEER

BIGGS ENGINEERING CORPORATION
2245 SAN DIEGO AVENUE, SUITE 121
SAN DIEGO, CALIFORNIA 92110
PHONE: (619) 298-5641

KEY TO SYMBOLS

- PROJECT BOUNDARY
- EXISTING STREET IMPROVEMENTS
- PARKING SPACES
- TRASH ENCLOSURES
- BUILDING NUMBER (TOP)
- BUILDING FOOTPRINTS
- BUILDING PLAN TYPE (BOTTOM)
- 2" WATER SERVICES
- 2" IRRIGATION SERVICES
- 6" SEWER LATERALS

NOTE: ALL ON-SITE SEWER LATERALS SHALL BE 6" P.V.C.

REVISION/ISSUE	DATE
△ MOVED BLDGS 7, 12 & ADDED CARPORTS	5/17/89
△ MOVED BLDGS 11 & 12	6/8/89
△ ADDED WATER AND SEWER	6/28/89
△ ZONING DEPT. REVISIONS	7/13/89
△ REVISED	8/28/89
△ REVISED DRIVEWAY/PKG. LOT	12/5/89

REAGAN ROAD CONDOMINIUMS

A PROJECT BY GPPER LTD

PRODUCTION DATE: 12/5/89
 FILE NAME: 89149465.DWG
 DRAWN BY: J.A.C.
 CHECKED BY: J.A.C.
 CHECKED BY: J.A.C.
 JOB NUMBER: 89-148

BIGGS ENGINEERING CORPORATION
 ONE WASHINGTON PLAZA • PLANNING CONSULTANTS • SURVEYORS
 2245 SAN DIEGO AVE. #121, SAN DIEGO, CA 92110/298-5641

SHEET NO.
1 OF 1
JOB NO.
89-148