

(R-2001-1122)

RESOLUTION NUMBER R-294275

ADOPTED ON NOVEMBER 21, 2000

WHEREAS, La Jolla Crossroads, Owner/Permittee, filed an application with the City of San Diego for permits to develop 1,500 apartment units and up to 162,000 square feet of scientific research, for the La Jolla Crossroads project, located west of Interstate 805 between La Jolla Village Drive and Golden Haven Drive, and legally described as a portion of Map No. 36; Parcels A and B of Five Creeks Map No. 12234, and Lot 4 of La Jolla Gateway Map No. 11308, in the University Community Plan area, in the RS-1-14 zone (previously referred to as the R1-5000 zone) (proposed RM-3-9 and IP-1-1 zones [previously referred as the R-600 and SR zones]); and

WHEREAS, on November 9, 2000, the Planning Commission of the City of San Diego considered Planned Industrial Development [PID], Planned Residential Development [PRD], Hillside Review Permit [HRP], and Resource Protection Ordinance [RPO] Permit No. 99-0647; and amendments to PRD Permit No. 88-0500 and Planned Commercial Development [PCD] Permit No. 90-0144, and pursuant to Resolution No. 3047-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on November 21, 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council adopts the following findings with respect to PID/PRD/HRP/RPO Permit No. 99-0647, and amendments to PRD Permit No. 88-0500 and PCD Permit No. 90-0144:

**PLANNED INDUSTRIAL/RESIDENTIAL DEVELOPMENT PERMIT FINDINGS (San Diego Municipal Code Sections 101.0901 and 101.0920):**

**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 La Jolla Crossroads project proposes to develop approximately 34 acres of vacant land within the University Community Planning area. The development would include 1,500 multi-family units, approximately 163,000 square feet of scientific research facilities, open space/recreational areas, and associated infrastructure improvements including roadways, water and sewer connections.

The proposed residential project requires approval of an amendment to the University Community Plan and the City of San Diego Progress Guide and General Plan to redesignate the project site from industrial to residential. Approval of the proposed plan amendment would fulfill the goals of the Housing Element of the Community Plan by providing 1,500 multi-family units ranging from 1-3 bedrooms. The apartment vacancy rate in the community is less than 1 percent, rental rates are unaffordable for many, and there is an insufficient supply of student housing at University of California, San Diego [UCSD]. This proposal would result in a balance of housing and scientific research facilities for the community and region of San Diego.

Scientific research would provide additional jobs in the community as well as in the region. With approval of the associated Community Plan amendment requests, the proposed project would conform to the City's Progress Guide and General Plan and to the University Community Plan. It already conforms to the policies and goals of both plans. The property is proposed for urban development; in fact, it is located immediately east of an "urban node" and will thus help discourage sprawl into unrelated communities. The scientific research will be located near the UCSD, whose professional faculty and top-flight research facilities can provide regional synergy with this use.

The proposed project would provide needed housing and employment opportunities to University City and the region. In particular, the project would provide housing for diverse populations, such as students and seniors, where such housing is especially needed because of both low vacancy rates and the proximity of related educational facilities. The project will assist achievement of the Community Plan's goal of a self-sufficient community offering a balance of housing, employment, business, and educational opportunities. It will place housing near the Towne Centre core as the Community Plan desires.

The project would also implement key segments of two major Circulation Element roads which are critical to the transportation system serving the University Community Plan area. Golden Haven Drive would be linked to Judicial Drive and the project would be responsible for

building the first segment of Judicial Drive, south of La Jolla Village Drive, including the underpass needed to connect with the existing portion of Judicial Drive to the north of La Jolla Village Drive; without the project's portion of the road there would be a gap in the road, leaving the tunnel connecting to nothing on the south.

**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 proposed residential development for 1,500 multi-family units, and the 163,000 square feet of scientific research facilities would be compatible with the land use and densities within the surrounding area. The permit prepared for this project, PRD/PID/RPO 99-0647, provides conditions to ensure project compliance with all relevant regulations of the San Diego Municipal Code and to ensure the safety and general welfare of persons residing or working in the area. The conditions include compliance with the Landscape Ordinance, the conditions of the Tentative Map, and incorporates the Mitigation, Monitoring and Reporting Program required for this project as described in Environmental Impact Report [EIR] No. 99-0647. The EIR has identified a number of significant impacts of which most through implementation of project related conditions will be mitigated.

**3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.** The project design will be consistent with the relevant regulations for this site per the Municipal Code. The proposed project will comply with applicable development regulations including the Planned Residential Development Ordinance, the Planned Industrial Development Ordinance, the Hillside Review Overlay Zone Ordinance, and the "Hillside Design and Development Guidelines."

The project as represented by the land development (grading) plan and the site design, incorporated the principles of the adopted University Community Plan and the Hillside Design Guidelines insofar as the project meets the purpose and intent of the Planned Residential and Planned Industrial Development permit ordinances in encouraging innovative and imaginative planning, integrated community facilities and services (particularly in the HR zoned areas), to achieve minimal disturbance of the natural terrain and vegetation and to permit greater flexibility in design.

**PROPOSED RESOURCE PROTECTION ORDINANCE [RPO] FINDINGS:**

Because the proposed project cannot comply with the requirements of the RPO as they relate to steep slope encroachment and impacts to biologically sensitive resources (specifically, wetlands), the following findings are required under San Diego Municipal Code sections 101.0462.0012, 101.0462.0027 and 101.0462.0038.

**1. Section 101.0462.0012 (Alternative Compliance Findings)**

Section 101.0462.0012 allows projects which cannot comply with a strict application of the RPO to be approved if they would either: (1) result in unnecessary hardship to the applicant;

(2) create conflict with City Council policy, the Progress Guide and General Plan, or any adopted community plan; or (3) preclude provisions of extraordinary benefit to the general public.

As described below, application of the steep slope and wetland avoidance regulations would pose an unnecessary hardship to the project applicant.

a. 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.

Strict application of the RPO would deprive the property owner of reasonable use of the land for two reasons. First, it would deny access to the property. Second, it would not leave sufficient land area to make development and use of the property economically viable. The development needs the roads for access, and the City needs the roads for circulation. The result, however, is that a huge amount of the property must be used for expensive roads, and the amount of land left for private development is insufficient to support both a private development and the public infrastructure.

First, strict application of the RPO would prevent construction of Golden Haven Drive and Judicial Drive, from which most of the impacts arise. Both roads are identified as Circulation Element roads in the University Community Plan. Both roads are critical components of the overall transportation system for the community and are necessary to provide access to any development within the subject property. Access directly to La Jolla Village Drive would not be allowed due to the proximity of the southbound on-ramp to Interstate 805 [I-805]. Access exclusively from Golden Haven Drive would reduce impacts to the northern- and eastern-most drainage areas but would impact the confluence of the two drainages. In addition, access from Golden Haven Drive without a connection of Judicial Drive beneath La Jolla Village Drive to Nobel Drive would create significant traffic impacts on roadway segments within the project area. Towne Centre Drive would carry a greater traffic burden which would reduce the level of service between Executive Drive and Nobel Drive to LOS E and F; with full extension of Judicial Drive, these segments of Towne Centre Drive would operate at LOS D or better. La Jolla Village Drive between Towne Centre Drive and I-805 would decrease from LOS D to LOS F without Judicial Drive. In addition, the intersections of Towne Centre Drive/Executive Way, Towne Centre Drive/La Jolla Village Drive, and Genesee Avenue/La Jolla Village Drive would experience diminished levels of service without the full extension of Judicial Drive.

The alignments of these two roads through the subject property cannot change because they are fixed by surrounding development and existing road connections, consistent with the Community Plan. Golden Haven Drive must connect to its current terminus to the southwest. Judicial Drive must connect with the offsite alignment to the southeast. Judicial Drive's northwest connection is set by the requirement that the roadway pass under La Jolla Village Drive. The intersection of Judicial Drive and

Executive Drive is near completion and establishes the connection point underneath La Jolla Village Drive. A location of the underpass further east would not allow the extension to the south to meet grade and curvature requirements of the City. A westward relocation of Judicial Drive would cause existing buildings and parking structures to obstruct the alignment.

Second, strict application of the RPO would leave insufficient land available for private development to be feasible. The site is bisected by two drainage courses supporting wetland vegetation. Together with wetlands buffers, very little land would be available for private development. Private development would have to be crowded into corners of the property to which access, because the property represents a "hole" within surrounding development, would be infeasible. Much of the otherwise developable remainder of the property would be located along La Jolla Village Drive, which will not allow access from the site. Only very small portions of the southern part of the property would retain access to the outside world via the construction of Judicial Drive to the south.

The result of these constraints is that strict compliance would make productive use of the property infeasible. A more complete discussion of financial feasibility appears below (finding b) and is incorporated herein.

- b. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

This is true for two reasons. First, the increased costs of the alternatives cannot be supported by revenues, particularly when revenues are reduced as a result of restrictions on the availability of developable land. Second, the alternative measures would not actually provide the benefits intended by the RPO.

First, additional mitigation measures are not feasible. A financial analysis was prepared using three types of projects, each with three alternative development areas intended to respond to RPO constraints. The analysis applied three of the most commonly-used financial evaluation tools to evaluate these alternatives. The result of the study was that only the proposed project is financially feasible. All of the nine alternative scenarios would result in a loss, which would both prevent any use of the property and prevent construction of the necessary circulation element roads.

Three RPO alternatives were analyzed. The first RPO alternative assumes that retaining walls could be placed along the major roadways and around development areas so as to reduce encroachment into wetlands to the greatest degree possible. The second RPO alternative preserves the wetlands as much as possible but does not use retaining walls to maximize the potential development area; the result is less development area because slopes must reach back from the wetlands into the development area. The third RPO alternative preserves the east/west drainage course but not the tributary ephemeral drainages.

For each RPO alternative, three different types of product were evaluated. The first product type was a 4-story wood rental with two concrete levels of parking. This would allow between 438 and 568 apartment units and either 70,000 or 60,000 square feet of scientific research, depending on the RPO alternative. The second product type was a 5-story wood rental with 2-3 concrete levels of parking. This would allow between 547 and 707 units and either 70,000 or 60,000 square feet of scientific research, depending on the RPO alternative. The third product type was a high rise rental with 2-3 concrete levels of parking. This would allow 1,500 units (the same as the proposed project) and either 70,000 or 60,000 square feet of scientific research, depending on the RPO alternative.

None of these alternatives is financially feasible because all would result in a loss for the developer, no matter what was built. Three commonly used measures of financial returns were applied to evaluate this issue. First, the internal rates of return for all nine of the reduced-impact alternatives (three RPO alternatives each with three types of product) are negative. Second, stabilized values for all nine of the reduced-impact alternatives are less than the costs of those alternatives. Finally, rents necessary to cover development costs for all nine alternatives would greatly exceed market rents in the area. Alternative projects would result in not merely a below-market return, but losses. Even the proposed project is marginal from an investor's viewpoint because it would provide an internal rate of return about half of what the market usually demands of real estate development projects.

Second, the RPO alternatives would not provide the benefits intended by the RPO. Most of the wetland impacts (73 percent) arise from the Circulation Element roads, which are required for plan conformance and circulation. It was also discovered that even the most environmentally-sensitive alternative (with extensive retaining walls) would not satisfy the RPO. This is because soil, wall height and OSHA safety constraints would result in footings, broad slopes, and temporary construction roads so large as to disturb essentially the same area of wetlands as traditional manufactured slopes used to construct the roadways.

c. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego.

The property lies within the Planned Urbanizing area. The residential and scientific research uses proposed by the project would be compatible with the Progress Guide. The residential area would provide needed housing to the University Community Plan area as well as relieve housing demand throughout the City; the apartment vacancy rate in the community is less than 1 percent, rental rates are unaffordable for many, and no student housing is available at UCSD. The project would provide housing for special populations, such as students and seniors, where such housing is especially needed. Scientific research would provide additional jobs in the community as well as in the region. Development of the property would not be inconsistent with the Open Space Element because the General Plan does not call for open space on the site. Development of the property would



implement a major component of the backbone roadway system within the University Community Plan area and improve the level of service in the area.

The loss of environmental resources is minimal. The wetlands on site have low value because they are relatively small, isolated from other natural areas, and surrounded by heavy urban development. Other planned and existing development consists of high density housing, a temple, Nobel Research Park, a library, a major freeway (1-805), and a major road (La Jolla Village Drive). The southern willow scrub, which comprises most of the wetlands on site, has a particularly low value. These wetlands were disturbed many years ago for a City sewer line. There is little of the understory growth that makes habitat valuable to wildlife, largely because there is no upstream seed source; instead, upstream consists largely of urban development. In addition, there is little peripheral low-lying terrain along the creek to support an extended wetland with herbaceous growth. Impacts on the most sensitive biological resources can readily be mitigated off-site. Off-site mitigation will actually improve the quality and quantity of preserved habitat and wetlands.

d. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies and ordinances.

With approval of the associated Community Plan amendment requests, the proposed project would conform to the City's Progress Guide and General Plan and to the University Community Plan. It already conforms to the policies and goals of both plans. The property is proposed for urban development; in fact, it is located immediately east of an urban node and will thus help discourage sprawl into unrelated communities. The scientific research will be located near the UCSD, whose professional faculty and top-flight research facilities can provide regional synergy with this use. The proposed project would provide needed housing and employment opportunities to University City and the region. In particular, the project would provide housing for diverse populations, such as students and seniors, where such housing is especially needed because of both low vacancy rates and the proximity of related educational facilities. The project will assist achievement of the Community Plan's goal of a self-sufficient community offering a balance of housing, employment, business, and educational opportunities. It will place housing near the Towne Centre core as the Community Plan desires. The project would also implement key segments of two major Circulation Element roads which are critical to the transportation system serving the University Community Plan area. Golden Haven Drive would be linked to Judicial Drive and the project would be responsible for building the first segment of Judicial Drive, south of La Jolla Village Drive, including the underpass needed to connect with the existing portion of Judicial Drive to the north of La Jolla Village Drive; without the project's portion of the road there would be a gap in the road, leaving the tunnel connecting to nothing on the south.

**2. Section 101.0462.0027 (Findings for Impacts to Sensitive Biological Resources)**

This section allows issuance of a RPO permit for a development that impacts sensitive biological resources with the following findings.

- a. The proposed development will not adversely impact the applicable land use plan.

The residential and scientific research uses proposed by the project would be compatible with the City of San Diego's Progress Guide and General Plan as well as the land use element of the University Community Plan. The residential area would provide needed housing to the University Community Plan area as well as relieve housing demand throughout the City; the apartment vacancy rate in the community is less than 1 percent, rental rates are unaffordable for many, and no student housing is available at UCSD. The project would provide housing for special populations, such as students and seniors, where such housing is especially needed. Scientific research would provide additional jobs in the community as well as in the region. Development of the property would not be inconsistent with the Open Space Element because the General Plan does not call for open space on the site. Development of the property would implement a major component of the backbone roadway system within the University Community Plan area and improve the level of service in the area.

- b. The proposed development will not be detrimental to the public health, safety and welfare.

The permits controlling the development and continued use of the proposed development of this site require compliance with the City's regulations and other regional, State, and Federal regulations (including but not limited to the Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes) to prevent detrimental impacts to the health, safety and general welfare of persons residing or working in the proposed development as well as the surrounding area.

- c. The proposed development will comply with the applicable regulations of the Municipal Code.

The permits controlling the development and continued use of the proposed development will assure that the project complies with all applicable regulations of the Municipal Code.

- d. 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 site of the proposed project is physically suitable for the proposed development. Geological studies have confirmed that there is no unusual seismic risk to proposed development, and standard remedial grading measures will protect future



buildings and their occupants from adverse geological impacts. The proposed uses comply with development type and noise exposure limitations established by the MCAS Miranlar's Comprehensive Land Use Plan relative to military aircraft operations. Noise attenuation measures will be installed to achieve interior noise standards for proposed residential and scientific research buildings exposed to unacceptable noise levels from adjacent major roadways or military aircraft operations. With improvements and payment of fair-share fees included as a part of the proposed development, adequate infrastructure (e.g. water, sewer, roads) will be available to serve the proposed development.

While the development would impact all of the sensitive biological resources which occur on the subject property, there is no feasible way to preserve any substantial portion of these resources. Construction of the circulation element roads planned across the subject property, even without the proposed development, will impact 73 percent of the onsite wetlands as well as portions of the coastal sage scrub and southern mixed chaparral habitats. As evaluated in the EIR, no means exist to reduce impacts to the sensitive biological resources while allowing a reasonable return on the project applicant's investment. Furthermore, the subject property is an isolated area of biological resources and is not included in any of the Multi-Habitat Preserve Areas [MHPA] designated by the City's Subarea Plan of the Multiple Species Conservation Program [MSCP]. Nor is the property adjacent to an MHPA.

e. The proposed development will be sited and designed to prevent adverse impacts on any adjacent sensitive biological resources.

While the eastern boundary of proposed project is adjacent to land which currently supports sensitive biological resources, these resources will be eliminated by the approved developments of the Nobel Research Park and the Nobel Athletic Park. The development of these two projects would eliminate the sensitive biological resources which occur within their boundaries and, thus, eliminate the only sensitive biological resources which lie adjacent to the proposed development.

f. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.

Development of the subject property would not have a significant impact on the long-term conservation of biological resources. While the property does exhibit sensitive biological resources, its location is not conducive to long-term conservation by virtue of the fact that the site is surrounded on three sides by development. Although the land to the east is undeveloped, it is planned for scientific research and park development and is bounded by I-805 further east.

The MSCP identifies specific areas which are considered vital to the long-term conservation of biological resources. These areas are given an MHPA designation. As indicated earlier, the proposed property does not lie within an MHPA nor does it lie adjacent to any MHPA land. The nearest MHPA designations occur to the east of I-805

and in Rose Canyon to the south. The freeway separates the project site from the MHPA area to the east. The existing development of Renaissance La Jolla and the future Nobel Research Park would separate the subject property from Rose Canyon. Thus, the project site represents a small, relatively isolated island of biological resources with no substantial long-term conservation value.

g. 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 mitigation measures which will be implemented by the proposed project are specifically designed to fulfill the requirements of the City's MSCP Subarea Plan and Biology Guidelines. As compensation for impacts to sensitive upland biological resources, offsite habitat will be acquired and preserved at the ratios specified in the City's Biology Guidelines. Impacts to sensitive biological resources in Tier One habitats will be compensated by acquiring and preserving habitat within Tier One, while impacts to resources in Tiers Two and Three would be compensated by acquiring and preserving habitat in one or a combination of Tiers One through Three.

With respect to wetland impacts, the applicant will create comparable wetland habitat at a ratio of 3:1 within a disturbed area located adjacent to good quality wetland habitat within the Tijuana River Valley. The compensation will include monitoring and maintain for a five-year period. While the project applicant has the option to compensate for wetland impacts through a combination of creation, enhancement or preservation of wetland habitat, the City along with the State and Federal Wildlife Agencies must find that the proposed alternative wetland compensation program provides equivalent value, and satisfies the "no net loss" of wetlands policies of the State and Federal Wildlife Agencies.

### **3. Section 101.0462.0028 (Deviation Findings from Sensitive Biological Resources Regulations)**

This section allows issuance of a RPO permit for a development which does not comply with the development regulations imposed by RPO with the following findings.

a. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

The increased costs of the alternatives cannot be supported by revenues, particularly when revenues are reduced as a result of restrictions on the availability of developable land. In addition, the alternative measures would not actually provide the benefits intended by the RPO.

Additional mitigation measures are not feasible. A financial analysis was prepared using three types of projects, each with three alternative development areas intended to

respond to RPO constraints. The analysis applied three of the most commonly-used financial evaluation tools to evaluate these alternatives. The result of the study was that only the proposed project is financially feasible. All of the nine alternative scenarios would result in a loss, which would both prevent any use of the property and prevent construction of the necessary circulation element roads.

Three RPO alternatives were analyzed. The first RPO alternative assumes that retaining walls could be placed along the major roadways and around development areas so as to reduce encroachment into wetlands to the greatest degree possible. The second RPO alternative preserves the wetlands as much as possible but does not use retaining walls to maximize the potential development area; the result is less development area because slopes must reach back from the wetlands into the development area. The third RPO alternative preserves the east/west drainage course but not the tributary ephemeral drainages.

For each RPO alternative, three different types of product were evaluated. The first product type was a 4-story wood rental with two concrete levels of parking. This would allow between 438 and 568 apartment units and either 70,000 or 60,000 square feet of scientific research, depending on the RPO alternative. The second product type was a 5-story wood rental with two to three concrete levels of parking. This would allow between 547 and 707 units and either 70,000 or 60,000 square feet of scientific research, depending on the RPO alternative. The third product type was a high rise rental with two to three concrete levels of parking. This would allow 1,500 units (the same as the proposed project) and either 70,000 or 60,000 square feet of scientific research, depending on the RPO alternative.

None of these alternatives is financially feasible because all would result in a loss for the developer, no matter what was built. Three commonly used measures of financial returns were applied to evaluate this issue. First, the internal rates of return for all nine of the reduced-impact alternatives (three RPO alternatives each with three types of product) are negative. Second, stabilized values for all nine of the reduced-impact alternatives are less than the costs of those alternatives. Finally, rents necessary to cover development costs for all nine alternatives would greatly exceed market rents in the area. Alternative projects would result in not merely a below-market return, but losses. Even the proposed project is marginal from an investor's viewpoint because it would provide an internal rate of return about half of what the market usually demands of real estate development projects.

The RPO alternatives would not provide the benefits intended by the RPO. Most of the wetland impacts (73 percent) arise from the Circulation Element roads, which are required for plan conformance and circulation. It was also discovered that even the most environmentally-sensitive alternative (with extensive retaining walls) would not satisfy the RPO. This is because soil, wall height and OSHA safety constraints would result in footings, broad slopes, and temporary construction roads so large as to disturb essentially

the same area of wetlands as traditional manufactured slopes used to construct the roadways.

b. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of the applicant's making.

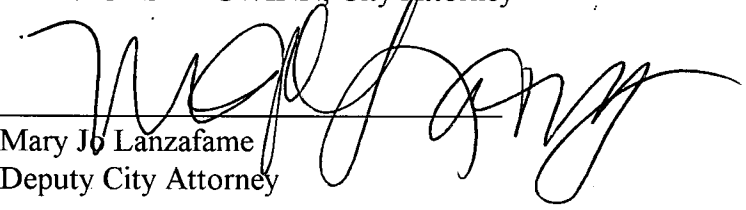
As indicated in the previous finding and confirmed in the analysis of RPO alternatives contained in the EIR, there are no other development scenarios which can feasibly minimize impacts to sensitive biological resources, and wetlands in particular. Construction of the two circulation roads will impact 73 percent of the wetlands as well as coastal sage scrub and southern maritime sage scrub. As these roads are essential to the long-term viability of the road network in the University Community Plan, these impacts to sensitive biological resources will occur even without the proposed project. Further reductions in impacts to sensitive biological resources would leave insufficient land available for private development to be feasible as the majority of the land (87 percent) is classified as sensitive biological resources.

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 recommendation of the Planning Commission is sustained, and PID/PRD/HRP/RPO Permit No. 99-0647, amending PRD Permit No. 88-0500 and PCD Permit No. 90-0144, is granted to La Jolla Crossroads, Owner/Permittee, 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:lc  
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Or.Dept:Clerk  
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Reviewed by Farah Mahzari

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
PLANNING AND DEVELOPMENT REVIEW  
PERMIT INTAKE, MAIL STATION 501

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED INDUSTRIAL DEVELOPMENT PERMIT (PID),  
PLANNED RESIDENTIAL DEVELOPMENT PERMIT (PRD),  
HILLSIDE REVIEW PERMIT & RESOURCE PROTECTION ORDINANCE PERMIT (RPO)  
AMENDMENT TO PRD NO. 88-0500 AND PCD NO. 90-0144  
MITIGATION MONITORING and REPORTING PROGRAM (MMRP)  
NO. 99-0647  
**LA JOLLA CROSSROADS**  
City Council

This Permit is granted by the Council of the City of San Diego to LA JOLLA CROSSROADS 1, LLC, Owner and Permittee, pursuant to the San Diego Municipal Code (SDMC). The 33.8-acre site is located west of I-805 between La Jolla Village Drive and Golden Haven Drive in the University Community Planning Area. The project site is legally described as a portion of Pueblo Lot 1307 of the Pueblo lands of San Diego according to miscellaneous Map No. 36, filed in the Office of the Recorder of San Diego County on November 14, 1921; Parcels A and B of Five Creeks Map No. 12234; and Lot 4 of La Jolla Gateway Map No. 11038.

PRD No. 88-0500 is amended by removing Parcel A and a portion of Parcel B, Map No. 12234, to be included in the PRD/PID No. 99-0647. PCD No. 90-0144 is amended to remove Lot 4, Map No. 12234, to be include in PID No. 99-0647.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to subdivide and develop 1,500 multi-family residential units in nine buildings on a 21.4-net acre site and to construct approximately 162,000 square feet of scientific research space, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 21, 2000, on file in the Office of the Development Services Department. The facility shall include:

- a. 1,500 rental apartment units in nine buildings with 3,016 parking spaces; and
- b. 162,000 square feet of scientific research (SR) space with 405 parking spaces; and
- c. One recreational building with four pool facilities (for the residential use); and
- d. Open Space to be maintained by the property owner(s) within common areas for a total open space area of 10.5 acres; and

- e. Landscaping (planting, irrigation and landscape related improvements); and
  - f. Off-street parking facilities; and
  - g. Associated public and private improvements to accommodate the corresponding development including the improvement of public road, public sewer, storm drain and water facilities; and
  - h. 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 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. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
  6. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical, and plumbing codes, and State law requiring access for disabled people may be required.
  7. 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 21, 2000, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

8. 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 proposed 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 permit and the condition(s) contained therein.

**ENGINEERING REQUIREMENTS:**

9. Vesting Tentative Map for of the subject property will become effective on the effective date of Council approval and expire three years after.

10. This development shall comply with the conditions of the final map for Tentative Map No. 99-0647.

11. The La Jolla Crossroads project is an apartment project. The owner shall comply with the State Map Act regarding condominium conversion.

12. The easement abandonment/land sale shall be included in the vesting tentative map resolution as conditioned to receive Council approval prior to recordation of the final map.

13. Prior to recording any final map, the subdivider shall enter into a subdivision improvement agreement which provides for the phased installation of public improvements to assure dedication and construction of each phase in accordance with the La Jolla Crossroads Approved Transportation Phasing Plan Table IV B-7 as revised November 21, 2000, to the satisfaction of the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

14. No fewer than 3,016 off-street parking spaces for the residential component and 405 off-street parking spaces for the Scientific Research component, shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 21, 2000, on file in the Office of 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.

15. 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.
16. 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, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.
17. A topographical survey conforming to the provisions of SDMC section 101.0216 may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.
18. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
19. No building additions, including patio covers, shall be permitted unless approved by the Development Services Department Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit, and complies with the underlying zoning regulations.
20. Rezoning of the subject property shall become effective with recordation of the corresponding final map for the subject site.
21. This permit may be developed in phases (i.e., buildings). Each phase (building) 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 Exhibit "A," dated November 21, 2000, on file in the Development Services Department).
22. The La Jolla Crossroads Project shall comply with all mitigation measures identified in Final Environmental Impact Report No. 99-0647 and Mitigation Monitoring and Reporting Program (MMRP) dated August 14, 2000, as revised November 21, 2000. Compliance may require further information and fees prior to construction and project implementation.
23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
24. No merchandise, material or equipment shall be stored on the roof of any building.
25. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
26. Prior to issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC



§ 101.2001), 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.

27. The residential development shall maintain an open space area totaling approximately 10.5 acres of total open space shown on Exhibit "A," dated November 21, 2000, on file in the Development Services Department.

28. Prior to the issuance of the building permit for each industrial parcel(s) within this development, the Owner/Permittee of each parcel(s) shall obtain a Substantial Conformance Review (SCR) approval for each of the proposed structures from the Development Services Department. All plans submitted for SCR approval shall be consistent with relevant development criteria of the zone, the University Community Plan, and the adopted La Jolla Crossroads Planned Industrial Development Design Guidelines prepared for this project (and included by reference in the approved Exhibit "A," dated November 21, 2000, on file in the Development Services Department), or the request for SCR shall be denied and an amendment of this permit (via a noticed public hearing before the Planning Commission) shall instead be required.

29. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

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

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

32. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

33. 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 structure whose top and sides may include grillwork, louvers and latticework.

#### **AFFORDABLE HOUSING REQUIREMENTS:**

34. The owner/permittee, as part of the University Community Plan Amendment, has proposed to provide within the La Jolla Crossroads apartment project thirty-five rental units for occupancy by, and at rates affordable to, households earning no more than 65 percent of median area income adjusted for assumed household size and utilities. The owner/permittee has agreed that prior to the recordation of the first final map, the owner/permittee shall execute an Affordable Housing Agreement subject to the approval of the City Manager of the City of San Diego and the Chief Executive Officer of the San Diego Housing Commission or designee(s) in order to implement the provision of the thirty-five affordable units. Such Affordable Housing Agreement shall include terms that provide for the following issues: (1) an affordable unit bedroom-mix of fifteen 1 bedrooms, eighteen 2 bedrooms, and two 3 bedrooms; (2) a designation

of specific affordable units dispersed throughout the buildings first 600 residential units; (3) a provision of the affordable units within the first 600 residential units developed within the project; (4) a 30-year term of affordable unit restriction; (5) standard occupancy and monitoring requirements utilized by the Housing Commission; (6) recordation of the Affordable Housing Agreement against the project's legal description, in a second lien position (junior only to the approved PRD permit).

35. In addition to the thirty-five low income rental units, the owner/ permittee, as part of the University Community Plan Amendment, has proposed to provide within the La Jolla Crossroads apartment project ten rental units for occupancy by, and at rates affordable to households earning no more than 110 percent of the median area income and ninety-five rental units for occupancy by, and at rates affordable to households earning no more than 120 percent of the median area income, both adjusted for assumed household size and utilities. Prior to the issuance of any building permits, the owner/ permittee shall submit and have approved an Affordable Housing Program that stipulates the provisions for providing these units that shall become part of this permit. These units shall have the same ratio of bedroom mix as the overall project and the units shall be regulated at the indicated affordable rates for a period of fifteen years from the issuance of the Certificate of Occupancy.

#### **LANDSCAPE REQUIREMENTS:**

36. 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 21, 2000, on file in the Office of the Development Services Department.

37. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

38. 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 21, 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."

39. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) 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 21, 2000, on file in the Development Services Department.

40. 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.

41. Prior to issuance of any 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. 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 21, 2000, on file in the Development Services Department.

42. Prior to issuance of any permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Permit 99-0647 (including environmental conditions) and Exhibit "A," dated November 21, 2000, on file in the Development Services Department.

43. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

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

45. The Permittee or subsequent owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

**BRUSH MANAGEMENT PROGRAM FOR THE PID:**

46. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," PID Design Guidelines, dated November 21, 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 zones on the property in substantial conformance with Exhibit "A," PID Design Guidelines, dated November 21, 2000, on file in the Development Services Department.
- b. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," PID Design Guidelines, dated November 21, 2000, on file in the Development Services Department, and shall comply with the Uniform Fire Code, the Landscape Standards and the SDMC section 142.0412.

- c. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the SDMC section 142.0412 and Exhibit "A," PID Design Guidelines, dated November 21, 2000, on file in the Development Services Department.
  - d. The construction documents shall conform to the Architectural features as described in SDMC section 142.0412(d).
  - e. Within Zone One combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.
  - f. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the 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."
  - g. In zones One and Two plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section, of the Development Services Department.
47. Prior to final inspection and issuance of any Certificate of Occupancy, for any building, the approved Brush Management Program shall be implemented.
48. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.
49. 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.
50. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of damage or Certificate of Occupancy. 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 or an increased number) to the satisfaction of the City Manager.

**TRANSPORTATION DEVELOPMENT REQUIREMENTS:**

51. The project shall conform to the North University Public Facilities Transportation Plan. The La Jolla Crossroads Approved Transportation Phasing Plan shall control should there be any inconsistencies between it and the North University Public Facilities Transportation Plan.
52. The project shall strictly conform to the La Jolla Crossroads Approved Transportation Phasing Plan (Table IV.B.7) attached hereto and incorporated herein. This transportation phasing plan approved by City Council is more restrictive than the transportation phasing plan included in

the certified environmental document LDR 99-0647 and referenced in the MMRP. The La Jolla Crossroads Approved Transportation Phasing Plan shall control should there be any inconsistency between it and the transportation phasing plan included in the certified environmental document LDR 0067 and referenced in the MMRP.

The Judicial Drive/Nobel Drive traffic signal and Judicial Drive (four-lane major), south project boundary to Nobel Drive, projects ("Construction") are necessary to mitigate the impacts of Nobel Research Park, but La Jolla Crossroads may need to construct these improvements before Nobel Research Park is built. If so, Construction may be subject to a participation agreement with benefited property owners or a reimbursement agreement requiring benefited properties to repay La Jolla Crossroads in full. In no event shall La Jolla Crossroads be issued certificates of occupancy for more than 650 units until these improvements are completed and open for use by the public.

La Jolla Crossroads may advance the cost of FBA Project NUC-33. However, La Jolla Crossroads is only partially responsible for the necessity for this project. Consequently, Construction would be subject to some form of cost sharing, such as a reimbursement agreement, participation agreement, or FBA credit, that would reduce La Jolla Crossroads' net cost to an amount proportionate to its share of the anticipated need for the project. In no event shall La Jolla Crossroads be issued certificates of occupancy for more than 1,000 units or occupancy permits of any kind for the first scientific research building until these improvements are completed and open for use by the public.

53. All construction related traffic for the project is prohibited from using Golden Haven Drive, Shoreline Drive or Renaissance Avenue. To preclude the use of Golden Haven Drive by construction related traffic, the subdivider shall install a barricade across Golden Haven Drive. The subdivider shall maintain the barricade across Golden Haven Drive until the first occupancy permits are issued for the project.

54. The subdivider shall build an access way on the proposed right-of-way of Judicial Drive to provide access to the project site for all construction-related traffic. To preclude the use of Golden Haven Drive by construction-related traffic, the subdivider shall install and maintain a barricade across Golden Haven Drive until issuance of the first occupancy permit for the project. The subdivider shall obtain a traffic control permit for the construction traffic satisfactory to the City Engineer.

55. The applicant shall assure the construction of a traffic signal at the intersection of Golden Haven Drive and Renaissance Avenue, satisfactory to the City Engineer.

56. The applicant shall assure the construction of Judicial Drive as a four-lane urban major street along the project's frontage. The applicant shall dedicate 104 feet of right-of-way and shall provide 78 feet of curb to curb width, curb, gutter; 64 feet of pavement; a 14-foot median and a 5-foot wide non-contiguous sidewalk within a 13-foot curb to property line distance, satisfactory to the City Engineer.

57. The applicant shall assure the construction of Golden Haven Drive as a four-lane urban major street. The applicant shall dedicate 98 feet of right-of-way and shall provide 78 feet of curb to curb width, curb, gutter; 64 feet of pavement; a 14-foot median and a 5-foot wide contiguous sidewalk within a 10-foot curb to property line distance, satisfactory to the City Engineer.

58. The applicant shall assure the construction of a traffic signal at the intersection of Golden Haven Drive and Judicial Drive, satisfactory to the City Engineer.

59. The applicant shall assure the construction of a traffic signal at the intersection of Judicial Drive and private Drive "A," satisfactory to the City Engineer.

60. The applicant shall assure the construction of improvements to provide five eastbound lanes and a bike lane for La Jolla Village Drive from Judicial Drive to the I-805 interchange. The applicant shall dedicate a minimum of 21 feet of right-of-way and shall provide 21 feet of pavement, curb, gutter; and a 5-foot wide sidewalk within a 10-foot curb to property line distance, satisfactory to the City Engineer.

61. The applicant shall provide standard left-turn pocket at the intersection of Judicial Drive and private Drive "A" of 200 feet in length plus transition, satisfactory to the City Engineer.

62. 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.

63. The applicant shall provide at least one 16-passenger bus operating seven days a week to provide service to UCSD, Scripps Hospital, Sorrento Valley Transit station, etc., for the residents of the apartment units free of charge.

**MULTIPLE SPECIES CONSERVATION PROGRAM [MSCP] REQUIREMENTS:**

64. 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.).

65. 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.

## **WATER REQUIREMENTS:**

### **Water Requirements for the Planned Residential Development:**

66. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of a system of public 12-inch water facilities within Judicial and Golden Haven Drive rights-of-way, connecting to existing water facilities at three locations, in accordance with the accepted water study for La Jolla Crossroads, in a manner satisfactory to the Water Department Director and the City Engineer. If three connections cannot be made, then, in lieu of parallel water mains, the developer shall design and construct a system of 16-inch water facilities necessary to serve this development connecting to existing water facilities at two locations in a manner satisfactory to the Water Department Director and the City Engineer.

67. All on-site water facilities shall be private, including fire hydrants. Meters shall be located within or adjacent to the fully improved Judicial Drive right-of-way.

68. The developer 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. Proposed facilities that do not meet the current standards shall be private or redesigned.

69. Prior to the issuance of any building permits, the developer shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve more than one lot.

70. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of a system of reclaimed water facilities consisting of a 6-inch main in Golden Haven Drive and a 4-inch main in Judicial Drive, extending to the subdivision boundary, in a manner satisfactory to the Water Department Director and the City Engineer.

71. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in the area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

### **Water Requirements for the Planned Industrial Development:**

72. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of a system of public 12-inch water facilities within Judicial and Golden Haven Drives, connecting to existing water facilities at three locations, in accordance with the accepted water study for La Jolla Crossroads, in a manner satisfactory to the Water Department Director and the City Engineer. If three connections cannot be made, then, in lieu of parallel water mains, the developer shall design and construct a system of 16-inch water facilities necessary to serve this development connecting to existing water facilities at two locations in a manner satisfactory to the Water Department Director and the City Engineer.

73. All on-site water facilities shall be private, including fire hydrants. Meters shall be located within or adjacent to the fully improved Judicial Drive right-of-way.

74. Prior to the issuance of any building permits, the developer shall provide CC&Rs for the operation and maintenance of on-site private water facilities that serve more than one lot.

75. The developer 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. Proposed facilities that do not meet the current standards shall be private or redesigned.

76. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in the area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

**SEWER REQUIREMENTS FOR THE PLANNED RESIDENTIAL DEVELOPMENT:**

77. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the construction of the Rose Canyon Trunk Sewer relocation in a manner satisfactory to the Metropolitan Wastewater Department Director.

78. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, installation of acceptable odor control systems on the trunk sewers traversing the site, in a manner satisfactory to the Metropolitan Wastewater Department Director.

79. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private water or sewer facilities that serve more than one lot.

80. 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.

81. Prior to the submittal of any public improvement drawings including grading plans, the developer 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.

82. 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 developer shall obtain a plumbing permit for this work. In addition, the developer 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.

APPROVED by the Council of the City of San Diego on November 21, 2000, by Resolution No. 294275.

02/09/01

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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.

**LA JOLLA CROSSROADS, LLC**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

2/9/01

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R- 294275

**TABLE IV.B-7**  
**Approved Transportation Phasing Plan**

Facility	Improvement	Responsibility
<b><u>Phase I – Prior to the issuance of certificate of occupancy of any kind, the following improvements shall be completed and open for use by the public<sup>i</sup></u></b>		
Golden Haven Drive, from current terminus to project primary access	Four-lane major	La Jolla Crossroads <sup>i</sup>
Golden Haven Drive/Renaissance Avenue	Traffic signal	La Jolla Crossroads <sup>i</sup>
Judicial Drive, along the project frontage	Four-lane major	La Jolla Crossroads <sup>i</sup>
Judicial Drive/Golden Haven Drive	Traffic signal	La Jolla Crossroads <sup>i</sup>
Nobel Drive	Roadway extension to I-805 with south facing ramps to the freeway	NUC 21-Project is under construction <sup>i</sup>
<b><u>Phase I – Prior to 1<sup>st</sup> building permit</u></b>		
La Jolla Village Drive	Widening of the south side to provide four through lanes plus a bicycle lane. At I-805, the improvement would include an eastbound right turn lane	La Jolla Crossroads <sup>iii</sup>
<b><u>Phase II - Prior to certificate of occupancy of any kind for 651<sup>st</sup> dwelling unit, the following improvements shall be completed and open for use by the public<sup>i</sup></u></b>		
Judicial Drive/Nobel Drive	Traffic signal	Nobel Research Park
Judicial Drive, south proj. boundary to Nobel Drive	Four-lane major	Nobel Research Park
<b><u>Phase III - Prior to the issuance of certificates of occupancy of any kind for more than 1,000 dwelling units and/or occupancy permits of any kind for the first scientific research building, the following improvements shall be completed and open for use by the public</u></b>		

**TABLE IV.B-7**  
**Approved Transportation Phasing Plan**

Facility	Improvement	Responsibility
Judicial Drive	Tunnel beneath La Jolla Village Drive	La Jolla Crossroads <sup>ii</sup>
Judicial Drive/La Jolla Crossroads Secondary Drive	Traffic signal	La Jolla Crossroads <sup>i</sup>
Miramar Road	Widen to eight lanes	NUC-50 <sup>iii</sup>
I-805/La Jolla Village Drive	Reconfiguration of interchange to a partial cloverleaf design	NUC-C <sup>iii</sup>
La Jolla Village Drive	Widening of the north side of the roadway from the I-805 northbound offramp to Towne Centre Drive to four through lanes plus a bicycle lane.	La Jolla Commons/NUC-C <sup>iii</sup>

i. The term “completed and open for use by the public” means all improvements, including, but not limited to, any landscaping required for the improvements are fully completed to the satisfaction of the City Engineer and in use by the public.

ii. This relates to FBA project NUC-33.

iii. Assurance for NUC improvements shall require that one of the following conditions be met to the satisfaction of the City Engineer:

- a) Improvement must be completed and open to traffic
- b) Improvement must be the subject of an awarded construction contract by a governmental agency
- c) Improvement must be permitted and bonded or security otherwise acceptable to City engineer
- d) Improvement must be scheduled for construction in the City CIP for the year building permits are requested
- e) Improvement must be programmed for construction in the STIP for the year building permits are requested