

RESOLUTION NUMBER R- 253194

Adopted on NOV 25 1980

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 23/AMENDMENT NO. 2

WHEREAS, LA JOLLA VILLAGE SQUARE PARTNERSHIP, a limited partnership, Owner, hereafter referred to as "Permittee," filed an application under Planned Commercial Development No. 23/Amendment No. 2, which would allow construction of 165,000 square feet of retail commercial floor area, 50 residential units in 6 buildings and 1,144 parking spaces on a 16.5-acre parcel described as Lot 10, and a portion of Lot 9, Villa La Jolla Unit No. 4, Map 6985. The project would expand the La Jolla Village Square shopping center by adding a 2-story department store, 2-story mall shops and a common mall totaling 191,000 square feet. One portion of the property is zoned CA and currently serves as parking for the existing shopping center. The remaining 12.1 acres are vacant and subject to proposed rezoning; and

WHEREAS, ON October 2, 1980, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Commercial Development Permit No. 23/Amendment No. 2, and filed said decision in the office of the City Clerk on October 23, 1980; and

WHEREAS, on October 17, 1980, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, FRANK RICCIADONE, LEO BLUM and GARY MEANA appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on November 25, 1980; 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; NOW, THEREFORE,

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

The following facts exist with respect to Planned Commercial Development Permit No. 23/Amendment No. 2:

The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or community plan.

The project would provide additional commercial facilities where there is an existing need, as identified in the report entitled "Market Support Extension of La Jolla Village Square," dated October, 1980, by Sanford R. Goodkin Research Corporation.

The present commercial services and facilities on Villa La Jolla Lots 8 and 9, according to the market report, would be augmented and aided by the project. In other words, the project would both cause utilization of the existing commercial services and facilities to be optimized and would add additional facilities and services to satisfy the identified need. Such optimization and additional facilities and services would result in substantial tax benefits to The City of San Diego (real property and sales tax).

Since 1971, when the present University Community Plan was adopted, actual development in the plan area has substantially changed the nature of the area. Such development has resulted in a demand for additional commercial services and facilities above the original projections of the plan. The project would concentrate the development of major commercial services and facilities in one location which would have the overall and long-term beneficial impact of reducing vehicle trips by residents of the area for shopping purposes and a commensurate reduction in air pollution caused by such trips.

The loss of the residential units which would not be built on the project site (approximately 500) may be easily absorbed by building additional units at other undeveloped sites given the range of permissible University Community Plan densities and the large amount of undeveloped sites in the plan area. The total units which could be built on undeveloped sites in the plan area ranges

from approximately 14,700 to 25,300.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

The project, as a commercial development, would distribute the traffic flow throughout the day and evening more evenly than an all-residential development which would concentrate the traffic during the morning and evening peak hours. Therefore, while both a commercial project and an all-residential project at this location will add to the cumulative effect on traffic congestion and circulation, an all-residential project would have a greater adverse effect on traffic congestion and circulation on a cumulative basis due to the peak-period traffic inherent in residential developments.

Large numbers of persons, including University of California students, will be employed in the commercial project.

Conditions of approval include building, landscape, lighting and sign plans acceptable to the Planning Director. Such plans would include, but not be limited to, building styles and exterior finishes compatible with the existing commercial and adjacent residential developments, use (as appropriate) of larger specimen trees as landscaping, use of densely landscaped berms as landscaping and directional lighting to avoid glare to adjacent residential developments to the maximum extent feasible with due consideration to public safety. Such plans shall specifically include: (i) walkways at all main entrances to the development; (ii) improved landscaping at the street frontages along Via Mallorca, Villa La Jolla and Nobel Drive; and (iii) the detailed landscape plan for the buffer area along the southern boundary of the development, as presented to the Council on November 25, 1980.

The applicant proposes to provide 25 one-bedroom and 25 two-bedroom

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residential rental units located adjacent to the existing residential development south of the project site. Such units, in conjunction with the proposed landscaping, provide a buffer for the referenced existing residential development. Additionally, such rental units will provide a type of housing that is in substantial demand near the University of California campus.

The project will have approximately 14 percent building coverage and all buildings will be set back substantially from the adjacent public streets. The alternative of an all-residential project would have an estimated building coverage of 26.3 percent, and such residential buildings would (if consistent with the existing pattern of development), be in very close proximity to the adjacent public streets. From the perspective of urban design, the project's visual impact of large, open and landscaped areas will provide visual relief from the wall-like appearance of the existing residential and commercial office development in the immediate vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code.

Application of The City of San Diego's large-car/small-car parking ratio to the project will provide adequate parking as required. Present parking provided complies with previous approvals of adequacy under Planned Commercial Development No. 23.

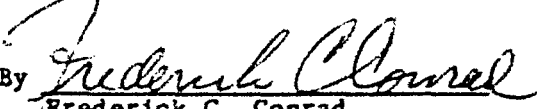
The above findings are supported by the maps, exhibits, written documents, materials contained in the files regarding this permit on file in the office of the City Clerk, the written documents referred to herein, and the oral presentation presented, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the appeal of FRANK RICCIADONE, LEO BLUM and GARY MEANA is denied, the decision of the Planning Commission is sustained, and this Council does hereby grant to LA JOLLA VILLAGE SQUARE PARTNERSHIP, a

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limited partnership, Planned Commercial Development Permit No. 23/Amendment No. 2, 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:ps:clh  
2/17/81  
REV.7/2/81  
REV.2.7/22/81  
Or.Dept:Clerk  
R-81-1490

PLANNED COMMERCIAL DEVELOPMENT NO. 23/AMENDMENT NO. 2  
CITY COUNCIL

This planned commercial development permit is granted by the City Council of The City of San Diego to LA JOLLA VILLAGE SQUARE, a limited partnership, Owner, hereafter referred to as "Permittee," for the purpose and under 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 east side of Via Mallorca between Nobel Drive and Via Alicante, more particularly described as Lot 10 and a portion of Lot 9, Unit 4 of Via La Jolla, Map 6985, in the CA and RV (proposed CA) zones.

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

a. The construction of a 191,000-square-foot mall and department store to include a total of 165,000 square feet of commercial floor area as an expansion to the existing La Jolla Village Square Shopping Center.

b. Fifty (50) residential units (25 one-bedroom and 25 two-bedroom) to be included in six buildings on 1.58 acres of land in the southwest corner of the project site.

c. Off-street parking.

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

3. Not less than 1,092 commercial and 52 residential off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated October 2, 1980, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than two-inch 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 off-street parking spaces.

4. Delete Condition No. 4 of the General Conditions for Planned Commercial Development Permits and, in its stead, substitute the following:

This Planned Commercial Development Permit must be utilized within 24 months after the effective date of the concurrent Rezoning Case No. 5-80-60. Failure to utilize subject permit within 24 months will automatically void the same unless an extension of time has been granted by the Planning Director as set forth in Section 101.0910 of the Municipal Code.

5. Prior to issuance of any building permits in connection with Planned Commercial Development Permit No. 23/Amendment No. 2, developer shall provide the following improvements to the satisfaction of the City Engineer:

a. Assure by permit and bond the construction of 5-foot-wide sidewalks on Villa La Jolla Drive and Via Mallorca adjacent to the property covered by Planned Commercial Development Permit No. 23.

b. Construct a traffic signal system at the intersection of Gilman Drive and Villa La Jolla Drive, or post a bond for said traffic signal system. This condition is subject to further study by the City Manager.

6. The 50 residential units to be developed as a part of this project shall be apartment units. These units shall not be converted to condominium use.

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

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON NOVEMBER 25, 1980.

FCC:ps:clh  
2/23/81  
REV. 7/7/81  
Or. Dept. : Clerk

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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 October 2, 1980, 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 October 2, 1980, 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.

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4. This Planned Commercial Development Permit must be utilized within 24 months after the effective date of the concurrent Rezoning Case No. 5-80-60. Failure to utilize subject permit within 24 months will automatically void the same unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0910 of the 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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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 CHARLES G. ABDELNOUR, 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.

LA JOLLA VILLAGE SQUARE, a limited partnership

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: NOTARY ACKNOWLEDGMENTS  
MUST BE ATTACHED - PER  
CIVIL CODE, SEC. 1180 et seq.

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NOV 25 1980

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 Barbara Berridge, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-253194 Adopted NOV 25 1980