

RESOLUTION NO. 218562

Planned Commercial Development Permit No. 23

R.77-2514

JUN 8 1977

WHEREAS, MUTUAL BENEFIT LIFE INSURANCE COMPANY, Owner, and THE LA JOLLA VILLAGE SQUARE PARTNERSHIP, hereafter referred to as "Permittee," filed an application under Planned Commercial Development Permit No. 23, to construct and operate a planned commercial development proposing 350,000 square feet of commercial retail and 115 residential units with parking for 1,860 automobiles, located on the south side of Nobel Drive, between Villa La Jolla Drive and I-5, more particularly described as Lots 8 and 9, Villa La Jolla Unit 4, in the CA Zone; and

WHEREAS, on March 24, 1977, the Planning Commission of The City of San Diego made its findings of fact which are set forth in Resolution No. 772, granted said Planned Commercial Development Permit to Permittee and filed the decision in the office of the City Clerk on April 6, 1977; and

WHEREAS, on April 11, 1977, pursuant to the provisions of Section 101.0910, of the San Diego Municipal Code, FRED M. SCOTT, JR. appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 8, 1977, and testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0910, to affirm, reverse or modify, in whole or in part, any

determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,


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

1. That the Council of The City of San Diego adopts as its findings of fact, required by Municipal Code, Section 101.0910, those written findings submitted by "Permittee" on April 20, 1977, attached hereto and made a part hereof.

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 the appeal of FRED M. SCOTT, JR., is hereby denied, the decision of the Planning Commission sustained, and this Council does hereby grant to MUTUAL BENEFIT LIFE INSURANCE COMPANY and THE LA JOLLA VILLAGE SQUARE PARTNERSHIP, Planned Commercial Development Permit No. 23, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
Rev. 7/15/77
Or. Dept.: Clerk

218562

PROPOSED FINDINGS OF FACT WITH RESPECT TO PCD
NO. 23, IN ACCORDANCE WITH SECTION 101.0910,
PLANNED COMMERCIAL DEVELOPMENTS, MUNICIPAL
ORDINANCE, CITY OF SAN DIEGO.

RECEIVED
CITY OF SAN DIEGO
PLANNING DEPARTMENT
AUG 11 1987

FINDINGS OF FACT

1. The proposed development at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood, the community and the City. The Villa La Jolla area is developed with an apartment and condominium complexes. It also serves a student community which resides on the University of California at San Diego campus. It also is the site of medical and scientific academic and industrial community. Torrey Pines Mesa, of which this area is also a part, is also developed with substantial number of residential homes overlooking La Jolla Shores, Hidden Valley, and Highway I-5. To date this area is not served by a specialty center featuring apparel specialty and limited general merchandise, unique apparel and specialty shops, restaurants, arts and crafts shops, theatres, super market, drug store, variety and institutional tenants. These facilities will enable residents in the University community, including those in Torrey Pines Mesa, La Jolla Scenic Drive, and Torrey Pines Road to perform many of their shopping activities without leaving their neighborhood and adding to the traffic congestions present for automobiles seeking to enter La Jolla. This facility will also provide 87,000 square feet of additional housing units in the area, the equivalent of 40 residential studio and one bedroom

units and 75 two or more bedroom units or the equivalent of approximately 190 residential units and one bedroom units.

2. 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 (existing or in the future) in the vicinity. The commercial portion of the project is of a size 350,000 square feet which will provide suitable specialty shopping opportunities for neighboring residents. The design of the project is compatible with the surrounding community and with adjacent commercial uses to the North. The project is not expected to measurably increase congestion at the Villa La Jolla Drive - La Jolla Village Drive intersection.

3. That all applicable design criteria and minimum standards for a planned commercial development will be met. The plan submitted with the application calls for construction of a project which occupies less floor area than is permitted in the CA zone and provides landscaping in accordance with the PCD criteria and which provides parking in accordance with the underlying zone. Parking for 1750 automobiles complies with the requirement for commercial establishments by the underlying CA zone. The 110 parking spaces indicated for the 115 unit apartment complex on site represents 62 parking spaces fewer than is required for residential development in the CA zone; that it is expected that overflow residential parking will be absorbed by the adjacent commercial parking area on site, and it is found that due to the nature of student activities and

the heavy business hours of the specialty center that there will not be any conflict or competition for parking spaces.

4. That the granting of this permit will not adversely affect the Progress Guide and the General Plan for the City of San Diego or any adopted University Community or precise plan or the adopted plan of any governmental agency. The University Community Plan speaks to the need for establishing a commercial center in the La Jolla Village development (Villa La Jolla Master Plan presented to the City Council in May, 1968). This retail center will be approximately 40 acres in size with almost 500,000 square feet of commercial floor area and approximately 150,000 square feet of University oriented housing (equal to 250 to 300 units). PCD No. 22 and PCD No. 23 collectively call for 500,000 square feet of commercial floor space and collectively at present call for 1,500,000 square feet equal to 144 units of University oriented housing, to wit, 46 residential studio and one bedroom units and 102 two or more bedroom units, which University oriented housing will be expanded as their success and feasibility are demonstrated.

Respectfully submitted,

LA JOLLA VILLAGE SQUARE,
a limited partnership

By
Ferdinand T. Fletcher
of
HIGGS, FLETCHER & MACK
Authorized Representative

FTF/nlk

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 23

This planned commercial development permit is granted by the Council of The City of San Diego to MUTUAL BENEFIT LIFE INSURANCE COMPANY, Owner, and THE LA JOLLA VILLAGE SQUARE PARTNERSHIP, hereafter referred to as "Permittee," for the purposes and under the terms and on the 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 on the south side of Nobel Drive, between Villa La Jolla Drive and Interstate 5, more particularly described as Lots 8 and 9 of Villa La Jolla Unit No. 4, Map No. 6985, in the CA Zone.

2. The Planned Commercial Development shall include and the term "Project" as used in the Planned Commercial Development shall mean the total of the following facilities:

a. Specialty center of 350,000 square feet of commercial floor area consisting of the following:

- (1) Community-oriented specialty store - 150,000 square feet.
- (2) High fashion specialty store - 60,000 square feet.
- (3) Home-oriented facilities - 15,000 square feet.
- (4) Fashion retail - 75,000 square feet.
- (5) Specialty retail - 35,000 square feet.

(6) Food service - 15,000 square feet.

(7) 115 one and two-bedroom residential units -
87,000 square feet.

b. Offstreet parking.

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

3. Not less than 1,860 offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated March 24, 1977, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Prior to the issuance of a building permit, the developer shall provide the City with a street reservation located at the northeast corner of the property sufficient to provide for a future on-ramp to Interstate 5.

5. Prior to the issuance of a building permit, a traffic signal shall be installed on Nobel Drive at the driveway entrance to the Planned Commercial Development satisfactory to the Engineering and Development Department.

6. Prior to occupancy, intersection modification and traffic control devices shall be installed as required by the

Engineering and Development Department. If additional striping or turn lanes are required, they shall be constructed at the expense of the developer.

7. Prior to the occupancy and opening of the commercial uses on site, building permits shall have been issued for the residential units.

8. The Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on June 8, 1977.

GENERAL CONDITIONS FOR
PLANNED COMMERCIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated March 24, 1977, 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.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated March 24, 1977, 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.

3. 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.

4. Substantial construction of the Project shall have commenced and shall be proceeding within 18 months after the effective date of this planned commercial development permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0910 of the San Diego Municipal Code.

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

6. 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 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 4 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.

7. 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.

8. 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.

9. 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.

10. 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.

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.

MUTUAL BENEFIT LIFE INSURANCE
COMPANY

THE LA JOLLA VILLAGE SQUARE
PARTNERSHIP

By _____

By _____

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

Acknowledgment

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, personally appeared _____, known to me to be the _____ and _____ known to me to be the _____ of _____

_____ the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

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

Passed and adopted by the Council of The City of San Diego on JUN 8 1977,
 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Martinez, Deputy.

(Seal)

RECEIVED
 CITY CLERK'S OFFICE
 1977 JUL 15 PM 12:50
 SAN DIEGO, CALIF. SAN DIEGO, CALIF.
 1276 (REV. 12-76)

Office of the City Clerk, San Diego, California

Resolution Number 218562 Adopted JUN 8 1977