

(R-2001-1009)

RESOLUTION NUMBER R-294150

ADOPTED ON NOVEMBER 14, 2000

WHEREAS, Polygon Shelter, Inc., Owner and La Jolla Commons/Polygon, Permittee, filed an application with the City of San Diego for a Planned Commercial Development [PCD]/ Resource Protection Ordinance [RPO] Permit to develop a 327 room, fifteen-story hotel, 115 unit, thirty-two-story condominium, 450,000 square foot, twenty-story office building, 30,000 square foot, two-story scientific research building and separate eight level parking structure development, the construction of a segment of Judicial Drive, Nexus Center Drive, and Executive Drive, construction of four west-bound lanes and a bike-lane within La Jolla Village Drive from Judicial Drive to the Interstate 805 interchange, and other improvements in the public right-of-way, located east of the planned extension of Judicial Drive, south of Nexus Center Drive, north of La Jolla Village Drive and west of Interstate 805, legally described as being a portion of Pueblo Lot 1307, Map 36, filed November 14, 1921, in the University Community Plan area, in the existing RS zone (previously referred to as the R1-5000 zone) (proposed CV-1-2 and IP-1-1 zones (previously referred to as the CV and SR zones, respectively); and

WHEREAS, on October 19, 2000, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 99-0762, and pursuant to Resolution No. 3036-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on November 14, 2000, testimony having been heard, evidence having been submitted, and the City Council having fully considered

the matter and being fully advised concerning the same, pursuant to San Diego Municipal Code [SDMC] sections 101.0910 and 101.0462; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to PCD/RPO Permit No. 99-0762:

FINDINGS:

**Planned Commercial Development**

**1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted Community Plan.** The proposed project site is designated for commercial and scientific research uses by the University Community Plan. The proposed development is consistent with this designation of the Community Plan. The proposed use will provide a mixed use project and gateway into the University community. As the proposed project is consistent with the community plan, consistency with the City's Progress Guide and General Plan is also achieved and adverse affects to the Progress Guide and General Plan will not result from implementation of the proposed project. The proposed use has been planned to occur at this location consistent with the policy documents.

**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 properties in the vicinity.** The permit controlling the development and continued use of the proposed development for this site contains conditions addressing the proposed project compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

**3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into the permit. Development of property shall meet the requirements of the regulations and development criteria of the proposed CV-1-2 and IP-1-1 zones, as allowed with the approval of a planned commercial development permit. Concept plans for the proposed project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the proposed project.

## **Resource Protection Ordinance**

**4. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.** See finding number one.

**5. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.** The proposed project is consistent with the adopted University Community Plan, which identifies this property for Visitor Commercial [VC] and Scientific Research uses. The proposed project is proposing a hotel, office and residential uses over that portion of the site designated in the community plan for Visitor Commercial uses consistent with the proposed Commercial Visitor zone. The project proposes scientific research land use over the remaining balance of the site designated in the community plan for scientific research uses. The proposed project would be consistent with MCAS Miramar, Comprehensive Land Use Plan adopted October 1990 and amended in September 1992 and the designated Air Influence Area of the base. The proposed project would accommodate the future implementation of Metropolitan Transit Development Board's [MTDB] proposed Light Rail Transit [LRT] Station.

**6. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.** The proposed project has been designed to minimize impacts to environmentally sensitive lands to the maximum extent feasible. Impacts to the isolated coastal sage scrub and southern mixed chaparral are acceptable with the proposed project features to include off-site mitigation in accordance with the adopted Multiple Habitat Planning Area [MHPA] and Biology Guidelines. Impacts to 0.10 acre of southern willow scrub and unvegetated streambed are not avoidable with the implementation of the required circulation element roadway improvements designated in the community plan. In consideration of the existing topography of the site, impacts to 0.04 acre of southern willow scrub would not be avoidable in allowing a reasonable use of the site due to the configuration of the existing topography on the property. Avoidance of the remaining steep slopes after implementation of the required circulation element roadway improvements and considering the restrictions on the site imposed by the NAS Miramar Comprehensive Land Use Plan [CLUP] and a restrictive use easement [RUE] is not feasible due to the topographic configuration of the site.

**7. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer to protect such resources.** The proposed development is sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located within the sensitive slopes and biologically sensitive resources to the greatest extent possible while allowing for the implementation of circulation element roads and a reasonable use of the site. No parks or recreation areas exist adjacent to this site, and provisions to protect such resources by means of buffer areas have not been necessary.

**8. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.** Due to the required circulation element road's construction adjacent to the site there are no measures that would be implemented by any proposed project to further minimize the potential adverse effects on steep hillsides. Implementation of the community plan circulation improvements would impact the canyon within the proposed project site with or without construction of the proposed project. There are no feasible alternative alignments for these public improvements which would result in less impacts to the site. The existing topography of the property makes an alternative that avoids steep slope encroachments infeasible given the land form composition of the existing topography.

Preliminary geotechnical reports have been submitted to and reviewed by the City's geologist to confirm the applicant's geotechnical consultant has adequately addressed the soil and geologic conditions present on the site. The proposed project site does not contain any unique geological features. Accepted professional practices to address remedial grading and seismic safety building design would address any potential unforeseen geological hazards discovered during construction of the proposed project at the site. The City's geologist has determined the proposed design is appropriate at this site.

The proposed landscape concept plan includes provisions to address erosion control for all slopes created by the development of the property to prevent soil erosion and downstream silting of water courses and estuaries. By planting groundcovers, shrubs, and trees of varying rooting depth, the proposed erosion control will provide additional stability to manufactured slopes. Adverse impacts from flooding will not occur with the development of the site. Engineering and site design will direct, capture, and control all runoff from the site to preclude adverse impacts from potential runoff.

A brush management plan would be implemented to provide protection of persons and property from the risks of potential wildfires. The proposed project would implement erosion control measures to fully mitigate water quality impacts downstream. There are no unique flood or fire hazards associated with the proposed project at this site.

**9. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value or the affected significant prehistoric or historic site or resources have been provided by the applicant.** The environmental review of the proposed site indicates there are no special historical, architectural, archaeological or cultural resources located on the site. The proposed project is required to implement mitigation measures to address any potential impacts to paleontological resources on the site that may occur during grading operations.

## Required Findings for Alternative Compliance

10. **There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this section would deprive the property owner of reasonable use of the land or the project provides extraordinary benefits to the general public based on findings of overriding social and economic considerations.** The proposed project is located on one of the few remaining infill properties in the University Community Plan [Community Plan] area. Development has occurred around the perimeter of the property. Extensive grading of the area will be required on the southerly and westerly sides of the site in order to provide for the construction of Judicial Drive between Executive Drive and La Jolla Village Drive, the widening of westbound La Jolla Village Drive to provide for an additional travel lane, and the widening of Executive Drive to accommodate MTDB's future LRT Station located easterly of Judicial Drive. There are no other feasible alternative alignments for these public improvements which would result in less impacts to the site.

The existing canyon on the property was initially bifurcated by the original construction of La Jolla Village Drive. The canyon bottom has been the site of several public construction projects including; the Sorrento-Rose Canyon Interceptor Sewer, the Rose Canyon Trunk Sewer, and the North City Tunnel Connector project. The canyon was bisected again by the recently constructed easterly extension of Executive Drive, as a condition of project approval for the Nexus project. When Judicial Drive is constructed between Executive Drive and La Jolla Village Drive, the canyon bottom will lose all connectivity to any other canyon feature. Some of the steep slopes in the canyon already have been graded as a result of these previous projects. The remaining natural slopes are not highly visible from surrounding viewsheds.

With regard to development potential on other areas of the property, the northeasterly portion of the property is constrained by the NAS Miramar CLUP and a RUE that was obtained in a federal condemnation action. The CLUP and RUE prohibit residential, office, and hotel development and limit other types of development on the northeasterly portion of the property. Development limited to these restricted portions of the property would not achieve the type or intensity of development contemplated by the Community Plan. These restrictions limit the feasibility of an alternative that would avoid encroachment into steep slopes. As such, retention of the pre-existing canyon topography, by not allowing for alternative compliance to the strict application of the provisions of Resource Protection Ordinance, would not allow for the uses of the site as contemplated by the adopted University Community Plan.

The proposed project also will provide extraordinary benefits to the public if allowed to develop as proposed. The proposed project will provide for the location of a Light Rail Transit Station [LRT Station] to serve the central and eastern portions of the Community Plan area and encourage use of mass transit. The proposed project will provide the construction of Judicial Drive and the widening of La Jolla Village Drive along the property frontage. The proposed

project also will provide unique public open space through the construction of a park located at the corner of Judicial Drive and Executive Drive, a publicly accessible plaza in the center of the project with unique landscape and water features and payment of Facilities Benefit Assessment [FBA] fees in the estimated amount of \$5,800,000.

**11. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.** There are no other measures that could be implemented by the proposed project to further minimize altering the slopes of the steep hillsides. Extensive grading of the area will be required on the southerly and westerly sides of the site to provide for the construction of Judicial Drive between Executive Drive and La Jolla Village Drive, the widening of westbound La Jolla Village Drive to provide for an additional travel lane, and the widening of Executive Drive to accommodate MTDB's future LRT Station located easterly of Judicial Drive regardless of whether the proposed project is constructed. There are no alternative alignments for these public improvements which would avoid or reduce the potential impacts to sensitive lands. Any development of this site would require these public road improvements and impacts to the sensitive lands. The grading proposed by the project would fill an existing canyon that has been extensively disturbed by construction of several public projects. The topography of the property makes an alternative that avoids impacts to the steep slopes infeasible due to the topographic configuration. The proposed grading of the property has been designed to respect the landform conditions existing at the perimeter of the project site. As opposed to a flat pad, the site has been designed to step downward from north to south, with the lowest portion of the site actually situated in the center of the project where the plaza, with its unique landscaping and water features, will be located. Avoidance of the slopes surrounding the topographic low point would render a significant portion of the property undevelopable, which makes avoidance infeasible because of additional site restrictions imposed by the CLUP and RUE on the property. The proposed grading would remove an unlandscaped, fifty foot high, south-facing cut slope constructed as part of La Jolla Village Drive and Interstate 805, and would replace it with a landscaped gentle slope that is less than ten feet in height, resulting in a greatly enhanced streetscape along La Jolla Village Drive.

**12. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego.** Granting alternative compliance for the proposed project would be consistent with the Progress Guide and General Plan as the property is designated for development by the community plan. This proposed project maintains and implements the desired development set forth in the community plan and the General Plan. The proposed project would implement a circulation element component of the community roadway system planned for the community.

**13. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies and ordinances.** The proposed project is consistent with the adopted University Community Plan, which identifies this property for Visitor Commercial and Scientific Research uses. The project proposes hotel, office and residential uses over that portion of the site designated in the Community Plan for VC, which is consistent with

the City's Commercial Visitor zone. The proposed project includes scientific research land use over the balance of the site designated in the Community Plan for SR uses. The proposed project also would be designed to accommodate the future implementation of MTDB's LRT Station. The proposed project would be consistent with NAS Miramar's CLUP and the RUE.

**Findings for Impacts to Sensitive Biological Resources**

**14. The proposed development will not adversely affect the applicable land use plan.** See finding number one.

**15. The proposed development will not be detrimental to the public health, safety, or welfare.** See finding number two.

**16. The proposed development will comply with the applicable regulations of the Municipal Code.** See finding number three.

**17. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to sensitive biological resources.** The proposed project site is designated in the Community Plan for development and with the proposed grading will be physically suited for the amount and type of proposed development. There are no physical conditions on the proposed project site that would present any unique grading or seismic safety issues. The proposed project has been designed to minimize impacts to sensitive biological resources to the maximum extent practicable. Impacts to the isolated coastal sage scrub and southern mixed chaparral are acceptable with the proposed off-site mitigation in accordance with the MHPA and the City's Biology Guidelines. Impacts to 0.10 acre of southern willow scrub and unvegetated streambed cannot be avoided if the proposed project is to implement the required Community Plan roadway improvements. Impacts to 0.04 acre of southern willow scrub cannot be avoided if a reasonable use of the proposed project site is to be permitted in consideration of the existing site topography.

**18. The proposed development will be sited and designed to prevent adverse impacts on any adjacent sensitive biological resources.** The proposed project is not located adjacent to any sensitive biological resources identified for conservation by the Community Plan or the MHPA.

**19. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The proposed project is not located within the MHPA, there are no narrow endemic species on the site, and no federal or state listed species would be impacted by the proposed project. The proposed project would comply with the off-site mitigation requirements of the MHPA and the City's Biology Guidelines.

**20. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed**

**development.** The proposed project is being required to fully mitigate all impacts to sensitive biological resources consistent with the City's Biology Guidelines and the MHPA. Impacts to wetlands are being mitigated at a ration of 3:1. This ratio of mitigation to impact is reasonable given the type and quality of the resources being impacted by development of the site with the proposed project.

### Deviation Findings for Impacts to Sensitive Biological Resources

**21. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources.** Wetland resources on the two legal parcels and adjacent affected lands are limited to 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed for a total of 0.14 acre of City-regulated wetlands. The implementation of future Community Plan designated roadway improvements, with or without the proposed project, would impact all but 0.04 acre of these wetlands. There are no alternative alignments available for these improvements which would result in less of an impact. The use of retaining walls to reduce the grading footprint impacts to wetlands for these roads was considered. The use of retaining walls for the fill slopes on either side of Judicial Drive would not reduce the impact to wetlands, because the 0.10 acre of southern willow scrub impacted by Judicial Drive is located beneath the central portion of the alignment. The small pocket of wetlands, 0.005 acre, just south of the existing fill slope from Executive Drive could not be avoided by building a retaining wall, nor could a similar encroachment from the fill slope from La Jolla Village Drive widening be reduced by building a retaining wall. In order to construct a retaining wall at the toe of these two existing slopes, regardless of the desired height of the wall, the area within the wetlands pockets would also have to be excavated in order to provide a structural fill beneath the footing of the retaining wall. As such, the benefits from the use of retaining walls to reduce wetland impacts would be not be realized.

Avoidance of impacts to the remaining 0.04 acre of wetlands would require adoption of a project alternative that would result in not developing the 5-acre and 1.89-acre legal parcels. Due to the topography of these two parcels, no development could occur without the filling of the canyon, including the 0.04 acre of wetlands that run through the center of the two parcels. The topography of these two parcels slopes on all sides down at such a steep angle towards the main drainage containing the wetlands, that avoidance of the wetlands is impossible. There is no area of the site which is reasonably level on which to build without grading the site for building pads. No reasonable use could be made of these two legal parcels under existing zoning and also avoid impacts to these wetlands.

In addition to complete avoidance of wetlands, alternatives were considered involving partial avoidance of wetlands. For the 1.89-acre parcel, such an alternative would involve creating a residential pad adjacent to La Jolla Village Drive. This alternative would result in filling of the drainage to create a buildable residential pad. The configuration of the lot, narrow east-west trending lot, along La Jolla Village Drive makes use of this lot for residential purposes difficult.



In addition, there is no way to provide direct access to this lot from public roadways due to the adjacent proposed tunnel section for the construction of Judicial Drive and the difference in elevation between the pad and roadway. Driveway access to a residential development from La Jolla Village Drive is not allowed under City regulations.

Another partial avoidance alternative, construction of a pad in the northern portion of the five acre parcel would impact the small area of wetlands near the Executive Drive slope and the unvegetated streambed, yet would retain the wetlands in the south end of the drainage, was examined. The topography of this parcel makes construction of a pad difficult due to the grade differential between the street and the bottom of the drainage. There is approximately sixty-five to seventy feet of vertical difference between Executive Drive and the bottom of the drainage course. Because there is no level ground in this area to site the construction of a development pad, the fill required to create a pad would extend down to the bottom of the drainage course due to the steepness of the slopes.

This alternative would require encroachment into some of the steep slopes, and encroachment into the parcel to the east, unless the development was sited immediately adjacent to the southeast corner of Judicial Drive and Executive Drive, or unless a retaining wall was used in the drainage to confine slopes to the western portion of the site. It is possible to construct a pad for a single-family residence consisting of approximately 0.2 acres, which would impact only 0.01 acre of City wetland and preserve 0.03 acre of wetland. The size of the pad would allow one single-family residence under existing zoning; however, the construction of one single-family residence under the partial encroachment alternative is not feasible due to the City requirement that the development of the five acre parcel construct a portion of Judicial Drive and Executive Drive. The cost of the road improvements, combined with the cost to grade both the roadways and the residential building pad, would total an estimated \$825,000, making development of one single family residence infeasible.

It is concluded that there are no feasible alternatives that avoid or partially avoid wetland impacts on site. The proposed impacts to these wetlands would be mitigated off-site at a ratio of 3:1 as required by the United States Army Corps of Engineers and the California Department of Fish and Game.

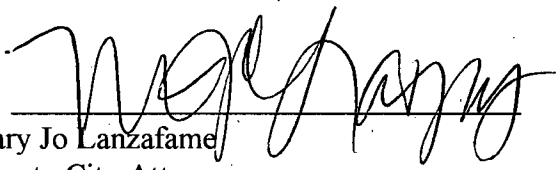
**22. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of the applicant's making.** The proposed encroachment into 0.14 acre of City-defined wetlands is the only deviation from biology regulations that would result from the proposed project. The proposed project is not located within the MHPA, there are no narrow endemic species on the site, and no federal or state listed species would be impacted by the project. Impacts to native upland vegetation are allowed under the Resource Protection Ordinance, provided mitigation is provided in accordance with ordinance requirements. Efforts to avoid and minimize impacts to wetlands were analyzed extensively. Due to the location of the 0.14 acre of wetlands which occurs within the alignment of community plan

designated public roadways and in the approximate center of the two legal parcels in a canyon, it is impossible to avoid wetland impacts while meeting the circulation needs of the community and achieving a reasonable use of the two legal parcels based upon the existing underlying zoning of these parcels.

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

BE IT FURTHER RESOLVED, that Planned Commercial Development/Resource Protection Ordinance Permit No. 99-0762 is hereby granted to Polygon Shelter, Inc., Owner and La Jolla Commons/Polygon, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Mary Jo Lanzafame  
Deputy City Attorney

MJL:pev  
1/31/01  
Or.Dept:Clerk  
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**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**AND WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED COMMERCIAL DEVELOPMENT/RESOURCE PROTECTION ORDINANCE**  
**PERMIT NO. 99-0762 [MMRP]**  
**LA JOLLA COMMONS**

City Council

This permit is granted by the Council of the City of San Diego to Polygon Shelter, Inc., Owner, a Washington corporation and La Jolla Commons/Polygon, Permittee pursuant to San Diego Municipal Code sections 101.0910 and 101.0462. The approximately seventeen-acre site is located east of the planned extension of Judicial Drive, south of Nexus Center Drive, north of La Jolla Village Drive and west of Interstate 805 in the existing RS zone (previously referred to as the R1-5000 zone) (proposed CV-1-2 and IP-1-1 zones (previously referred to as the CV and SR zones) of the University Community Plan. The project site a portion of Pueblo Lot 1307, Map 36, filed November 14, 1921 as more fully described in the legal description which is attached as Exhibit "A," and incorporated by reference herein.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to develop a 327 room, fifteen-story hotel, 115 unit, thirty-two-story condominium, 450,000 square foot, twenty-story office building, 30,000 square foot, two-story scientific research building and separate eight level parking structure development, the construction of a portion of Judicial Drive, Nexus Center Drive, and Executive Drive, construction of a fourth west-bound lane and a bike-lane within La Jolla Village Drive from Judicial Drive to the Interstate 805 interchange, and other improvements in the public right-of-way described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 14, 2000 on file in the Development Services Department. The facility shall include:

- a. Three hundred twenty-seven room, fifteen-story hotel, 115 unit, thirty-two-story condominium, 450,000 square foot, twenty-story office building, 30,000 square foot, two-story scientific research building and separate eight level parking structure; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. 2,320 off-street parking spaces; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act [CEQA] guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of

this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. 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 appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services Department; and
  - b. The permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This 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 in this permit and all referenced documents.
5. This permit shall conform to the provisions of Tentative Map No. 99-0762.
6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
7. The issuance of this permit by The City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued

recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

10. Prior to recording the final map, the Owner/Permittee shall enter into an agreement with the City of San Diego and the San Diego Housing Commission to provide six low income rental housing units at rates affordable at no more than 65 percent of the median area income, as adjusted for utilities and assumed household size, for a duration of fifty-five years. The units shall be located at a site within the University community determined to be acceptable to the City Manager and the Chief Executive Officer of the Housing Commission.

11. Prior to the sale of any condominium units and office suites, potential owners and/or lessees shall be provided a disclosure advising of the properties proximity to Miramar Flight path.

12. Prior to issuance of any occupancy permit, the Owner/Permittee shall submit, for review and approval, a Transportation Demand Management Program, with more than bike racks, sidewalks and a shuttle service to the Sorrento Valley Coaster Station, to the satisfaction of the City Manager

13. The Owner/Permittee shall encourage the utilization of "green building technology" in the project design and construction where feasible

14. Prior to the issuance of any permits, the Owner/Permittee shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties including existing drainage facilities as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.

15. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 14, 2000, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

16. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the Owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the Owner complies with all the conditions of the permit.

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. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed new permit and the condition(s) contained therein.

17. Prior to the issuance of any building permit, all turf or grass products used in conjunction with Fire Department vehicle access shall comply with the Bureau of Fire Life and Safety Policy A-96-9 for Access Roadways: Modified Roadway Surface in conformance with Uniform Fire Code section 902.

18. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

19. This permit may be developed in phases. Each phase shall be constructed in a manner that each individual building shall be built with adequate parking, landscape and amenities. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated November 14, 2000 on file in the Development Services Department).

#### **TRANSPORTATION DEVELOPMENT:**

20. Prior to issuance of any building permit, the project shall conform to the North University Public Facilities Phasing Plan.

21. Prior to issuance of any building permit, the project shall conform to the La Jolla Commons City staff recommended Transportation Phasing Plan Alternative/Option 1, satisfactory to the City Engineer.

22. Prior to issuance of any building permits, the applicant shall provide a shared parking agreement, satisfactory to the City Engineer.

23. Prior to issuance of any building permits, the applicant shall provide a shared access agreement, satisfactory to the City Engineer.

24. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.

#### **WASTEWATER REQUIREMENTS:**

25. No improvements or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.

26. For public on-site sewer facilities located within a gated community, the Owner/Permittee shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
28. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
29. The subdivider agrees to assume full responsibility for any damage caused to or by the existing trunk sewers as a result of the construction activities associated with this development.
30. The Owner/Permittee shall design all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
31. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
32. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego sewer design guide.
33. Prior to the submittal of any public improvement drawings including grading plans, the Owner/Permittee shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of private sewer facilities, including sewer laterals to the property line, that serve more than one lot.
34. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and the Owner/Permittee shall obtain a plumbing permit for this work. In addition, the Owner/Permittee shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

**WATER REQUIREMENTS:**

35. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall process an easement abandonment for the existing water easement over the existing 36-inch high pressure reclaimed water pipeline and grant a new easement over the relocated pipeline in a manner satisfactory to the Water Department Director. Easement width shall be 50-feet-wide or as determined appropriate at final engineering.
36. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the relocated 36-inch reclaimed water pipeline as required in the accepted pipeline relocation study in a manner satisfactory to the Water Department Director, the City Geologist and the City Engineer. The design of the reclaimed

water pipeline shall meet an engineering standard approved by the Water Department Director, the City Geologist, and the City Engineer, that allows for the location of structures over the easement. The Owner/Permittee shall enter into an encroachment agreement acceptable to the Water Department Director and the City Engineer.

37. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a minimum 24-foot-wide paved vehicular access to all public water facility appurtenances located on-site, including, but not limited to, the westerly tunnel portal, in a manner satisfactory to the Water Department Director and the City Engineer.

38. Prior to the issuance of any building or grading permits, the Owner/Permittee shall grant a minimum 24-foot-wide, fully paved, easement to provide vehicular access to the existing westerly tunnel portal and any other public water facility appurtenances, in a manner satisfactory to the Water Department Director and the City Engineer.

39. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all necessary mitigation measures to protect the public health and safety, to provide reasonable, legal, and practical access to all public water facilities on-site, and to contain any pipeline failure. Measures may include, but not be limited to, pipeline relocation, tunnel extension, and tunnel portal extension, as required in the accepted pipeline failure analysis and relocation study, in a manner satisfactory to the Water Department Director, the City Geologist and the City Engineer.

40. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of 12-inch water facilities within the Executive Drive right-of-way from Judicial Drive to the easterly cul-de-sac in a manner satisfactory to the Water Department Director and the City Engineer.

41. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of 12-inch water facilities within the Judicial Drive right-of-way from Executive Drive, extending south to La Jolla Village Drive, in a manner satisfactory to the Water Department Director and the City Engineer.

42. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a looping system of 12-inch water facilities on-site, with a minimum of two points of connection in a manner satisfactory to the Water Department Director and the City Engineer.

43. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

44. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. All existing and proposed water facilities that do not meet current standards shall be private.

45. If any portion of the development is gated, then prior to the issuance of any building permits, the Owner/Permittee shall provide keyed access to the Water Operations Division in a



manner satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

46. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Environmental Impact Report, LDR No. 99-0762, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permit or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources  
Transportation/Traffic Circulation  
Noise  
Hydrology/Water Quality  
Paleontological Resources.

47. Prior to the issuance of building permits for the condominium and office buildings, the Owner/Permittee shall provide the Federal Aviation Administration's [FAA] response to the Notice of Proposed Construction for the applicable buildings to the Development Services Department. The City Manager shall ensure that the proposed construction plans for these buildings comply with the recommendations and/or requirements of the FAA.

**ENGINEERING REQUIREMENTS:**

48. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer, referred to as an engineering permit, for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

49. The drainage system proposed for this development is subject to approval by the City Engineer.

50. Prior to building occupancy, the applicant shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

51. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 92-08-DWQ [NPDES General Permit No. CAS000002], Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent [NOI] shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

**PLANNING/DESIGN REQUIREMENTS:**

52. No fewer than 2,320 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 14, 2000, on file in the Development Services Department. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

53. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

54. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower.

55. All signage associated with this development shall be consistent with sign criteria established by the City-Wide Sign Regulations.

56. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Development Services Department Manager.

57. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

58. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

59. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

60. No merchandise, material or equipment shall be stored on the roof of any building.

61. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A."

#### **LANDSCAPE REQUIREMENTS:**

62. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.

63. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydro seeding of all disturbed land, shall be submitted to the satisfaction of the City Manager and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated November 14, 2000, on file in the Development Services Department.

64. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within forty-five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

65. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

66. All required landscape shall be maintained in a disease-, weed- and litter-free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

67. If any required landscape, including existing or new plantings, hardscape, landscape features, etcetera, indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.
68. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.
69. Prior to issuance of any building permit for the parking structure, plans and details for trellis structures and/or planting on the top deck of the parking structure shall provide a performance standard to achieve a minimum of 30 percent effective shade cover over the top deck of the parking structure.
70. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.
71. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location provide a forty square foot area for each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.
72. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.
73. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.
74. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.
- a. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management Zone 1 on the property in substantial conformance with Exhibit "A."

Indicate Zone 1 and calculations for the area east of the Scientific Research building. Brush Management is not required adjacent to the parking deck.

- b. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0889.0201, and Section Six of the Landscape Technical Manual (document number RR-274506) on file at the Office of the City Clerk.
- c. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval. Zone reduction per Section 6.6-5 of Landscape Technical Manual is acceptable in eastern portion of the property adjacent to the Scientific Research building. Indicate reduction calculations on Exhibit "A."
- d. In all brush management zones, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as determined by the City Manager.
- f. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

75. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within ninety days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego by Resolution No. R-294150 on November 14, 2000.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

POLYGON SHELTER, INC.,  
a Washington corporation  
Owner/Permittee

By \_\_\_\_\_

La Jolla Commons/Polygon

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

4/6/01

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R- 294150

**EXHIBIT "A"**

**PARCEL 1: (345-010-13)**

The West Half of the Southwest Quarter of the Northeast Quarter of Pueblo Lot 1307 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

**PARCEL 1A: (345-010-56)**

The Southeast Quarter of the Southwest Quarter of Northeast Quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

**PARCEL 2: (345-010-54)**

The Northwest Quarter of the Southeast Quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

EXCEPTING THEREFROM that portion lying Southerly of the Northerly line of that part of La Jolla Village Drive (126.00 feet wide) as described in Parcel 1 in deed to the City of San Diego, recorded December 2, 1970 as File No. 220037, of Official Records, and in Parcel 3 in deed to the City of San Diego, recorded June 25 1975 as File No. 75-161524, of Official Records.

**PARCEL 3: (345-010-69)**

The East Half of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Pueblo Lot 1307 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

R- 294150