

RESOLUTION NUMBER R- 258662

Adopted on JUN 14 1983

WHEREAS, GENSTAR DEVELOPMENT, INC., PENASQUITOS PROPERTY DIVISION, a New York corporation, hereafter referred to as "Owner/Permittee," filed an application to construct and operate a commercial, office and residential development, with parking and landscaping on a 38.07-acre site, located on the south side of La Jolla Village Drive, between Interstate 5 Freeway and Lebon Drive, described as Parcel Map No. 11037, in the CO Zone, in the University Community Plan area; and

WHEREAS, on April 28, 1983, the Planning Commission of The City of San Diego made its findings of facts and voted 3 to 2 to approve Planned Commercial Development Permit No. 82-0544, but due to lack of four affirmative votes, this was deemed a denial of the Planned Commercial Development Permit; and

WHEREAS, on May 2, 1983, pursuant to the provisions of Section 101.0910 of the San Diego Municipal Code, GENSTAR DEVELOPMENT, INC., by Bruce H. Warren, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 14, 1983; 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:

The following findings of fact exist with respect to Planned Commercial Development Permit No. 82-0544:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan nor the Community Plan. The adopted University Community Plan (1971) designates the property for visitor-commercial and medium-to-high density residential uses, with an elementary school nearby. Land uses proposed by this project are not entirely consistent with the adopted 1971 plan; however, a plan revision is proposed for the area. The 1983 draft revised Community Plan designates the property for visitor-commercial, professional office and residential development in locations similar to those proposed by the applicant.

2. The proposed use would not be detrimental to the general welfare of persons residing or working in the area and would not adversely affect other property in the vicinity. The self-containment concept of the mixed use project is to be encouraged as development policy.

3. Although the project would have significant unavoidable impacts with regard to traffic/circulation (cumulative congestion impacts) and air quality (inconsistency with Series V RAQS), there are specific overriding considerations which balance the benefits of the proposed project against these unavoidable environmental effects. These benefits include provisions of public improvements in the University Community area, provisions of housing and office park uses within an area

designated for urban uses in the City of San Diego, and the addition of new jobs associated with the office park, hotel and commercial uses.

4. Public improvements associated with the University Center project include numerous road improvements designed to facilitate traffic flow (outlined on page 20 of the EIR), as well as pedestrian and public transit facilities. These improvements would be funded entirely through developer contributions. Additionally, the developer has agreed to fund a feasibility study for a mini-transit loop project and to initiate an implementation program for the project.

5. A recognized demand exists for residential and office uses in the north San Diego area. The diverse forms of development proposed will assist in the General Plan objective of developing economically and socially balanced communities. The location of the project site in the University Community adjacent to two freeway interchanges is the most appropriate place to locate the intense type of urban development proposed.

6. In the short term, the proposed project will provide numerous man-hours of construction-related employment. In the long term, the proposed office, hotel and commercial uses will provide stable employment opportunities and help to incrementally reduce the existing high unemployment rate.

7. The project will provide a number of on-site services available to the general public, such as hotel facilities, restaurants, meeting rooms and landscape facilities which can be visually enjoyed by the passing public, as well as by on-site pedestrians.

8. The proposed use would generally comply with the relevant regulations in the Municipal Code. This project proposes an integration of varied land uses which are consistent with the Planned Commercial Development ordinance and the regulations of the underlying CO Zone.

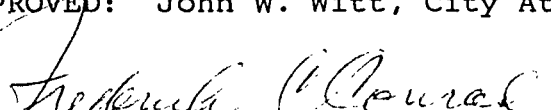
9. This Council finds that the benefits associated with this project override the cumulative traffic and air quality impacts.

The above 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 GENSTAR DEVELOPMENT, INC., by Bruce H. Warren, is granted, the decision of the Planning Commission is overruled, and this Council does hereby grant to Owner/Permittee Planned Commercial Development Permit No. 82-0544, 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:ib:640
06/22/83
Or.Dept:Clerk
Case No. 82-0544
Form=r.none

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 82-0544

CITY COUNCIL

This Planned Commercial Development Permit is granted by the City Council of The City of San Diego to GENSTAR DEVELOPMENT, INC., PENASQUITOS PROPERTY DIVISION, a New York corporation, "Owner/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 Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a commercial, office and residential development, with parking and landscaping, on a 38.07-acre site, located on the south side of La Jolla Village Drive, between Interstate 5 Freeway and Lebon Drive, described as Parcel Map No. 11037, in the CO Zone.

2. The facility shall consist of the following:

a. Parcel 1: a 14-story, 400-room, 229,000 square-foot hotel;

b. Parcel 2: a one story, 5,500 square-foot family restaurant;

c. Parcel 3: a one story, 8,000 square-foot theme restaurant;

d. Parcels 4, 5, 6, 7 and 10: Mid-to-high-rise (2-13 story) professional office structures, totaling 590,000 square feet;

e. Parcels 8, 9 and 11: Mid-to-high-rise residential structures (3-14 story) totaling 856,200 square feet (685 dwelling units at a density of 18 DU/AC);

f. Parcels 1-11: Parking structures totaling 593,000 square feet;

g. Off-street parking;

h. Accessory uses as may be determined incidental and approved by the Planning Director.

3. Prior to the issuance of any grading or building permits, a final subdivision map shall be recorded on the subject property and the property shall be rezoned to CO.

4. This Planned Commercial Development shall be subject to all conditions contained in the Planning Department Tentative Map Resolution No. 4311.

5. Prior to the issuance of any building permits, assurance shall be made that the Owner/Permitee will share in the cost of additional public facilities as needed through a Facilities Benefit Assessment or a Development Agreement, should the FBA be terminated.

6. The project shall be consistent with the amended Circulation Element of the University Community Plan. This includes the provision of a transit lane within the Nobel Drive right-of-way.

7. The Development Agreement shall include a requirement that the developer, in conjunction with the City of San Diego and Metropolitan Transit Development Board, will initiate a planning study of an in-street transit loop along the route envisioned in the Community Plan. This study would consider

type of equipment, potential ridership demand, route refinement and methods of implementation. The scope will be determined by the City of San Diego and MTDB, with Owner/Permittee's contribution not to exceed \$50,000.00.

8. Owner/Permittee, or its successors, shall enter into a Development Agreement with The City of San Diego to assure the phased completion of the project as proposed as well as the provision of public improvements in the area, as required by Council Policy 600-28.

9. Prior to the issuance of any building permits, a final landscape plan shall be submitted for Planning Director approval. The landscape plan shall include the sizes and types of trees, shrubs, vines and groundcover to be planted.

10. Prior to the issuance of any building permits, a final detailed set of building elevations shall be submitted for Planning Director approval. The elevation illustrations shall include exterior building materials, shading of adjacent property, treatment of roof apparatus and the like.

11. Prior to the issuance of sign permits, a comprehensive sign plan shall be approved by the Planning Director.

12. Medical/dental facilities shall be prohibited in the project as submitted, based on parking spaces proposed for professional office uses (1,966 spaces for 590,000 square feet of gross floor area for a parking ratio of one space per 300 square feet of gross floor area). Should Owner/Permittee desire to include medical/dental offices, parking shall be provided at a ratio of at least one space per 250 square feet of gross floor

area of such use. This additional parking shall be approved by the Planning Director prior to the approval of business licenses for medical/dental users in this project.

13. All mitigation measures contained in the Environmental Impact Report shall be incorporated into the project.

14. No fewer than 4,292 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 7, 1983, 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. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked. No charge shall be made at any time for surface parking areas. There may be charges for parking provided in all other covered areas and garages.

15. No permit for grading or construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

a. The Permittee signs and returns the permit to the Planning Department;

b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Director decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

16. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning

Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 7, 1983, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

17. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 7, 1983, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

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

19. This Planned Commercial Development Permit must be used within 24 months after the effective date of accompanying Rezoning No. 82-0544 or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0910 of the San Diego Municipal Code.

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

21. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; or

b. The proposed use meets every requirement of the zone existing for the property at the time of conversion;
or

c. The permit has been revoked by the City.

22. This Planned Commercial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

23. This Planned Commercial Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

Adopted by the Council of The City of San Diego on June 14, 1983.

Passed and adopted by the Council of The City of San Diego on JUN 14 1983,
 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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
 Mayor of The City of San Diego, California.

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

(Seal)

By *Jose A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

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