

R. 75-2699

RESOLUTION NO. 213245

MAY 8 1975

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 2

WHEREAS, UNIVERSITY TOWN CENTER ASSOCIATES, a general partnership, owner, hereafter referred to as "Permittee," filed an application to construct and operate a planned commercial development located at the southeast corner of Genesee Avenue and La Jolla Village Drive, being a portion of Pueblo Lots 1302, 1303, 1307 and 1308, more particularly described in Appendix "A," attached hereto and made a part hereof, in the R-1-5 Zone (proposed CA) Zone; and

WHEREAS, on January 8, 1975, the Planning Commission of The City of San Diego made its Findings of Facts, and filed said decision in the office of the City Clerk on January 13, 1975; and

WHEREAS, the motion by the Planning Commission to approve said permit failed to receive four affirmative votes and was deemed denied; and

WHEREAS, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, Permittee appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 17, and continued to May 8, 1975; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony, and heard from all interested parties present at the public hearing; NOW, THEREFORE,

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

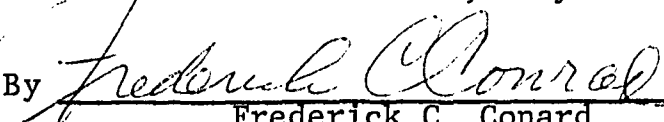
1. That this Council hereby adopts those written Findings of the Planning Commission set forth in Planning Department Report, dated January 2, 1975, and found beginning at page 4 of said Report, a copy of which is attached hereto and by this reference incorporated herein.

2. That said Findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 7 to 2, the appeal of Permittee be, and it is granted and this Council does hereby grant to UNIVERSITY TOWN CENTER ASSOCIATES, a general partnership, Planned Commercial Development Permit No. 2, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conard
Chief Deputy City Attorney

FCC:jat
6-4-75
PCD 2

PLANNING

REPORTS

CITY PLANNING DEPARTMENT - SAN DIEGO, CALIF. 92101

January 2, 1975

SUBJECT: Planned Commercial Development #2 (Revised) 105 acres which will contain a commercial retail center of 650,000 square feet of floor area; public, cultural and recreational facilities of 150,000 square feet of floor area and residential development of 300,000 square feet of floor area in the R-1-5 proposed CA zone; located on the south side of La Jolla Village Drive between Genesse Avenue and I-805; per P.L.'s 1302, 1303, 1307 and 1308. (University Town Center Associates) EQD #74-5-042P.

BACKGROUND

This hearing concerns a request for a planned commercial development proposing approximately 1.1 million square feet of commercial retail establishments, public facilities, cultural educational, recreational and residential floor area and parking for approximately 3850 automobiles.

The subject property consists of a vacant, 106.5 acre parcel of land in the R-1-5 zone, (proposed CA) located on the southeast corner of Genesse Avenue and the projected extension of La Jolla Village Drive. The project is bordered on the south by the projected extension of Nobel Drive. At the present time there are no developed areas immediately adjacent to the site; all adjacent property is in the R-1-5 zone. At the southwest corner of Genesse Avenue and Nobel Drive is Genesse Highlands,

THE FOREGOING INFORMATION IS BASED ON INFORMATION AVAILABLE AT THE TIME OF THIS REPORT.

213245

a 630-unit condominium development. The General Plan designates the subject property for a community commercial center and the adopted University Community Plan designates this area for a community town center, medium density residential use and open space.

The Planning Commission on September 26, 1973 approved the rezoning of the subject property to the CA zone and approved a planned commercial development permit for a town center of approximately 3 million square feet of floor area. The City Council on February 6, 1974 continued the rezoning of the subject property indefinitely and referred the planned commercial development back to the Planning Commission for redesign at a smaller scale. The planned commercial development permit had been appealed to the City Council for council consideration in conjunction with the rezoning application. The project that is now being considered by the Planning Commission is the redesigned, smaller scale town center but still on the same acreage as was initially proposed.

RECOMMENDATION

The Planning Department recommends approval of the planned commercial development permit, subject to conditions, based upon the belief that the proposal is consistent with both the Progress Guide and General Plan, and the University Community Plan and that the necessary four findings for approval can be met.

213245

ANALYSIS

Project Description

The proposed project consists of 1.1 million square feet of floor area on a 106.5 gross acre site with the commercial retail area consisting of approximately 650,000 square feet which will have two major retail outlets, community facilities use that will be approximately 150,000 square feet and residential housing of 300,000 square feet for approximately 300 residential units. The design concept for the town center at this time consists of commercial retail to be located in the center of the site area with the retail establishments being located adjacent to a mall area with the two proposed major stores located at the northeasterly and southwesterly ends of the mall area. The community facilities would be located within the same building structures as proposed for commercial retail. Centrally located adjacent to the commercial retail will be a ice-hockey rink and open air theatre all connected to the mall and retail shops by pedestrian access ways. The residential area is located on the southeasterly portion of the site and is bisected by a natural canyon that is presently zoned LC overlay. The specific type of housing is not known at this time however the applicant has indicated that apartments will be located closest to the commercial area with single family housing and town houses as far as practical on the canyon with views. The applicant has also indicated that there would be a higher density between the apartments and the single families which might be triplexes and fourplexes. The residential area is bisected by the natural canyon which breaks the residential development into two residential

213245

areas with each being provided with its own recreational facilities consisting of tennis courts and swimming pools. Parking for the proposed project consists of 3,250 off street parking spaces for the retail commercial uses, 450 parking spaces are being provided for the 300 residential units with a ratio of 1.5 per living unit and 150 additional spaces are being provided for the community facilities for a total of 3,850 off street parking spaces. The parking areas are adjacent to the major streets Genessee Avenue, La Jolla Village Drive and Nobel Drive. The parking areas on the present plan are very schematic with landscape screening shown adjacent to the major streets and additional landscaping indicated throughout the parking lot areas together with pedestrian linkages connecting the parking areas to the mall and commercial activities. The applicant also proposes pedestrian overcrossings of La Jolla Village Drive and Genessee Avenue which would provide pedestrian access to the proposed facilities without having to cross these two major streets.

The plan as submitted is a concept with allocated uses being depicted schematically. Based upon the schematics as shown in the plot plan and the information as submitted on the PCD application, the project will have a building ground floor coverage of 16.8%, landscaping of 27%, open parking lots and areas of 45%, internal private street of 5.5%, pedestrian circulation area of 5.7%.

Required Findings

The Planning Department believes the necessary four findings for approval of the planned commercial development can be met. The first finding is

213245

that the proposed development at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood, the community and the city. The Planning Department believes the scale of the proposed facility and size are consistent with the adopted General Plan and University Community Plan, inasmuch as these two plans call for a community or town center to be developed on the subject property. The Department further believes the commercial and community facilities will provide services to the community which are not presently available to the residential development in the University City area nor to the University of California of San Diego. The Department also believes the residential element of the project will provide for the necessary mixing of residential and commercial uses in close proximity to each other consistent with the goals of the community plan.

The second finding of fact that must be met is that such development will not under the circumstances of the particular case be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. The Planning Department does not believe the proposed project would be detrimental to existing development or future development. Concern has been expressed in the past over noise levels that are generated by aircraft utilizing Miramar Naval Air Station located to the east. The Comprehensive Planning Organization in a communication dated December 11, 1974 indicates the following:

213245

"At a recent meeting in your office it was requested that the results of the Towne Center noise study be reviewed by CPO staff in relation to the Interim Comprehensive Land Use Plan for NAS Miramar which is currently under review by CPO member agencies.

Bolt, Beranek and Newman under contract with Penasquitos Inc., conducted a sound study for the Towne Center site for a period of 33 days extending from September 13 to October 15, 1974. Four monitoring systems were located on the site and operated on a 24-hour basis throughout the study period.

Based on the results of this monitoring effort, which included operational information provided by NAS Miramar, Community Noise Equivalent Level (CNEL) contours for the Towne Center site were developed. The results of this study indicate that noise exposure levels for this area vary between a CNEL of 60 dB at the southwestern portion of the site to a CNEL of 66 dB at the northwestern portion. The results of this survey indicate that noise exposure levels at Towne Center are substantially less than contour information contained in the Interim Comprehensive Land Use Plan for NAS Miramar. The Interim Plan contours indicate sound level values for Towne Center exceeding a CNEL of 70 dB. Contours shown in the Interim Plan are based upon the findings of a 1971 noise impact study for NAS Miramar which was also conducted by Bolt, Beranek and Newman.

In our opinion, as well as Bolt, Beranek and Newman's, the 1971 study represents the most detailed source of information for determining the

213245

basic contour shape in the Miramar area and was used as the basis for defining the Airport Influence Area as outlined in the "Rules and Regulations for Airport Land Use Planning and Review Responsibilities". The Towne Center report, on the other hand, represents the best source of absolute noise exposure level for the Towne Center area. It is important that this distinction be understood.

Since technical difficulties did not permit for direct translation of the 1971 Composite Noise Rating Contour (CNR) to Community Noise Equivalent Level Contour (CNEL), it was the recommendation of the consultant and Miramar Advisory Committee that this land use plan for NAS Miramar be adopted on an interim basis until such time as new CNEL contours are developed upon which a final land use plan can be adopted.

The net effect of this recommendation is that the burden of responsibility for determining absolute sound levels on any given parcel which may have questionable compatibility rests with the property owners during the period this Interim Plan contains specific guidelines concerning the method and scope of such "on-site" noise exposure evaluations.

Since the CNR contours developed by BBN in 1971 were considered adequate for describing the basic noise "footprint", it is not surprising that a more specific sound study for Towne Center shows noise exposure levels different from those identified in the Interim Plan. In my opinion the Towne Center noise study was carried out consistent with the recommended procedures for on-site noise evaluations contained in the Interim Plan. In fact, the findings of this study support those of the CPO Consultant

213245

and Advisory Committee regarding the need for a re-evaluation of noise levels in the Miramar area."

In view of the Comprehensive Planning Organization's comments, the Planning Department believes that approval of this project should be subject to CPO's confirmation that they believe the developer's sound study is a valid report and that they further would recommend that the interim COMPREHENSIVE LAND USE PLAN FOR NAS MIRAMAR be modified to include the findings of this report.

The third finding of fact that must be met requires that all applicable design criteria set forth in the planned commercial development ordinance and all applicable minimum standards set forth in the developmental section of the planned commercial development ordinance will be met. The Planning Department believes all designed criteria have been met with the conceptual schematic plans that have been submitted.

The Department believes that while the concept of the project meets the design criteria for a planned commercial development there are conditions that should be imposed with the permit to assure that the design criteria, community planning goals, and the residential element are assured and these conditions are as follows:

1. Prior to the issuance of any building permits for the project the Planning Commission shall approve detailed development plans and landscaping plans.

213245

2. Prior to the occupancy and opening of the commercial facility the Planning Commission shall have reviewed the residential development and building permits shall have been issued for a minimum of 150 residential units.

3. Prior to the issuance of any building permits the property shall be zoned CA and a subdivision map recorded on the property effectuating the zoning.

The fourth finding of fact that must be met is that the granting of the permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or the University Community Plan or the adopted plan of any governmental agency. The Planning Department believes that the proposed PCD meets the intent of the adopted University Community Plan. The University Plan (page 31) states relative to the appropriate uses, form and scale of the Town Center, that "the Town Center should be the area of major community activities and should provide the singular most important unified element and focal point for the integration of university and community life". It should also be (page 30) "...in scale with the community requirements" and "in addition to the retail stores necessary to accommodate the community, the core should provide for professional and business offices, entertainment and cultural activities, public and semi-public facilities and residences". The Planning Department believes the scale of the proposed project with 650,000 square feet of retail commercial, 150,000 square feet of community facilities and 300,000 square of residential uses is consistent with the goals of the University Community Plan. The Planning Department further believes

213245

that the size of the project at this time contains pedestrian orientation that the University Plan envisioned for the project and that the scale of the project is in keeping with the scale of the community. While the size of the structure's are still schematic the tallest building appears to approximate four stories in height which the Department does not believe is out of scale with the surrounding area.

The University Plan Commercial proposal (page 34) states "the Town Center Core should have a compatible mixture of related uses, with 30% of the total core area devoted to residential uses". The proposed project proposes 27% of the total gross floor area for residential purposes which the Department believes is generally consistent with the goals of the plan which indicated approximately 30%. The Department therefore believes the permit as proposed is consistent with the General Plan and University Community Plan.

Council Policies

With regard to Council Policy 600-10 the Planning Department has received a communication from the San Diego City Schools which indicates the following:

"Mr. Ed Gabrielson of Penasquitos, Inc. has asked us to advise you as to the status of schools which might be available to serve the corporation's proposed Town Center development.

213245

On November 5, 1974, the voters approved Proposition XX which authorized the district to levy a special tax not to exceed 38.3¢ for financing the site acquisition, planning, and lease/purchase of 22 school facilities.

Three of the schools authorized in this ballot proposal will be constructed in the University City area and will serve the area where the proposed Town Center development is located. Following is a list of these schools with the anticipated completion date:

School Name	Anticipated Completion Date
Standley Junior High School	September 1976
Elementary school(Nobel Drive)	August 1978
University City High School	June 1979

Plans for these three projects were based on projected enrollments, anticipating growth north of the Santa Fe tracks in University City, including the area where the Town Center project would be located.

At the present time, the district's "Policy on Availability of Schools" does not take into consideration future school facilities to be constructed under Proposition XX; however, proposed revisions to that policy are now under consideration, which would include the planned facilities in determining the availability of schools. At this time, it would not be possible to indicate that schools would be available for the 300 housing units proposed in the Town Center development, and a future determination

of the availability of schools will have to be made in the light of the "Policy on Availability of Schools" in effect at that time."

In view of the San Diego City Schools' comments, the magnitude of this project and the fact that the policy on availability of schools is currently being evaluated, the Planning Department recommends that any approval of this project be subject to the following condition:

Prior to the issuance of any building permits for the project, evidence shall be submitted to the Planning Commission indicating that schools will be available concurrent with need.

The Engineering and Development Department has indicated the following:

"We recommend that a condition of approval of the planned commercial development be the filing of a final subdivision map. The development proposes a substantial number of parking stalls to serve the commercial, civic, and residential areas. However, adequacy of the proposed parking stalls cannot be determined at this time due to lack of detailed building plans and proposed uses.

The requirements of the final subdivision map will tentatively include the following:

1. Dedicate and improve La Jolla Village Drive as a prime arterial street with 102 feet of roadway, curb, and sidewalk on the south side and landscape median within 122 feet of right-of-way from Genesee Avenue to Holden Drive.

213245

2. La Jolla Village Drive easterly of proposed Holden Drive shall be dedicated and improved to the I-805 overpass with 64 feet of roadway within 84 feet of right-of-way, without curb or sidewalk.

3. Genesee Avenue shall be dedicated and improved as a prime arterial street with 102 feet of roadway, curb, and a 12-foot pedestrian/bikeway strip on the east side, and landscaped median within 128 feet of right-of-way from La Jolla Village Drive to Nobel Drive.

4. Holden Drive shall be dedicated and improved as a collector street with 64 feet of roadway within 84 feet of right-of-way from the southernmost residential development entrance to La Jolla Village Drive. Holden Drive shall be widened to 78 feet of roadway, with landscaped median, within 98 feet of right-of-way approaching La Jolla Village Drive. The portion of Holden Drive south of the residential development entrance shall be improved with 32 feet of roadway within 42 feet of right-of-way connecting to Nobel Drive.

5. Nobel Drive shall be dedicated and improved as a major street with 90 feet of roadway, including 6-foot bikeway on both sides, with landscaped median within 110 feet of right-of-way from Genesee Avenue to the residential development entrance. The portion of Nobel Drive from the residential development entrance to a connection with Holden Drive shall be improved with 32 feet of roadway and 14 feet of landscaped median within 56 feet of right-of-way.

213245

6. A 28-foot-wide fire access road shall be constructed along the southeasterly side of the commercial development, satisfactory to the City Engineer.

7. Pedestrian ramps shall be constructed crossing over Genesee Avenue and La Jolla Village Drive at the intersection of two streets, satisfactory to the City Engineer.

8. Pedestrian ramps crossing over Nobel Drive and the southerly portion of Genesee Avenue shall be constructed by a 1911 Act assessment project initiated by the developer at the request of the City Engineer, and the developer shall sign an agreement with the City of San Diego not to protest such a project.

9. The subdivider shall install complete traffic signals at his own expense at the intersections of the main entrance street to the development with Genesee Avenue and with La Jolla Village Drive. Signalizations of public street intersections will be made and paid for by the City of San Diego as such demands are warranted in the future.

10. Construct 16-inch AC water mains in Nobel Drive, Holden Drive, and La Jolla Village Drive, satisfactory to the City Engineer.

11. The entire development shall be sewered to the trunk sewer to be constructed offsite of the development, connecting to the Rose Canyon interceptor sewer located southeasterly of the subdivision.

213245

12. Underground existing utility overheads in and adjacent to the subject property.

13. Payment of park fee shall be required for the proposed CA zone at the rate of \$1,875.00 per acre.

14. Submittal of a soils report and the performance of a geological reconnaissance for the site shall be required to substantiate the structural stability of the site."

In regard to Council Policy 600-19 the fostering of a balanced community the applicant has indicated 20% to 25% of the units will be single family in the \$50,000 to \$70,000 price range for living units of 1600 to 2200 square feet, 35% of the units would be apartments with varying rentals for studios and two bedrooms from \$175 per month to \$285 per month with a size from 600 to 900 square feet. The remaining 42%-45% of the living units would be townhouses, tri-plexes or fourplexes, varying in cost from \$26,000 to \$45,000 with approximately 1,000 to 1500 square feet of floor area.

The Planning Department believes the residential mix that the applicant is proposing and the variety of sizes and price ranges will implement the balanced community policy.

213245

Environmental Impact Report

The final Environmental Impact Report is on file in the office of the City Clerk and is available for public review. The findings of that report are as follows:

"The current development proposal supercedes earlier University Town Center projects reviewed by the Environmental Quality Department (EQD Nos. 72-12-1022P and 72-12-1022.1P). Those plans, of significantly larger scope, described a multi-phased development through 1990 consisting of three million square feet of floor space distributed between substantially larger retail, commercial, and residential elements, an office tower, hotels, and conference centers. The project was withdrawn and redesigned by the applicant to mitigate its associated adverse environmental impacts. Specific actions incorporated by the developer into the present proposal include a reduction in project scale to a single-phase development, one-third the original size, inclusion of noise attenuation measures in construction, provision of bus pads for mass transit, and terracing and landscaping of parking to reduce visual impact. Additionally, recyclable materials would be removed and recovered from solid waste, and energy efficient buildings and fixtures would be designed. However, significant environmental impacts remain as the project is presently designed.

The Environmental Quality Department has reviewed the available information and determined that the currently proposed University Towne Center would have significant adverse environmental effects.

213245

*The University Towne Center would be impacted by a potential crash hazard from Miramar Naval Air Station. Different evaluations designate the crash hazard as ranging from "limited" to "considerable", either of which poses a substantial concern for the safety of large assemblages of people in a medium density residential, commercial, and recreational development.

*The proposed Towne Center could stimulate a significantly higher rate of growth in the vacant lands surrounding the site, and induce new growth which might not otherwise occur in the absence of the Center. Most of the development, as indicated by the predominant zoning would be residential, and in similar or closer proximity to Miramar NAS than Towne Center. While new development in the community may not in itself be undesirable, the nature and location of it, when subject to significant noise and crash hazards, would be.

*The University Community Plan designates that the subject property be the site or a town center core, serving the University Community only, and not a regional center serving a much larger geographical area. It is questionable whether the proposed project is in accordance with this requirement; its free-standing nature is in conflict with the town center concept in the Community Plan. Projected ultimate population for the University Community has been reduced, and possible restrictions to community residential development due to noise may further decrease projected growth. The reduced population base could shrink anticipated revenues, and cause lessees to encourage regional visitors to increase retail sales.

213245

*The Towne Center, as a source of air pollution, is classified by the Environmental Protection Agency as an "indirect source", one which attracts significant vehicular activity, and could generate up to 200,000 VMT per day. Achievement of 1977 air standards could potentially be impeded by Towne Center development. Interstate highways 5 and 805 are probably more significant sources of community air pollution than the Center, but during stagnant air conditions the Center might tangibly degrade local air quality below Federal standards.

*Construction of streets to serve the project site would include extension of Nobel Dr. and installation of the proposed Holden Dr. along the site's eastern border. The two would intersect at a natural canyon within and adjoining the southern portion of the subject property. Construction of the intersection would partially fill and sever the open space linkage, diminishing its visual amenity, and disrupting use of the habitat by canyon wildlife.

*University Towne Center would provide additional demands for City facilities and services, including impacts upon solid waste disposal, sewage treatment, energy consumption, traffic flow and schools."

213245.

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 2

CITY COUNCIL

This planned commercial development permit is granted by the Council of The City of San Diego to UNIVERSITY TOWN CENTER ASSOCIATES, a general partnership, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and conditions as set out herein pursuant to the authority contained in Section 101.0910 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a planned commercial development, located at the southeast corner of Genesee Avenue and La Jolla Village Drive, being a portion of Pueblo Lots 1302, 1303, 1307 and 1308, more particularly described in Appendix "A," attached hereto and made a part hereof, in the R-1-5 (proposed CA) Zone.

2. The planned commercial development shall include and the term "Project" as used in this planned commercial development permit shall mean the total of the following facilities:

a. A town center with approximately 1.1 million square feet of gross floor area, consisting of the following:

(1) Commercial/retail - 650,000 square feet of floor area.

(2) Public, cultural, educational and recreational facilities - 150,000 square feet of floor area.

(3) Residential - 300,000 square feet of floor

area (approximately 300 living units).

b. Off-street parking consistent with the CA Zone or as approved by the Planning Commission.

c. Incidental uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, complete building plans with generalized uses (including signs) shall be submitted to the Planning Commission for approval. Said plans shall be consistent with the concept shown on Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

4. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Commission for approval. Said plans shall be consistent with the concept shown on Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

5. Prior to the issuance of any building permits for the project, evidence shall be submitted to the Planning Commission indicating that schools will be available concurrent with the need,

6. Prior to the occupancy and opening of the commercial facility, the Planning Commission shall have reviewed the residential development and building permits shall have been issued for a minimum of 100 residential units. Implementing City Council Policy 600-19, these residential units shall be 20 to 25 percent single-family; 35 percent low-cost rental apartments comparable to University housing rates; and 42 to 45 percent townhouses, triplexes or four-plexes.

7. The detailed building plans for the 150,000 square feet of public, cultural, educational and recreational floor area should include the following uses: post office, library, community rooms, day care center, tot lot area, craft work shops, food market, ice rink, theatre(s), community service rooms, amusement arcade, medical information center and professional offices.

8. Prior to the issuance of any building permits, the property shall be zoned CA and a subdivision map recorded on the property, thereby effectuating the zoning. The Engineering and Development Department has indicated that tentative conditions of the subdivision map will be as follows:

- a. Dedicate and improve La Jolla Village Drive as a prime arterial street with 102 feet of roadway, curb and sidewalk on

the south side and landscape median within 122 feet of right-of-way from Genesee Avenue to Holden Drive.

b. La Jolla Village Drive easterly of proposed Holden Drive shall be dedicated and improved to the I-805 overpass with 64 feet of roadway within 84 feet of right-of-way, without curb or sidewalk.

c. Genesee Avenue shall be dedicated and improved as a prime arterial street with 102 feet of roadway, curb, and a 12-foot pedestrian-bikeway strip on the east side, and landscaped median within 128 feet of right-of-way from La Jolla Village Drive to Nobel Drive.

d. Holden Drive shall be dedicated and improved as a collector street with 64 feet of roadway within 84 feet of right-of-way from the southernmost residential development entrance to La Jolla Village Drive. Holden Drive shall be widened to 78 feet of roadway, with landscaped median, within 98 feet of right-of-way approaching La Jolla Village Drive. The portion of Holden Drive south of the residential development entrance shall be improved with 32 feet of roadway within 42 feet of right-of-way connecting to Nobel Drive.

e. Nobel Drive shall be dedicated and improved as a major street with 90 feet of roadway, including 6-foot bikeway on both sides with landscaped median within 110 feet of right-of-way from Genesee Avenue to the residential development entrance. The portion of Nobel Drive from the residential development

entrance to a connection with Holden Drive shall be improved with 32 feet of roadway and 14 feet of landscaped median within 56 feet of right-of-way.

f. A 28-foot-wide fire access road shall be constructed along the southeasterly side of the commercial development, satisfactory to the City Engineer.

g. Pedestrian and bicycle ramps shall be constructed crossing over Genesee Avenue and La Jolla Village Drive at the intersection of two streets, satisfactory to the City Engineer.

h. Pedestrian ramp scrossing over Nobel Drive and the southerly portion of Genesee Avenue shall be constructed by a 1911 Act Assessment project initiated by the developer at request of the City Engineer, and the developer shall sign an agreement with The City of San Diego not to protest such a project.

i. The subdivider shall install complete traffic signals at his own expense at intersections of the main entrance street to the development with Genesee Avenue and with La Jolla Village Drive. Signalizations of public street intersections will be made and paid for by The City of San Diego as such demands are warranted in the future.

j. Construct 16-inch AC water mains in Nobel Drive, Holden Drive and La Jolla Village Drive, satisfactory to the City Engineer.

k. The entire development shall be sewerred to the trunk sewer to be constructed offsite of the development, connecting

to the Rose Canyon Interceptor sewer located southwesterly of the subdivision.

l. Underground existing overheads in and adjacent to the subject property.

m. Payment of park fees shall be required for the proposed CA Zone in accordance with Section 102.0800 of the San Diego Municipal Code.

n. Submittal of a soils report and the performance of a geological reconnaissance for the site shall be required to substantiate the structural stability of the site.

9. This planned commercial development permit must be utilized within 18 months after the effective date of the concurrent rezoning (Case No. 38-73-1). Failure to utilize subject permit within 18 months will automatically void the same unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the Municipal Code.

10. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

11. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

12. The effectiveness of this planned commercial development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this planned commercial development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in paragraph 9 above; i.e., the time commences to run on the date the City Council granted this planned commercial development permit.

b. This planned commercial development permit executed as indicated shall have been recorded in the office of the County Recorder.

13. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

14. The property included within this Planned Commercial development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

15. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be cancelled or revoked. Cancellation or revocation of this permit may be instituted by the City or Permittee. The Planning Director

shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0910.

16. This planned commercial development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Passed and adopted by the Council of The City of San Diego on May 8, 1975.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said
County and State, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and EDWARD NIELSEN, known to me to be the City
Clerk of The City of San Diego, the municipal corporation
that executed the within instrument and known to me to be the
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and
every condition of this Planned Commercial Development Permit and
promises to perform each and every obligation of Permittee hereunder.

UNIVERSITY TOWN CENTER ASSOCIATES,
a general partnership

By _____

By _____

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

RIEGL ENGINEERING COMPANY | PLANNING CONSULTANTS
AND CIVIL ENGINEERS
5620 FRIARS ROAD • SAN DIEGO, CALIFORNIA 92110
TELEPHONE • AREA CODE 714 • 291-0707

APPENDIX A

JOB NO. 5315	LEGAL DESCRIPTION FOR: UNIVERSITY TOWNE CENTER AMENDED RE-ZONE	BY RGS/eh CHK'D.	DATE 5/30/75	SHEET 1 OF 1
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Being a portion of Pueblo Lots 1302, 1303, 1307 and 1308 according to Miscellaneous Map thereof No. 36, all in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

Beginning at the Southeast corner of Collegiate Park Map No. 5006 on file in the Office of the Recorder of said County; thence along the North line of the South Half of said Pueblo Lot 1308 South 89°36'48" East 19.00 feet to a point on the centerline of Genesee Avenue; thence along said centerline South 0°50'27" West 894.20 feet to a point of intersection with the centerline of La Jolla Village Drive said point being the TRUE POINT OF BEGINNING; thence continuing along said centerline of Genesee Avenue South 0°50'27" West 1,230.93 feet to the beginning of a tangent 2,000.00 foot radius curve concave Easterly; thence Southerly along said curve through a central angle of 16°29'00" an arc distance of 575.38 feet; thence South 15°38'33" East 295.35 feet; thence leaving said centerline North 74°21'27" East 215.00 feet to the beginning of a tangent 1,000.00 foot radius curve concave Southerly; thence Easterly along said curve through a central angle of 61°00'00" an arc distance of 1,064.65 feet; thence South 44°38'33" East 480.00 feet to a point on the arc of a nontangent 1,000.00 foot radius curve concave Northwesterly a radial line to said point bears South 43°49'27" East; thence Northeasterly along said curve through a central angle of 25°32'23" an arc distance of 445.75 feet; thence tangent to said curve North 20°38'10" East 475.68 feet to the beginning of a tangent 1,500.00 foot radius curve concave Westerly; thence Northerly along said curve through a central angle of 29°41'10" an arc distance of 777.18 feet; thence North 9°03'00" West 400.77 feet to the beginning of a tangent 1,000.00 foot radius curve concave Easterly; thence Northerly along said curve through a central angle of 10°29'35" an arc distance of 183.14 feet; thence North 1°26'35" East 444.47 feet to the beginning of a tangent 2,000.00 foot radius curve concave Westerly; thence Northerly along said curve through a central angle of 7°56'45" an arc distance of 277.36 feet; thence North 6°30'10" West 262.00 feet to a point on the future centerline of La Jolla Village Drive; thence the following courses and distances along said future centerline; South 83°38'49" West for 406.67 feet to the beginning of a tangent 2,000.00 foot radius curve concave Southerly; thence Westerly along said curve through a central angle of 11°09'08" for an arc length of 389.29 feet; thence South 72°29'41" West 1,081.02 feet to the beginning of a tangent 2,000.00 foot radius curve concave Northwesterly; thence Southwesterly along said curve through a central angle of 03°41'07" for an arc length of 128.64 feet; thence South 76°10'48" West for 107.48 feet to the TRUE POINT OF BEGINNING.

Containing 118.72 acres.

TITLE CO. REFERENCE	COMPANY		DESCRIPTION	REVISIONS	
	ORDER NO.	DATE		BY	DATE
			Page 11 of 11		

213245

Passed and adopted by the Council of The City of San Diego on MAY 8 1975,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Martin, Deputy.

(Seal)

RECEIVED
 1975 JUN -6 AM 10:56
 SAN DIEGO, CALIF.

CS 1276 (REV. 12-71)

Office of the City Clerk, San Diego, California

Resolution Number MAY 8 1975 Adopted 213245