

(R-90-1681)

RESOLUTION NUMBER R-275347

ADOPTED ON MARCH 20, 1990

WHEREAS, T&S Development, Inc., by Matthew A. Peterson, Attorney, appealed the decision of the Planning Commission in denying Planned Commercial Development Permit No. 89-0366 submitted by T&S Development, Inc., Owner/Permittee, for the purpose of adding 652,000 square feet of commercial retail square footage to the existing La Jolla Village Square Shopping Center, located south of Nobel Drive, east of Via La Jolla Drive and west of Interstate 5, and is more particularly described as Parcels 1 through 4 of Parcel Map No. 8363, lying within Lots 8 and 9 of Villa La Jolla Unit No. 4, Parcel Map No. PM 6985, and Lots 6 through 22 (inclusive of Cape La Jolla) according to Map No. 11190, in the University Community Plan area, in the CA zone; and

/ WHEREAS, the matter was set for public hearing on March 20, 1990, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Commercial Development Permit No. 89-0366:

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

the community plan. The La Jolla Village Square expansion project proposes the addition of 652,000 square feet of retail commercial square footage to an existing retail project which totals 350,000 square feet. The project also proposes an amendment to the University Community Plan to increase the total amount of allowable building square footage from 737,250 square feet permitted in this plan to the 1,002,000 square feet proposed. In conjunction with this project, a planned commercial development amendment to the Cape La Jolla project (PCD No. 84-0305) is also proposed to remove 8.8 acres from that project and add it to the La Jolla Village Square site. The La Jolla Village Square project would then encompass 39.10 acres. The approval of this project would not result in adverse impacts relating to traffic and visual quality and would allow the expansion of regional commercial services thereby fulfilling a community need.

2. The proposed use 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 La Jolla Village Square expansion project proposes the addition of 652,000 square feet of commercial retail space to the existing 352,000-square-foot facility. An additional 8.8 acres would be added to the existing site from the Cape in La Jolla residential project located immediately south. The proposed expansion of this facility will not be detrimental to

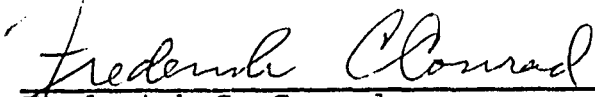
the surrounding community because of conditions which have been attached to this project requiring the completion of off-site public improvements concurrent with the development of the additional building square footage proposed by the project.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project meets all the requirements of the Municipal Code.

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 T&S Development, Inc., by Matthew A. Peterson, Attorney, is granted; the decision of the Planning Commission is overruled, and Planned Commercial Development Permit No. 89-0366 is hereby granted to T&S Development, Inc., under the terms and conditions 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:lc
05/02/90
Or.Dept:Clerk
R-90-1681
Form=r.permit

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 89-0366

CITY COUNCIL

This Planned Commercial Development Permit is granted by the Council of The City of San Diego to LA JOLLA VILLAGE SQUARE, a California limited partnership, and T&S DEVELOPMENT, INC., a California corporation, Owner/Permittee, pursuant to Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 652,000-square-foot planned commercial development to an existing 350,000-square-foot shopping center located south of Nobel Drive, east of Via La Jolla Drive and west of Interstate 5, in the University Community, described as Parcels 1 through 4 of Parcel Map No. 8363; lying within Lots 8 and 9 of Villa La Jolla Unit No. 4, Map No. 6985; Lots 6 through 22 inclusive of Cape La Jolla, Map No. 11190, in the CA Zone.
2. The facility shall consist of the following:
 - a. One million two thousand (1,002,000) gross square feet of retail commercial use;
 - b. Parking structures and landscaping;
 - c. Off-street parking;
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.
4. No fewer than 5,010 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 20, 1990, on file in the office of the Planning Department. Subject to the review and approval of the Planning Director the total number of parking spaces may be reduced. Parking spaces shall be consistent with Chapter X, Article 1, 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.
5. 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.
6. 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 March 20, 1990, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
 7. 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 March 20, 1990, 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 and is to be maintained in a disease, weed and litter free condition at all times.
 8. 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.
 9. The effective date of this permit shall be the date of final action following all appeal dates and proceedings. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0910.M. of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
 10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
 11. 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;

c. The permit has been revoked by the City.

The property included within this planned commercial development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

12. This Planned Commercial Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
13. This Planned Commercial Development Permit is a covenant running with the subject property 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.
14. This planned commercial development may be developed in phases as set out in Exhibit 1 attached hereto. Each phase shall be completed in substantial conformance prior to the issuance of occupancy permits. The Planning Director shall determine compliance of the plan and associated completed construction prior to the issuance of the certificate of occupancy.
15. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
16. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
17. The location of a theatre use within this shopping center, exclusive of sites adjacent the Villa La Jolla Drive and Via Mallorca, may be approved by the Planning Director subject to the review and approval of site specific plans and signage.
18. Approval of this project is contingent upon the approval, by City Council, of an amendment to the University Community Plan and approval of Planned Commercial Development No. 89-0404. Subsequent cancellation of this planned commercial development will void Planned Commercial Development No. 89-0404.
19. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.

20. Prior to the issuance of occupancy permits for the additional building square footage proposed by this project, landscaping, berming, parking and access improvements proposed on the Cape La Jolla project site (see PCD No. 89-0404) shall be installed.
21. The applicant shall landscape the freeway right-of-way as shown on the Landscape Concept Plan. Prior to issuance of a building permit for the parking structure, a final landscape plan, in general conformance with Landscape Concept Plan, must be approved by the Environmental Analysis Section (EAS) and evidence must be provided to EAS that the applicant has secured the right to place and maintain landscape material from Caltrans in its right-of-way.
22. The landscaping along the freeway side of the easterly parking structure shall be monitored for three years following installation. Annual reports shall be submitted to EAS by the applicant which indicate the condition of the landscaping and provide evidence that at least 80 percent of the plant material is alive or that replanting has done to achieve an 80 percent survival rate.
23. Textured concrete shall be used for the retaining walls associated with freeway ramp improvements. Specific design details shall be determined during the design review process as the Project Study Report is prepared by Caltrans.
24. The project applicant shall have approved by CALTRANS, a Project Study Report, for freeway improvements required for this project. As shown on Exhibit "A," dated March 20, 1990, the project applicant shall construct the southbound La Jolla Village Drive/I-5 off-ramp to Nobel Drive prior to the issuance of occupancy permits for any expansion of the shopping center above a total of 737,250 square feet. Improvements to this interchange shall be approved by CALTRANS and the City Engineer. The cost of said improvements shall be funded by the applicant to the satisfaction of CALTRANS and the City Engineer.
25. As required by CALTRANS and the City Engineer, funding for the northbound on-ramp at Nobel Drive/I-5 shall be assured to the satisfaction of the City of San Diego prior to the issuance of building permits for the expansion of this project above 737,250 square feet.
26. Prior to issuance of building permits, the following transportation improvements shall be assured to the satisfaction of the City Engineer. Completion shall occur prior to issuance of a certificate of occupancy for any expansion of the shopping center:

- a. Installation of a traffic signal at a major entrance on Villa La Jolla Drive including dual left-turn lanes;
 - b. Construction of an auxiliary lane from the secondary entrance easterly to I-5;
 - c. Widening major entrance on Nobel Drive to allow for six lanes in and out including: one right-turn only lane out of the center onto Nobel Drive, one left-turn lane and a middle lane which would accommodate all traffic movements; or
 - d. Restriction on left turns out of the shopping center at non-signalized entrances with no left turns onto Via Mallorca.
27. Construction of a transit stop at a location to be approved by MTDB to accommodate the proposed North University Loop Shuttle. With the approval of MTDB, reroute the Loop Shuttle through the center and upgrade bus stops at Villa La Jolla Drive, Via Mallorca, and Nobel Drive to shelters. Applicant shall not oppose the formation of an assessment district to finance the loop shuttle.
28. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

APPROVED by the Council of The City of San Diego on March 20, 1990.

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EXHIBIT 1

PHASING PLAN
LA JOLLA VILLAGE SQUARE, PCD 89-0366

Phase I

The following transportation improvements shall be assured to the satisfaction of the City Engineer and completed by the applicant prior to issuance of a certificate of occupancy for any expansion of the shopping center beyond the current 350,000 square feet level, up to a maximum of 737,250 square feet:

- installation of a traffic signal at the major entrance on Villa La Jolla Drive including dual left-turn lanes;
- construction of an auxiliary lane from the secondary entrance easterly to I-5;
- widening major entrance on Nobel Drive to allow for six lanes in and out including: one right-turn only lane out of the center onto Nobel Drive, one left-turn lane and a middle lane which would accommodate all traffic movements;
- restriction on left turns out of the shopping center at non-signalized entrances with no left turns onto Via Mallorca; and
- develop plans and drawings and bond, post a certificate of deposit, or a letter of credit for the construction of a transit stop at a location approved by MTDB to accommodate the proposed North University City Loop Shuttle. With the approval of MTDB, reroute the Loop Shuttle through the center in order to optimize the convenience to future riders. Upgrade bus stops at Villa La Jolla Drive and Nobel Drive to shelters. Applicant shall not oppose the formation of an assessment district to finance the Loop Shuttle.

Phase II

Prior to issuance of a building permit for any expansion of the shopping center beyond a total of 737,250 square feet, a Project Study Report shall be approved by CalTrans and the construction of the southbound off-ramp to Nobel Drive and associated freeway improvements shall be assured to the satisfaction of the City Engineer. The project application shall construct a southbound off-ramp to Nobel Drive to Gilman Drive. Construction of the proposed southbound ramp and associated freeway improvements shall be completed prior to issuance of a certificate of occupancy for any expansion of the shopping center which would result in more than a total of 737,250 square feet.

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If the northbound on-ramp from Nobel Drive to I-5 is ultimately required by CalTrans and Federal Highway, even though not necessitated by this project, then:

- (a) The identification of the financing for this improvement will be a condition of the project approval;
- (b) T & S Development and the City will be responsible for determining how the remaining cost of the northbound on-ramp will be funded;
- (c) The northbound freeway ramp must be open before any certificates of occupancy are issued for construction which exceeds 737,250 square feet;
- (d) A possible funding source identified at this time is an amendment to the FBA. Additionally, an allocation of the incremental FBA fees that accrue with the expansion of the project above the Community Plan level of 737,250 square feet to 1,002,000 square feet could be set aside to apply directly toward offsetting the cost of the northbound on-ramp.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 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 permit and promises to perform each and every obligation of Permittee hereunder.

LA JOLLA VILLAGE SQUARE
a California limited partnership
Owner/Permittee

T&S DEVELOPMENT, INC.
A California corporation
Owner/Permittee

By _____

By _____

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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R-275347

MAR 20 1990

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

| Council Members | Yeas | Nays | Not Present | Ineligible |
|------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Abbe Wolfsheimer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ron Roberts | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| John Hartley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Wes Pratt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Linda Bernhardt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| J. Bruce Henderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Filner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-275347** Adopted MAR 20 1990