

RESOLUTION NO. 221369

R.79-188  
JUL 11 1978

Planned Commercial Development Permit No. 23/  
Amendment No. 1

WHEREAS, LA JOLLA VILLAGE SQUARE PARTNERSHIP, a limited partnership, Owner, hereafter referred to as "Permittee," filed an application under Planned Commercial Development Permit No. 23/Amendment No. 1, for a revised residential area on property consisting of 30.25 acres in the CA Zone, located on the south side of Nobel Drive between Interstate 5 and Villa La Jolla Drive and Via Mallorca, more particularly described as Lots 8 and 9, Villa La Jolla Unit No. 4, Map No. 6985; and

WHEREAS, on May 4, 1978, the Planning Commission of The City of San Diego voted 3 to 2 on a motion to approve the Permit; due to the lack of four votes this is deemed a denial; and

WHEREAS, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, THE MAY STORES SHOPPING CENTERS, INC., appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 13, 1978, continued to July 11, 1978, 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

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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:

All of the following facts exist with respect to Planned Commercial Development Permit No. 23/Amendment No. 1:

1. The proposed use at this location would be desirable to provide a facility contributing to the general well-being of the neighborhood, the community and the City.

The residential element within the subject commercial/residential development would provide student housing convenient to commercial uses and the adjacent University of California at San Diego Campus. The proposed development would be desirable to provide a facility contributing to the general well-being of the neighborhood, the community and the City.

2. The subject development would not be detrimental to the health, safety or general welfare of persons living or working in the area.

The subject residential development was approved by the Planning Commission and City Council in 1977, and found at that time not to be detrimental to the health, safety or

general welfare of persons living or working in the area. The amendment proposes substantially the same development as previously approved. The amendment proposes one additional living unit and nine additional parking spaces.

3. All design criteria and minimum standards for a Planned Commercial Development would be met.

The subject amendment would meet all minimum design criteria and standards for a Planned Commercial Development provided that architectural harmony of all buildings on site could be assured.

4. The granting of this permit would not adversely affect the Progress Guide and General Plan for The City of San Diego nor the adopted University Community Plan.

The subject residential development would provide for a mixture of commercial and residential uses on site consistent with the recommendations of the adopted University Community Plan for the development of this location.

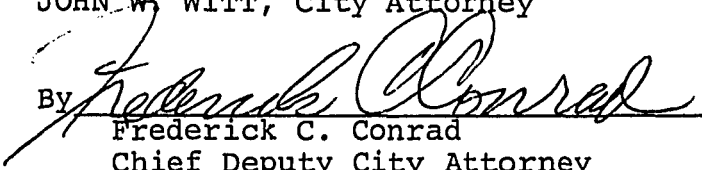
The subject Planned Commercial Development amendment was exempt from filing of additional environmental data. The original environmental impact report prepared for this project is on file in the office of the Environmental Quality Division and is available for public review.

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

BE IT FURTHER RESOLVED, that the appeal of THE MAY STORES SHOPPING CENTERS, INC. is hereby granted, and this Council does hereby grant to LA JOLLA VILLAGE SQUARE PARTNERSHIP, a limited partnership, Owner and Permittee, Planned Commercial Development Permit No. 23/Amendment No. 1, 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  
7/25/78  
Or.Dept.:Clerk

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PLANNED COMMERCIAL DEVELOPMENT PERMIT  
NO. 23/AMENDMENT NO. 1

This amendment to planned commercial development permit is grant by the Council of The City of San Diego to LA JOLLA VILLAGE SQUARE PARTNERSHIP, a limited partnership, Owner, 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.

Planned Commercial Development Permit No. 23/Amendment No. 1 is hereby amended to include:

Special Condition No. 2, Subparagraph A, Subparagraph (7) is hereby amended to read as follows:

(7) 115 one-bedroom residential units and one two-bedroom manager's unit.

The following condition is added to the permit:

9. Prior to the issuance of any permits, a comprehensive color palette and exterior building material list shall be submitted to the Planning Director for approval to assure architectural harmony of all structures on site.

Adopted by the Council of The City of San Diego on July 11, 1978.

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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 May 4, 1978, 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 May 4, 1978, 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.

RECORDED  
INDEXED

221369

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

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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.

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Passed and adopted by the Council of The City of San Diego on JUL 11 1978,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input type="checkbox"/>	<input checked="" 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"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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 checked="" type="checkbox"/>

AUTHENTICATED BY:

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

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Betty Goodberg, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 221369 Adopted JUL 11 1978

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