

001521

**REQUEST FOR COUNCIL ACTION**  
 CITY OF SAN DIEGO

 1. CERTIFICATE NUMBER  
 (FOR AUDITOR'S USE ONLY) 337  
 3. DATE: 07/29  
 June 25, 2008

TO: CITY ATTORNEY

 2. FROM (ORIGINATING DEPARTMENT):  
 DEVELOPMENT SERVICES

4. SUBJECT:

University Towne Center, Project No. 2214

5. PRIMARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Tim Daly (619) 446-5356, MS-501

6. SECONDARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Leslie Goossens (619) 446-5223, MS-501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	1317				No cost to the City. All costs are recovered through a deposit account funded by the applicant.
ORGANIZATION	1776				
OBJECT ACCOUNT	4022				
JOB ORDER	411059				
C.I.P. NUMBER	N/A				
AMOUNT					

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	6/25/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	7/2/08
2	EAS	MARTHA BLAKE	6/27/08	9	COO		
3	CPC/PLANNING	MARY WRIGHT	7/1/08	10	CITY ATTORNEY	ANDREA DIXON	7/14/08
4	CFO			11	ORIG. DEPT	MIKE WESTLAKE	6/27/08
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF:

 RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1) Council resolution certifying that the information contained in Project No. 2214 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Environmental Impact Report No. 2214, SCH No. 2002071071 reflects the independent judgement of the City of San Diego as Lead Agency, stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project, certifying the final Environmental Impact Report, adopting Findings and Statement of Overriding Considerations, and adopting the Mitigation, Monitoring, and Reporting Program.

2) Council resolutions approving Progress Guide and General Plan, and the University Community Plan Amendment.

3) Council resolutions approving the Vesting Tentative Map No. 293788 with summary vacations.

4) Council resolutions approving the Master Planned Development Permit No. 4103 and Site Development Permit No. 293783.

5) Council ordinance adopting rezone of 69.76 acres from CC-1-3 to CR-1-1

11A. STAFF RECOMMENDATIONS:

Approve Resolutions and adopt Ordinance.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

001522

COMMUNITY AREA(S): University

ENVIRONMENTAL IMPACT: The City of San Diego as Lead Agency under CEQA has prepared and completed a Environmental Impact Report, Project No. 2214, dated April 7, 2008 and Mitigation, Monitoring, and Reporting Program covering this activity.

CITY CLERK INSTRUCTIONS:

1. Public noticing is required in newspaper only per SDMC Sec. 112.0302(c), Alternative to Mailed Notice. Placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation.
2. Return copies of each resolution, ordinance, and permit to Tim Daly, MS-501 and a copy of the Plan amendment resolution to Mary Wright, MS 5A.
3. Council action requires a majority vote.

001523

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: June 11, 2008

REPORT NO. PC-08-057

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: University Towne Center - Project Number 2214

COUNCIL DISTRICT: 1

STAFF CONTACT: Tim Daly, (619) 446-5356, [tdaly@sandiego.gov](mailto:tdaly@sandiego.gov)

REQUESTED ACTION:

Approval of the University Towne Center project, a request for the development of the phased redevelopment and renovation of the existing 75.86-acre Westfield University Towne Center (UTC) regional shopping center, located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive in the University Community Plan area.

STAFF RECOMMENDATIONS:

1. ADOPT resolution and CERTIFY Environmental Impact Report No. 2214, ADOPT the Mitigation Monitoring and Reporting Program, and ADOPT the Findings and Statement of Overriding Consideration;
2. ADOPT resolutions amending the Progress Guide and General Plan, and the University Community Plan;
3. ADOPT resolutions and APPROVE Vesting Tentative Map No. 293788 with summary vacations of utility, pedestrian and non-motor vehicular easements and public right of way, Master Planned Development Permit No. 4103, and Site Development Permit No. 293783; and
4. ADOPT ordinance to rezone 69.76 acres from CC-1-3 to CR-1-1.

EXECUTIVE SUMMARY:

This project proposes the phased redevelopment and renovation of the existing 1,061,400-square-foot University Towne Center (UTC) regional shopping center. The proposed project includes the renovation and expansion of retail uses by up to 750,000 square feet, and the development of a maximum of 300 multi-family residential units in a structure(s) not to exceed 293 feet in height. The land use scenarios in the proposed permit would be restricted to a mixture of retail with an option for residential uses not to exceed 17,800 cumulative Average Daily Trips (ADTs), with 256 in-bound AM peak hour and 778 out-bound PM peak hour trips. The project proposes 7,163 parking spaces in a mixture of structured and surface parking. Additional project features would include a relocated and expanded bus transit center, the reservation of right-of-way for the proposed transit center and planned extension of a light rail transit line, a new pedestrian bridge crossing La Jolla Village Drive located west of Town Center Drive, and park facilities in support of the residential development.

The relocation and construction of the transit center will benefit the North University area. The anticipated construction cost for the transit center is approximately \$14.0 million and does not include the value of the property. Draft conditions for the UTC redevelopment and renovation project would allow for the applicant to seek reimbursement by any appropriate mechanism including Facilities Benefit Assessment (FBA) funds or other regional funding. Collectively, and through the process to amend the North University Public Facilities Financing Plan and FBA, the City, SANDAG, the applicant, and the University community will determine the fair share of the funding required to finance the community's needed transit center.

During the public hearing on May 22, 2008, the Planning Commission requested the applicant consider modifying the project's features related to pedestrian networks, streetscape and frontages, urban parks/plaza street amenities, building height, and the subsequent substantial conformity review process. The Planning Commission continued the project to June 12, 2008 and the applicant revised their project features as recommended, with notable changes restricting the maximum number of residential units to 300 and the height of residential structures not to exceed 293 feet above grade (Attachment 2 and 3).

The project continues to comply with the applicable sections of the Municipal Code and adopted City Council policies. City staff has prepared resolutions, ordinance, and the permit for the project and recommends approval.

#### FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant.

#### COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

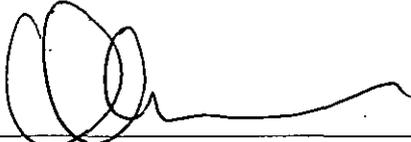
On June 12, 2008, the Planning Commission recommended the City Council certify the Final Environmental Impact Report No. 2214, adopt the Mitigation Monitoring and Reporting Program, the applicant's Findings and Statement of Overriding Considerations, and approve the project with the applicant's modifications. The Planning Commissioners cited reasons to support the project due to the applicants' sustainability commitment, the fact that both the existing mall and the University Community Plan are outdated, the site is designated as a high density urban node in the newly adopted General Plan, and the proposed project and design features will transform the mall into an urban mall consistent with the newly adopted General Plan. In addition, the Planning Commissioners motion included conditions to delete "where possible" on page 4 of the Master Planned Development Permit General Design Guidelines to ensure inclusion of street level retail, and to require the City's Public Notices be mailed rather than published in the newspaper for subsequent Process Two, Substantial Conformance Reviews.

The Motion made by Commissioner Golba, second by Commissioner Naslund. Passed by a 5-1-1 vote with Commissioner Otsuji voting NAY, and Commissioner Smiley not present.

On May 13, 2008, the University Community Planning Group (UCPG) voted 11-3-1 and again on June 10, 2008 voted 14-2-1 to recommend denial of the project. The UCPG denial was based upon the project not complying with the adopted Community Plan.

KEY STAKEHOLDERS:

University Towne Center Venture L.L.C., owner  
Nordstrom Incorporated, owner  
Sears and Roebuck and Company, owner  
CMF University Towne Center South, L.L.C., owner  
CMF University Towne Center North, L.L.C., owner  
Westfield Corporation. applicant  
University Community Planning Group



Kelly Broughton  
Director, Development Services Department



William Anderson, FAICP  
Deputy Chief Operating Officer:  
Executive Director of City Planning  
and Development

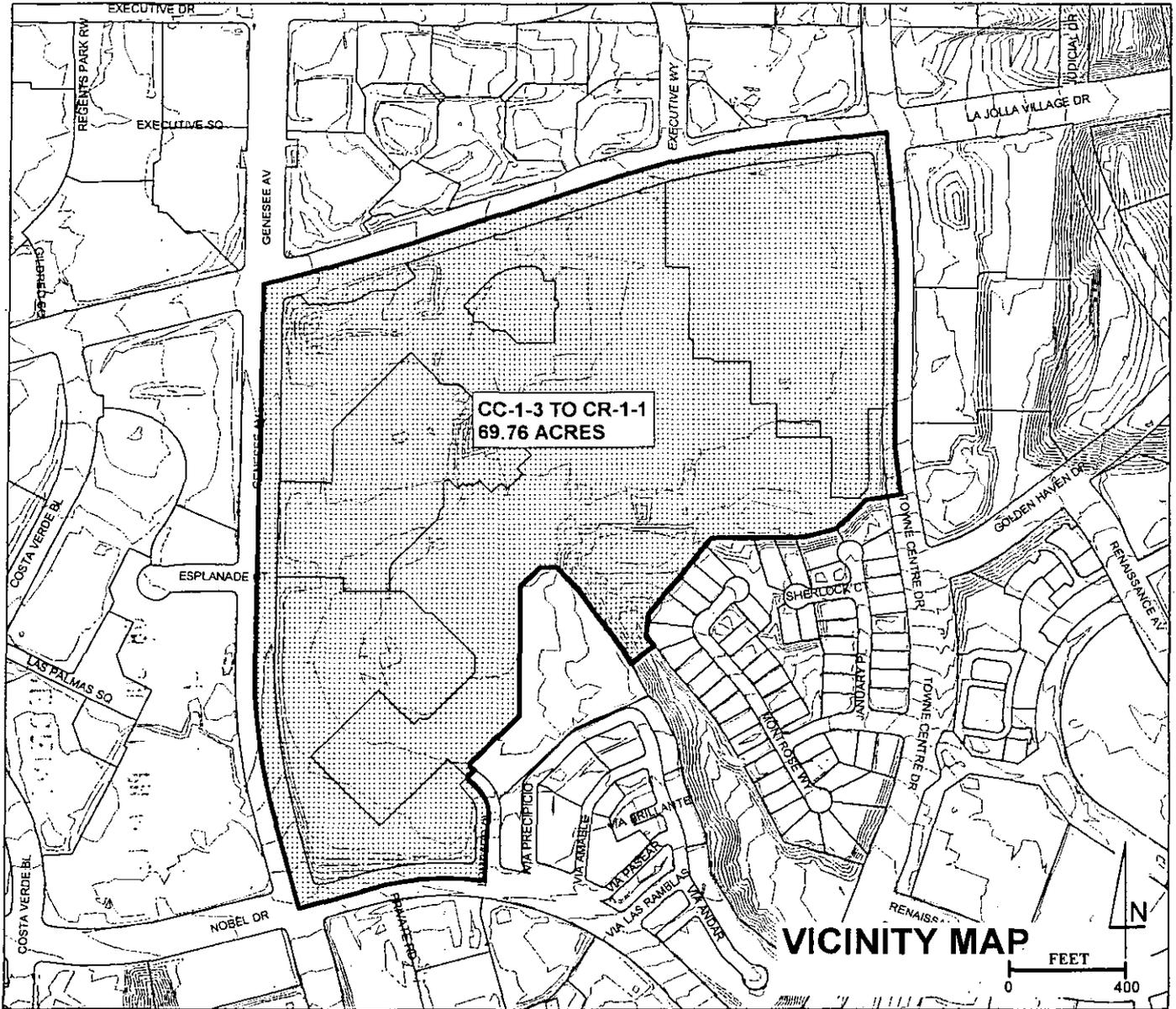
ATTACHMENTS:

1. Planning Commission Report No. PC-08-057
2. University Towne Center Vesting Tentative Map and Civil Plan Sheet.  
Exhibits, 11" x 17" size, June 23, 2008
3. Master Planned Development Permit and Design Guidelines for Westfield  
UTC, revised July 2, 2008

001525  
JUL 23 2008



CITY OF SAN DIEGO • DEVELOPMENT SERVICES  
**PROPOSED REZONING**



Por. of Parcels 1 & 2 of PM 12903 and Por. of Parcels 1,3 & 4 of PM 6481

CASE NO. PTS 2214

ORDINANCE NO. \_\_\_\_\_  
 EFF. DATE ORD. \_\_\_\_\_  
 ZONING SUBJ. TO \_\_\_\_\_  
 BEFORE DATE \_\_\_\_\_  
 EFF. DATE ZONING \_\_\_\_\_  
 MAP NAME AND NO. \_\_\_\_\_

REQUEST CR-1-1  
 PLANNING COMM. RECOMMENDATION **Approve**  
 CITY COUNCIL ACTION

DEVELOPMENT SERVICES MANAGER

**B- 4262**

APN: 345-090-07,08,13,14&16  
 (250-1701) 04-15-08 ldj

NOTICE OF DETERMINATION

001529

TO: Recorder/County Clerk  
P.O. Box 1750, MS A33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2422

FROM: City of San Diego  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Project Number: 2214

State Clearinghouse Number: 2002071071

Permit Number: Vesting Tentative Map No. 293788; Master Planned Development Permit No. 4103; Site Development Permit No. 293783; Amendment to the Progress Guide and General Plan, Community Plan Amendment; Rezone

Project Title University Towne Center

Project Applicant: Westfield Corporation, Inc., 402 West Broadway, Suite 2050, San Diego, CA 92101 (619)544-8134

Project Location: 4545 La Jolla Village Drive, San Diego, CA 92122

Project Description: Community Plan Amendment, Rezone, Master Planned Development Permit, Site Development Permit, Vesting Tentative Map with summary vacations to permit redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center regional shopping center. The proposed project would be the renovation and expansion of retail uses by up to 750,000 square feet of new retail and development of a maximum of 300 multi-family residential units. The project scope would be limited by a maximum cumulative average daily trip (ADT) volume of 17,800 and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. The maximum structure height would be limited to 293 feet above grade. The project proposes 7,163 parking spaces, in a mixture of structured and surface parking. Additional project features would include a relocated and expanded bus transit center, reservation of right-of-way for the proposed transit center and planned extension of a light rail transit line, new pedestrian bridge overpass, and certification under the LEED Green Building Rating System.

This is to advise that the City of San Diego City Council on July 29, 2008 approved the above described project and made the following determinations:

1. The project in its approved form  will,  will not, have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.  
 A MITIGATED~ Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures  were,  were not, made a condition of the approval of the project.
4. Findings  were,  were not, made pursuant to CEQA Guidelines Section 15091.
5. A Statement of Overriding Considerations  was,  was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Entitlements Division, Fifth Floor, Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: M. Blake

Telephone: (619) 446-5375

Filed by: \_\_\_\_\_  
Signature

\_\_\_\_\_ Title

RESOLUTION NUMBER R- \_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

CERTIFYING THAT ENVIRONMENTAL IMPACT REPORT NO. 2214 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 [CEQA] AND STATE CEQA GUIDELINES; ADOPTING THE FINDINGS, THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION, MONITORING AND REPORTING PROGRAM AS IT RELATES TO THE UNIVERSITY TOWNE CENTER PROJECT.

WHEREAS, on December 13, 2001, Westfield Corporation, Inc. submitted an application to the City of San Diego for a master planned development permit/site development permit, vesting tentative map with summary vacations, community plan amendment, and rezone for the University Towne Center Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on \_\_\_\_\_; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 2214; NOW, THEREFORE,

001532

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report No. 2214, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of master planned development permit/site development permit, vesting tentative map with summary vacations, community plan amendment, and rezone for the University Towne Center Project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

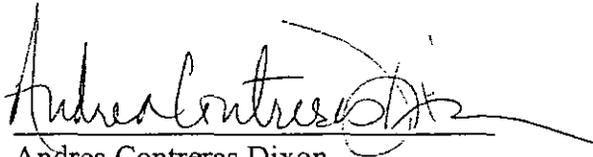
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

001533

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
07/09/08  
Or.Dept:DSD  
R-2009-9  
MMS #6458

ENVIRONMENTAL - EIR 11-01-04

**EXHIBIT A**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**UNIVERSITY TOWNE CENTER REVITALIZATION PROJECT**  
**Master Planned Development Permit/Site Development Permit, Vesting Tentative**  
**Map with Summary Vacations, Community Plan Amendment and Rezone**  
**NO. 2214, Project No. 2214**

This Mitigation Monitoring and Reporting Program (MMRP) was prepared for the University Towne Center (UTC) Revitalization project to comply with the mitigation monitoring statute, Public agency shall adopt monitoring program of mitigation measures and insure their enforceability (Public Resources Code Section 21081.6). This statute requires public agencies to “adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” This program shall be made a requirement of project approval. Certain changes or alterations (mitigation measures) are required for the UTC Revitalization project, as identified in the Environmental Impact Report (EIR) (Project No. 2214, SCH No. 2002071071), to reduce significant environmental effects. For each required mitigation measure, a monitoring and/or reporting element is identified below.

As Lead Agency for the project under CEQA, the City of San Diego (City) will administer the MMRP for the UTC Revitalization project. Information contained within this MMRP provides a summary of significant project impacts, and identifies the mitigation measures, the entity responsible for ensuring compliance, conditions required to verify compliance, and the monitoring schedule. Tables and figures referred to in this MMRP can be found in the EIR.

**GENERAL**

1. Prior to issuance of any construction permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, monitoring paleontologist, and staff from the City’s Mitigation Monitoring Coordination (MMC) Section and from the Environmental Services Department (ESD).
  
2. Prior to the issuance of any construction permits, the Environmental Review Manager (ERM) of the Land Development Review Division (LDR) shall verify the following mitigation measures are noted on the construction/grading plans submitted and included in the specifications under the heading **Environmental Mitigation Requirements**.

**A. TRANSPORTATION/CIRCULATION**

Prior to issuance of a final certificate of occupancy, the project applicant shall implement the following measures to the satisfaction of the City Engineer:

- MM 5.3-1 The applicant shall provide an additional eastbound lane (eight-lane cross section) along La Jolla Village Drive between Towne Centre Drive and I-805. This shall be achieved through restriping and restricting parking. This would result in this segment being built to its Community Plan classification. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-2 The applicant shall provide improvements to Nobel Drive associated with the NUC-J improvement project along its frontage. These improvements shall consist of the widening of Nobel Drive with right-of-way acquisition from the north side. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.

*Intersections*

Implementation of the following mitigation would reduce significant direct impacts to intersections in the Near-Term Conditions to below a level of significance. Prior to issuance of a final certificate of occupancy, the project applicant shall implement the following mitigation to the satisfaction of the City Engineer:

- MM 5.3-3 The applicant shall reconfigure the westbound approach to provide a dedicated right-turn lane at the intersection of La Jolla Village Drive and Regents Road. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-4 The applicant shall reconfigure the northbound approach to provide a dedicated right-turn lane at the intersection of La Jolla Village Drive and Genesee Avenue. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.

- MM 5.3-5 The applicant shall construct a second northbound thru lane by widening Towne Centre Drive at the intersection of Towne Centre Drive and La Jolla Village Drive. To accommodate the additional lanes, widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-6 The applicant shall install a traffic signal and appropriate signal interconnect satisfactory to the City Engineer at the intersection of Nobel Drive/Lombard Place and the Project Driveway. Timing plans shall be developed and implemented by the City. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-7 The applicant shall reconfigure the North UTC Project Driveway to permit right-turn only movements at its intersection with Towne Centre Drive. This shall be accomplished through the construction of a raised center median, extending along Towne Centre Drive from La Jolla Village Drive to the south UTC driveway, and installation of "right-turn only" signage. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-8 The applicant shall install a traffic signal and appropriate interconnect at the intersection of Towne Centre Drive and the South UTC Project Driveway. Timing plans shall be developed and implemented by the City. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit (subject to partial reimbursement already paid to the City by the Congregation Beth Israel as project mitigation).

- MM 5.3-9 The applicant shall reconfigure the westbound approach to provide a dedicated right-turn lane at the intersection of Governor Drive and Genesee Avenue. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.

*Freeway Segments*

The freeway segment analysis identified significant impacts along I-805 between Noble Drive and SR 52 in the near term and horizon year. SANDAG has identified future improvements to both I-5 and I-805 within the project area. These improvements are part of the Mobility 2030 Plan. Prior to issuance of a final certificate of occupancy, the project applicant shall implement the following mitigation to the satisfaction of the City Engineer:

- MM 5.3-10 The applicant shall pay a fair share contribution of \$3.38 million (equivalent to \$1,000 per ADT) toward the study, design or implementation of traffic operational improvements (i.e., auxiliary lanes) on I-805 between La Jolla Village Drive and SR-52.

Horizon Year Conditions

Significant cumulative street segment impacts to Genesee Avenue and La Jolla Village Drive in the horizon year would be significant and unmitigable because the City Council is reviewing whether the Genesee Avenue widening will occur and the applicant has indicated they would not implement improvements along La Jolla Village Drive that would conflict with the Community Plan policies on community character and urban design, as discussed under near-term street segment conditions. Significant cumulative impacts to intersections would be addressed through implementation of Near-Term mitigation measures MM 5.3-3 through MM 5.3-9, above, and Horizon Year mitigation measures MM 5.3-11 through MM 5.3-14 listed below (see Table 5.3-19, *Horizon Year Intersection Mitigation Analysis*). Significant cumulative impacts to freeway segments and freeway ramp meters would remain unmitigated until future improvements identified in the SANDAG Mobility 2030 Plan are implemented.

*Intersections*

The following intersection improvements and cost participation are identified to mitigate significant cumulative impacts to intersections in the Horizon Year to below a level of significance.

- MM 5.3-11 The applicant shall restripe the four-lane southbound approach at the intersection of La Jolla Village Drive and the I-805 southbound ramps to include left, right-left, and dual right-turn lanes. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-12 The applicant shall reconfigure the northbound approach to La Jolla Village Drive at Executive Way to provide a second right-turn lane. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-13 The applicant shall reconfigure the westbound approach to provide a dedicated right-turn lane at the intersection of Nobel Drive and Genesee Avenue. Roadway widening and/or modifications to the median along the roadway may be required. Modifications to the traffic signal timing by the City in conjunction with the lane dedications would be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.
- MM 5.3-14 The applicant shall stripe the eastbound approach to provide left-thru-right and right-turn lanes at the intersection of Decoro Street and Genesee Avenue. To accommodate the additional lane, widening the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.

#### Parking Mitigation

The following measures are identified to mitigate parking impacts to below a level of significance:

- MM 5.3-15 The project applicant shall expand the existing off-site employee program during the month of December to serve up to 550 vehicles.

MM 5.3-16 The applicant shall provide and maintain a current Parking Management Plan and perform an annual parking study satisfactory to the City Engineer. The updated Parking Management Plan and annual parking study shall provide additional parking opportunities in the event that the parking demand exceeds the parking supply. In the event that the parking demand exceeds the parking supply, the applicant shall provide adequate parking for the site and implement these alternatives prior to the next annual parking study, satisfactory to the City Engineer. In addition, no later than October 31 of each year, the applicant shall provide evidence of a shared parking agreement for holiday overflow parking, satisfactory to the City Engineer.

## **B. AIR QUALITY**

The following measures shall be implemented during construction to partially reduce project impacts from fugitive dust:

- MM 5.4-1 Multiple applications of water during grading between dozer/scrapper passes – 34-68 percent
- MM 5.4-2 Paving, chip sealing or chemical stabilization of internal roadways after completion of grading – 92.5 percent
- MM 5.4-3 Use of sweepers or water trucks to remove “track-out” at any point of public street access – 25-60 percent
- MM 5.4-4 Termination of grading if winds exceed 25 miles per hour – not quantified
- MM 5.4-5 Stabilization of dirt storage piles by chemical binders, tarps, fencing or other erosion control – 30-65 percent
- MM 5.4-6 Application of water every 4 hours during structure demolition – 36 percent

Although temporary in nature, there are no feasible mitigation measures to reduce NO<sub>x</sub> during the simultaneous construction of Phases 1 and 2 to a level that is less than significant without staggering the construction schedules for the two development phases. However, construction equipment emissions reductions are anticipated over time as cleaner engines are introduced and low NO<sub>x</sub> emissions standards promulgated by CARB are phased in for off-road construction equipment starting in 2010. Therefore, to reduce emissions of NO<sub>x</sub> during project construction to below significant levels, the following mitigation will be implemented.

MM 5.4-7 Upon preparation of final construction plans for the proposed project, the applicant shall either stagger the construction schedule to prevent overlapping construction emissions for Phases 1 and 2 or hire a contractor who would commit to using a high percentage of low NOx equipment in its construction fleet. If construction sequencing is modified from levels assumed in this analysis, the applicant shall demonstrate through calculations that proposed construction phasing will result in emissions of NOx that are below the significance threshold of 250 lbs per day.

The project would contribute to an obstruction in the implementation of the RAQS for ROC, which would be a significant impact; therefore, standard RAQS measures would be implemented by the project applicant to reduce its impact to below a level of significance. The respective control measures are noted under MM 5.4-8 below.

MM 5.4-8 The project applicant shall incorporate into the contractor specifications the following control measures pursuant to the RAQS for ROC:

- Use of low-ROC paints, adhesives and solvents and
- Installation of low emission water heaters and furnaces where required

**C. PALEONTOLOGICAL RESOURCES**

The following measures shall be implemented by the project applicant to mitigate impacts to paleontological resources to below a level of significance.

*Prior to Pre-Construction Meeting*

MM 5.6-1 Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including, but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and /or construction plans as a note under the heading Environmental Requirements: "University Towne Center Revitalization Project is subject to Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the University Towne Center Revitalization Project EIR (SCH No. 2002071071; Project No. 2214)."

MM 5.6-2 The project applicant shall submit letters of qualification to the ADD

Prior to the recordation of the first final map, NTP or any permits, including but not limited to, issuance of a Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the applicant shall provide a letter of verification to the ADD stating that a qualified paleontologist (the Monitor), as defined in the City of San Diego Significance Determination Guidelines for Paleontological Resources, has been retained to implement the monitoring program.

MM 5.6-3 The project applicant shall submit to the mitigation monitoring coordinator (MMC) a second letter containing names of monitors

(A) At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC, which includes the names of the Principal Investigator (PI) and all persons involved in the paleontological monitoring of the project.

(B) The MMC shall provide the Plan Check Department with a copy of both the first and second letter.

MM 5.6-4 The monitor shall perform a records search prior to pre-construction meeting

At least thirty days prior to the pre-construction meeting, the Monitor shall verify that a records search has been completed and updated as necessary, and he/she shall be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

*Pre-Construction Meeting*

MM 5.6-5 The monitor shall attend preconstruction meetings

(A) Prior to beginning any work that requires monitoring, the Applicant shall arrange a pre-construction meeting that shall include the

Monitor, construction manager and/or grading contractor, resident engineer (RE), building inspector (BI) and the MMC. The Monitor shall attend any grading related pre-construction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor.

(B) If the Monitor is not able to attend the pre-construction meeting, the RE or BI, as appropriate, shall schedule a focused pre-construction meeting for the MMC, Monitor, construction manager and appropriate contractor's representative to review the job on site prior to the start of any work that requires monitoring.

MM 5.6-6 The monitor shall identify areas to be monitored

At the pre-construction meeting, the Monitor shall submit to the MMC a copy of the site/grading plan (reduced to 11"x17") that identifies areas to be monitored.

MM 5.6-7 The monitor shall submit a schedule to the MMC indicating when monitoring will occur

Prior to the start of work, the Monitor shall also submit a construction schedule to the MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin. In addition, the Monitor shall notify the MMC directly of the start date for monitoring.

*During Construction*

MM 5.6-8 The Monitor shall be present during grading/excavation

The Monitor shall be present at all times during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and he/she shall document activity via the Consultant Site Visit Record (form). This form shall be faxed to the RE or BI, as appropriate, and the MMC each month.

MM 5.6-9 Discoveries(A) *Minor Paleontological Discovery*

In the event of a minor paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Monitor shall notify the RE or BI, as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the Monitor. He/she shall continue to monitor the area and immediately notify the RE or BI, as appropriate, if a potential significant discovery emerges.

(B) *Significant Paleontological Discovery*

In the event of a significant paleontological discovery, and when requested by the Monitor, the RE or BI, as appropriate, shall be notified to divert, direct or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the Monitor. The paleontologist with PI level evaluation responsibilities shall also immediately notify the MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

MM 5.6-10 Night Work

## (A) If night work is included in the contract:

- (1) The extent and timing shall be presented and discussed at the pre-construction meeting.
- (2) The following procedures shall be followed:
  - (a) *No Discoveries*

In the event that nothing was found during night work, the PI shall record the information on the Site Visit Record Form.

(b) *Minor Discoveries*

All minor discoveries shall be processed and documented using the existing procedures under measure 9(A) above with the exception that the RE shall contact the MMC by 9 A.M. the following morning to report and discuss the findings.

(c) *Potentially Significant Discoveries*

If the PI determines that a potentially significant discovery has been made, the procedures under 9(B) above shall be followed, with the exception that the RE shall contact the MMC by 9 A.M. the following morning to report and discuss the findings.

(B) If night work becomes necessary during the course of construction:

- (1) The construction manager shall notify the RE or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- (2) The RE or BI, as appropriate, shall notify the MMC immediately.

(C) All other procedures described above shall apply, as appropriate.

MM 5.6-11 Notification of Completion

The Monitor shall notify the MMC and the RE or BI, as appropriate, of the end date of monitoring.

*Post-Construction*

The Monitor shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

MM 5.6-12 The monitor shall submit a letter of acceptance from a local qualified curation facility

The Monitor shall be responsible for submittal of a letter of acceptance to the ADD from a local qualified curation facility. A copy of this letter shall be forwarded to the MMC.

- MM 5.6-13 If fossil collection is not accepted, the monitor shall contact LDR for alternatives

If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the Monitor shall contact LDR to suggest an alternative disposition of the collection. The MMC shall be notified in writing of the situation and resolution.

- MM 5.6-14 The monitor shall record sites with San Diego Natural History Museum

The Monitor shall be responsible for the recordation of any discovered fossil sites with the San Diego Natural History Museum.

- MM 5.6-15 Final Results Report

(A) Prior to the release of the grading bond, two copies of the Final Results Report, which describes the results, analysis and conclusions of the above paleontological monitoring program (with appropriate graphics), shall be submitted to the MMC for approval by the ADD. The Final Results Report shall be submitted regardless of the results (e.g., if negative).

(B) The MMC shall notify the RE or BI, as appropriate, of receipt of the report.

#### **D. PUBLIC UTILITIES**

The following measures are required to address cumulative impacts to sewer line capacity and project and cumulative impacts to landfill capacity. Implementation of these measures would reduce impacts to less than significant levels.

- MM 5.7-1 Prior to receipt of final certificate of occupancy for Phase 1, the project applicant shall contribute their fair share to the cost of upsizing and relocating the sewer line within Genesee Avenue, satisfactory to the City Engineer. The upsizing must occur prior to the site exceeding existing sewage flows that contribute to the line.

MM 5.7-2 Prior to Preconstruction (Precon) Meeting

Land Development Review (LDR) Plan Check - Prior to issuance of any permit, including but is not limited to, any grading or any other construction permit, the Assistant Deputy Director (ADD) shall verify that all the requirements of the waste management plan have been shown and/or noted on the Demolition and/or Grading Plans (construction documents).

1. Prior to issuance of a demolition permit, the permittee shall be responsible to arrange a Precon Meeting. This meeting shall be coordinated with the Mitigation Monitoring Coordinator (MMC) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by LDR and the ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
2. The plan (construction documents) shall include the following elements for grading, construction and occupancy phases of the project as applicable:
  - a. Tons of waste anticipated to be generated
  - b. Material type of waste to be generated
  - c. Source separation techniques for waste generated
  - d. How materials will be reused on site
  - e. Name and location of recycling, reuse or landfill facilities where waste will be taken if not reused on site
  - f. A "buy recycled" program
  - g. How the project will aim to reduce the generation of construction/demolition debris

- h. A plan of how waste reduction and recycling goals will be communicated to subcontractors
  - i. A timeline for each of the three main phases of the project as stated above
3. The plan shall strive for a goal of 50 percent waste reduction.
  4. The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals. The permittee shall notify MMC and ESD when: (1) a construction permit is issued; (2) construction begins; and (3) demolition ends.

The permittee shall arrange for progress inspections and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic site visits during construction to inspect the process of the project's waste diversion efforts. Notification shall be sent to:

MMC/Tony Gangitano	Environmental Services
Mitigation Monitoring	Department
Coordination	9601 Ridgehaven Court
9601 Ridgehaven Court	Suite 320, MS 1103B
Suite 320, MS 1102B	San Diego, CA 92123-1636
San Diego, CA 92123-1636	(858) 492-5010
(619) 980-7122	

5. Prior to the issuance of a grading permit, the applicant shall receive approval from the ADD that the waste management plan has been prepared, approved and implemented. Also prior to the issuance of the grading permit, the applicant shall submit evidence to the ADD that the final demolition/construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the above waste management plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, how that goal was achieved, etc.

## MM 5.7-3 Precon Meeting

1. At least 30 days prior to beginning any work on the site, demolition and/or grading, for the implementation of the Mitigation Monitoring and Reporting Program (MMRP), the permittee is responsible to arrange a Precon Meeting that shall include: the Construction Manager or Grading Contractor, MMC and ESD, as well as the Resident Engineer (RE), if there is an engineering permit.
2. At the Precon Meeting, the permittee shall submit reduced copies (11" x 17") of the approved waste management plan to MMC (two copies) and ESD (one copy).
3. Prior to the start of demolition, the permittee or Construction Manager shall submit a construction schedule to MMC and ESD.

## MM 5.7-4 During Construction

The permittee or Construction Manager shall call for inspections by both MMC and ESD, who will periodically visit the construction site to verify implementation of the waste management plan.

## MM 5.7-5 Post Construction

1. After completion of the implementation of the MMRP, a final results report shall be submitted to MMC to coordinate the review by the ADD and ESD.
2. Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond and/or issuance of Certificate of Occupancy, the applicant shall provide documentation to the ADD of LDR and the ESD that the waste management plan has been effectively implemented.

**E. CONSTRUCTION EFFECTS**

Implementation of the following mitigation measure would reduce potentially significant, short-term traffic delays associated with the off-site transport of equipment and excess soil/demolition debris to below a level of significance:

MM 5.9-1 Prior to and during construction, the transfer of heavy equipment and truck export of demolition materials and earth material shall not occur during peak traffic hours (e.g., 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.). The final plans for each phase of construction shall note this requirement in the traffic control plan.

Implementation of the following mitigation measures during construction of the proposed project would reduce potentially significant, short-term construction-related noise impacts associated with demolition, grading and excavation to below a level of significance:

MM 5.9-2 During all construction activities, ensure that equipment has properly operating and maintained mufflers.

MM 5.9-3 Prior to and during construction activity, locate staging areas as far away as possible from the day care center and existing residences.

MM 5.9-4 At least 72 hours prior to demolition activities in adjacent construction areas, the applicant or contractor shall notify the community day care center and nearby residences of the activity including its anticipated duration.

MM 5.9-5 Prior to any construction activity, temporary noise barriers shall be erected along the property line between construction equipment sources and adjacent sensitive receptors. The materials, height and specific location of such barriers shall be determined by a site-specific noise reduction study conducted by a qualified acoustician after the detailed construction schedule and equipment list have been completed. Noise barriers shall be designed to achieve the noise limit of 75 dBA 12-hour average set by the Noise Ordinance and adjusted as necessary during construction to ensure that noise levels are reduced as much as possible at property lines of sensitive receptors.

001551

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

APPROVING AN AMENDMENT TO THE GENERAL PLAN  
AND THE UNIVERSITY COMMUNITY PLAN FOR THE  
WESTFIELD UNIVERSITY TOWNE CENTER  
REVITALIZAION PROJECT.

WHEREAS, Westfield Corporation, LLC Inc., requested an amendment to the General Plan and the University Community Plan to revitalize and expand the existing regional shopping mall by up to 750,000 square feet of retail use and a maximum of 300 multi-family residential units at a location within the University Community identified as a high density, mixed-use urban node; and

WHEREAS, the site is legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, on June 12, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering an amendment to the University Community Plan; and

WHEREAS, the Planning Commission of the City of San Diego recommended approval of the proposed University Community Plan amendment; and

001552

WHEREAS, the proposed University Community Plan amendment is consistent with the Progress Guide and General Plan; and

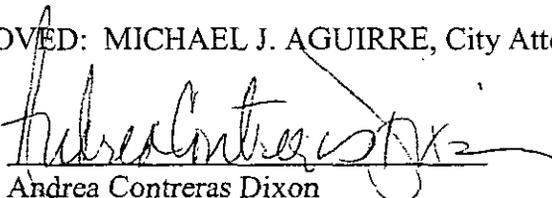
WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on \_\_\_\_\_, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the General Plan and the University Community Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council adopts the amendments to the University Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-\_\_\_\_\_.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
07/09/08  
Or.Dept:DSD  
R-200801213  
MMS# 6458  
Community Plan Amend - Applicant Initiated Amendment 11-01-04

(C)

001553

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

APPROVING VESTING TENTATIVE MAP NO. 293788 WITH SUMMARY VACATIONS OF THE RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE UNIVERSITY TOWNE CENTER PROJECT.

WHEREAS, Westfield Corporation, Incorporated, Applicant/Subdivider, and Rick Engineering Company, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 293788) with summary vacation of right-of-way and utility easements for the University Towne Center Project [Project] for the subdivision and phased redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center [UTC] regional shopping center with the expansion of retail uses by up to 750,000 square feet of new retail and the development of a maximum of 300 multi-family residential units, located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive, and legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California, in the University Community Plan area, in the CR-1-1, and RS-1-14 zones, Community Plan Implementation Overlay Area "A," Zone, Airport Environs Overlay Zone, and Airport Influence Area Zones; and

WHEREAS, the Map proposes the subdivision of a 75.86-acre site into thirty-six lots for commercial development and a maximum of 300-unit residential condominium units; and

WHEREAS, on June 12, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 293788 with summary vacation of the right-of-way and

utility easements, and pursuant to Resolution No. 4412-PC voted to recommend City Council approval of the map; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The maximum total number of residential condominium dwelling units is 300; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, 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 it adopts the following findings with respect to Vesting Tentative Map No. 293788 with summary vacation of the right-of-way and utility easements:

1. Lots 21, 22, 25, 26 and 33 of this subdivision are condominium projects as defined in section 1350 et. seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act. Lot 21 has a maximum 300 residential condominium units, lot 22 has a maximum 300 residential condominium units, lot 25 has a maximum 300 residential condominium units, lot 26 has a maximum 300 residential condominium units, and lot 33 has a

maximum 300 residential condominium units. The number of residential units is 300; the maximum number of residential condominium units is 300.

2. The subdivider shall be required to underground any new service run to the proposed structures within the subdivision.

3. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code section 144.0240 and Council Policy No. 600-25 Underground Conversion of Utility Lines at Developer's Expense.

4. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).

5. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).

6. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).

8. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

9. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

10. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

11. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

12. The property contains a right-of-way and easements which must be vacated summarily and/or pursuant to the Map Act to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

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 City Council finds that for the public right-of-way summary vacation:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; and
2. The public will benefit from the action through improved use of the land made available by the vacation; and
3. The vacation does not adversely affect any applicable land use plan or; and
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that the City Council finds that for the summary easement vacation:

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and
2. The public will benefit from the action through improved utilization of the land made available by the abandonment; and
3. The vacation is consistent with any applicable land use plan; and
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the following public service easements and rights-of-way, located within the project boundaries as shown in Vesting Tentative Map No. 293788, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. Portion of Water and Sewer Easement, Document No. 84-066025, recorded February 23, 1984;
- b. Water and Sewer Easement, Document No. 83-331443, recorded September 16, 1983;
- c. Pedestrian and Non-motor Vehicular Easement, Document No. 1990-0562801, recorded October 16, 1990; and
- d. Non-motor Vehicular and Pedestrian Right of Way dedicated per Map No. 8332, Document No. 76-215704, recorded July 9, 1976.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 293788 is granted to Westfield Corporation, Incorporated, Applicant/Subdivider and Rick Engineering Company, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev

07/14/08

Or.Dept:DSD

R-1212

MMS #6458

L:\Dixon, Andrea\Resos\2008\R-2008-1212 VTM Reso UTC.doc

## CONDITIONS FOR VESTING TENTATIVE MAP NO. 293788

## UNIVERSITY TOWNE CENTER PROJECT

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Vesting Tentative Map will expire \_\_\_\_\_.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of any Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
4. The Final Maps shall conform to the provisions of Site Development Permit No. 293783 and Master Planned Development Permit No. 4103.
5. The Owner/Permittee shall defend, indemnify, and hold the City (including its agents, officers, and employees harmless (collectively "Indemnified Parties") from any claim, action, or proceeding against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the applicable statute of limitation. City shall promptly notify Owner/Permittee of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Owner/Permittee shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Owner/Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Owner/Permittee.
6. Special financing plans have been established to finance the public facilities required for the University Community Plan area. Prior to issuance of any final map, the subdivider shall comply with the provisions of the financing plan, in effect for this community plan area, in a manner satisfactory to the City Engineer. The compliance shall be achieved by either entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment [FBA], or other means as may be established and adopted by the City. Payments will be at the assessment rate in effect when construction permits are issued.
7. Prior to recordation of any Final Map, the subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

**AFFORDABLE HOUSING**

8. Prior to the recordation of the first final map within the Westfield UTC Master Planned Development, the Owner/Permittee shall enter into a Master Affordable Housing Agreement, secured by a deed of trust, with the San Diego Housing Commission to assure that 10 percent of the total residential units to be constructed (estimated to not exceed thirty residential units) will be constructed and occupied as Affordable Housing Units, in accordance with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The Agreement shall provide for the location, mix, and architectural nature of the Affordable Housing Units on each affordable housing site.

**ENGINEERING**

9. The subdivider shall *underground any new service run to any new or proposed structures within the subdivision.*
10. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
12. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code into the construction plans or specifications.
13. Prior to the issuance of any construction permit, the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
14. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
15. This subdivision is in a community plan area designated in the General Plan as "Planned Urbanizing." As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Department Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a FBA or such other means as may have been established by the City Council.

16. Prior to the issuance of any construction permit for grading, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
17. The subdivider shall obtain a grading 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.
18. The subdivider has reserved the right to record multiple final maps over the area shown on the approved vesting tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the vesting tentative map the subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
19. The subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
20. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

23. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
24. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
25. All Final Maps shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

**SEWER AND WATER**

26. Prior to the issuance of any construction permits, the Subdivider shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services, within the rights-of-way adjacent to the project site and within the remaining water easements, in a manner satisfactory to the Water Department Director and the City Engineer.
27. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
28. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
29. The Subdivider 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 Facility Design Guidelines and City regulations, standards and

practices pertaining thereto. Water facilities as shown on the approved vesting tentative map shall be modified at final engineering to comply with standards.

30. The Subdivider shall provide CC&Rs, satisfactory to the Water Department Director, for the operation and maintenance of all private water facilities that serve or traverse more than a single dwelling, commercial unit or common area or lot, which must also include water conservation measures.
31. Prior to the issuance of any construction permits, the Owner/Permittee shall have an executed agreement which requires the Owner/Permittee to off-set the potable water demand of the project, above the existing water use as indicated in the Water Supply Assessment, with the use of recycled water, in a manner satisfactory to the Water Department Director and the City Engineer.
32. The Subdivider shall assure, by permit and bond, the design and construction of all necessary recycled water facilities to be used for all irrigation needs of the project, in a manner satisfactory to the Water Department Director and the City Engineer.
33. The Subdivider shall design and construct all proposed and rebuilt/renovated buildings to utilize water conservation measures in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, specifically designed to meet the requirements for acquiring 3 points under LEED-ND Credit 3: Reduced Water Use, namely Option 1 (Indoor, Category 1) and Option 2 (Outdoor), and standards and practices pertaining thereto.
34. The Subdivider agrees to provide a semi-annual water report. The report shall be prepared by an independent third party, subject to the approval by the City, to account for the project's potable water beginning from the issuance of the first building permit to a period of three years beyond the project's completion and acceptance, in a manner satisfactory to the Water Department Director and the City Engineer.
35. All onsite sewer facilities shall be private.
36. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
37. The developer shall abandon or privatize the existing onsite public sewer mains in this site or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
38. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its

own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

39. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.
40. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

### GEOLOGY

41. *Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."*

### TRANSPORTATION

42. Prior to recordation of the first final map or any construction permit in the La Jolla Terrace district area, the subdivider shall enter into a bonded Deferred Improvement Agreement for construction of a pedestrian bridge across La Jolla Village Drive west of Town Center drive to the satisfaction of the CPCI Facilities Financing and the City Engineer.
43. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer of Dedication for 14.4 feet. With the construction of the light rail transit station, Genesee Avenue south of La Jolla Village Drive will be improved to 128.4 feet, curb to curb within a 149.9-foot right-of-way including full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
44. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue south of La Jolla Village Drive to provide 114 feet, curb to curb within a 135.5-foot right-of-way and shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
45. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer to Dedicate for future construction of Light Rail Transit [LRT] as shown on VTM sheet C7.2 of Exhibit A. With the future construction of the light rail transit station by others, Genesee Avenue north of Esplanade Court will be improved to provide 118.4 feet, curb to curb within a 135.4-foot right-of-way and shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public

access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.

46. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue north of Esplanade Court to provide 106 feet, curb to curb within a 135.4-foot right-of-way and shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4 foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
47. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer to Dedicate for future construction of LRT as shown on VTM sheet C7.2 of Exhibit "A." With the future construction of the light rail transit station by others, Genesee Avenue south of Esplanade Court will be improved to a minimum of 116 feet, curb to curb within a 133-foot right-of-way, and outside of the bus transit center shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a four foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
48. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue south of Esplanade Court to provide 106 feet, curb to curb within a 128-foot right-of-way, and outside of the bus transit center shall construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the east side of Genesee Avenue, satisfactory to the City Engineer.
49. Prior to the issuance of the final map, the subdivider shall dedicate and improve Lombard Place to provide 64 feet, curb to curb within an 83.5-foot right-of-way and construct a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the west side of Lombard Street, satisfactory to the City Engineer.
50. Prior to the issuance of the final map, the subdivider shall dedicate and improve Nobel Drive east of Genesee Avenue to provide 115 feet, curb to curb within a 136.5-foot right-of-way and construct a full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the north side of Nobel Drive, satisfactory to the City Engineer.
51. Prior to the issuance of the final map, the subdivider shall dedicate and improve Nobel Drive west of Lombard Street to provide 90 feet, curb to curb within a 111.5-foot right-of-way and construct a full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the north side of Nobel Drive, satisfactory to the City Engineer.

52. Prior to the issuance of the final map, the subdivider shall dedicate and improve La Jolla Village Drive east of Genesee Avenue and Towne Centre Drive to provide 106 feet, curb to curb within a 127.5-foot right-of-way and construct a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
53. Prior to the issuance of the final map, the subdivider shall dedicate and improve La Jolla Village Drive west of Towne Centre Drive as shown on VTM sheet C7.4 of Exhibit "A" to provide 106 feet, curb to curb within a 127.5-foot right-of-way and construct a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
54. Prior to the issuance of the final map, the subdivider shall dedicate and improve Towne Centre Drive south of La Jolla Village Drive as shown on VTM sheet C7.3 of Exhibit "A" to provide 95 feet, curb to curb within a 118-foot right-of-way and construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
55. Prior to the issuance of the final map, the subdivider shall dedicate and improve Towne Centre Drive north of Towne Centre Gateway as shown on VTM sheet C7.3 of Exhibit A to provide 76 feet, curb to curb within a 97.5-foot right-of-way and construct full-height curb, gutter, and a minimum 10-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance and a 4-foot public access easement within the setback area on the south side of La Jolla Village Drive, satisfactory to the City Engineer.

**SAN DIEGO ASSOCIATION OF GOVERNMENTS [SANDAG]**

56. Prior to the issuance of any final map within the University Central, Palm Passage, or Nobel Heights areas, the subdivider shall obtain approval of project plans from SANDAG and Metropolitan Transit System [MTS] for the bus transit center. Plans shall identify the right-of-way required for the bus transit center and shall reserve this land for such use through an easement or irrevocable offer to dedicate to the satisfaction of SANDAG, MTS, and the City Engineer.
57. Prior to the issuance of any final map within the University Central, Palm Passage, or Nobel Heights areas, the subdivider shall obtain approval of project plans from SANDAG and MTS for the Mid-Coast Light Rail project. Plans shall identify the right-of-way required for the Mid-Coast Light Rail project and shall reserve this land for such use through an easement or irrevocable offer to dedicate to the satisfaction of SANDAG, MTS, and the City Engineer. Identified right-of-way shall accommodate both a project alignment running in the center of Genesee Avenue.

**PARKS AND OPEN SPACE**

58. Prior to the issuance of any final map with any residential unit development, the subdivider shall obtain approval of any population-based park from the Park and Recreation Department and through the public input process as stated in City of San Diego Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects. The subdivider shall provide the required information, plans, and exhibits for any recreation areas to be considered for meeting the City's population-based park requirements to the satisfaction of the Parks and Recreation Director.

**INFORMATION:**

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider 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 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code section 142.0607.



001569

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION GRANTING MASTER PLANNED  
DEVELOPMENT PERMIT NO. 4103/SITE DEVELOPMENT  
PERMIT NO. 293783, AN AMENDMENT TO PLANNED  
COMMERCIAL DEVELOPMENT PERMIT NO. 83-0117, FOR  
THE UNIVERSITY TOWNE CENTER PROJECT.

WHEREAS, University Towne Center Venture L.L.C., a Delaware Limited Liability Company; Nordstrom Incorporated, a Washington Corporation; Sears and Roebuck and Company, a New York Corporation; CMF University Towne Center South, L.L.C., a Delaware Limited Liability Company; and CMF University Towne Center North, L.L.C., a Delaware Limited Liability Company, Owners/Westfield Corporation, Incorporated, Permittee, filed an application with the City of San Diego for a Master Planned Development Permit [MPDP] No. 4103/Site Development Permit [SDP] No. 293783, an amendment to Planned Commercial Development Permit [PCDP] No. 83-0117 for the redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center [UTC] regional shopping center. The proposed project includes the renovation and expansion of retail uses by up to 750,000 square feet and the development of a maximum of 300 multi-family residential units. The project also includes on-site parking facilities and local region transportation improvements; the expanded development of a regional transit center for bus, taxi, and light rail services; a new pedestrian bridge crossing La Jolla Village Drive, west of Town Center Drive; and park facilities in support of the residential development, known as the University Towne Center project, located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive, and legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State

001570

of California, in the University Community Plan area, in the CC-1-3 and RS-1-14 zones (previously referred to as the CA and R-1 zones, respectively) of which the CC-1-3 zone is proposed to be rezoned to the CR-1-1 zone (previously referred to as the CBD zone), Community Plan Implementation Overlay Area "A" Zone, Airport Environs Overlay Zone, and Airport Influence Area Zone; and

WHEREAS, on June 12, 2008, the Planning Commission of the City of San Diego considered Master Planned Development Permit No. 4103/Site Development Permit No. 293783, an amendment to Planned Commercial Development Permit No. 83-0117, and pursuant to Resolution No. 4412-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, 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 it adopts the following findings with respect to Master Planned Development Permit No. 4103/Site Development Permit No. 293783:

001571

**A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC]  
SECTION 126.0504**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The Westfield UTC Project, with the approval of the proposed amendment to the University City Community Plan [Community Plan], will not adversely affect the land use and density designations for the site. UTC was originally developed in the late 1970's, opened in 1977 and expanded in 1984. The existing, open air center features department stores, specialty retail shops, automotive service shops, entertainment venues, multiple dining venues, community meeting facilities, a bus transit center and parking. The size of the existing center is 1,061,000 square feet on approximately 75 acres. UTC "...functions as a major regional commercial center as well as a social center for the community" (Community Plan, page 10). An amendment to the Community Plan is proposed in order to increase the development intensity for the site from 1,061,000 square feet to a traffic envelope, not to exceed 17,800 Average Daily Trips [ADT]. Approval of the MPDP includes different project scenarios which could be developed within the ADT envelope. The proposed project would add up to 750,000 square feet of retail and a maximum of 300 residential units. Ten percent of the residential units will be affordable pursuant to the City's Inclusionary Housing Ordinance. The UTC Project also includes a Transit Center which will accommodate buses and any future light rail or bus rapid transit.

The UTC Project will implement many of the goals and policies of the City's General Plan [General Plan], the Community Plan and the San Diego Association of Governments' [SANDAG] Regional Comprehensive Plan [RCP]. The UTC Project is consistent with the General Plan Strategic Framework Element policies to create smart growth, mixed use developments. To that end, UTC will increase the supply of housing, including on-site affordable housing, connected to local and regional transit systems. Furthermore, UTC will accomplish the Community Plan objective to improve the urban node pedestrian network by providing non-contiguous sidewalks around the perimeter of the site and enhancing the walkability within the site and through connections to surrounding land uses.

The UTC Project will further many of the goals and policies of the City's Progress Guide and General Plan which are identified in the Community Plan as follows:

- Residential Growth – Management of the growth of the region through appropriate population assimilation without artificial constraints or limitations on growth increases (Community Plan, page 14);
- Fiscal – Economic – Reduction in costs of development – particularly public capital and operational costs and stabilizing the tax structure of the City by discouraging urban sprawl (Community Plan, page 14);
- Balancing Social and Community Characteristics in All Areas – Balanced housing for all communities and income levels; Proximity of place of employment and residence; Recognition of community and individual economic, social and physical values; Improving the range of goods and

001572

services for the residents of University City and accommodating communities activities, retail services, recreational and entertainment within UTC (Community Plan, page 14).

In the same way that the General Plan goals establish useful criteria for evaluating community plan alternatives in light of regional needs, the following goals from the Community Plan are particularly suited to University City:

- Develop the University area as a self-sufficient community offering a balance of housing, employment, business, cultural, educational and recreational opportunities (Community Plan, page 16);
- Create an "urban node" with two relatively high density mixed-use core areas located in the University Towne Center (Community Plan, page 16);
- Development an equitable allocation of development intensity among properties, based on the concept of the "urban node" (Community Plan, page 16);
- Locate higher density housing nearest the Towne Centre core (Community Plan, page 17);
- Encourage a mixture of residential, commercial, and professional office uses (Community Plan, page 17);
- Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre (Community Plan, page 17);
- Develop a transportation system designed to move people and goods safely and efficiently within the community, including linkages to other communities, and with due consideration for energy conservation (Community Plan, page 18);
- Encourage the adequate provision of public transit between major activity areas such as the University, Towne Centre, and La Jolla Village Square (Community Plan, page 18);
- Provide pedestrian paths, and bikeways to accommodate the community and complement the City-wide systems (Community Plan, page 18);
- Encourage alternative modes of transportation by requiring developer participation in transit facility improvements (Community Plan, page 18);
- Ensure implementation of City Council Policy 600-34, Transit Planning and Development (Community Plan, page 18).

001573

In addition to furthering the goals and policies of the City's Progress Guide and General Plan and the Community Plan, the UTC Project implements many of the goals and policies of the newly adopted General Plan as follows:

- The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system (General Plan, SF-2, LU-6);
- A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated (General Plan, SF-2, LU-6);
- Implementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Villages should increase personal transportation choices and minimize transportation impacts through design that pays attention to the needs of people traveling by transit, foot, and bicycle, as well as the automobile. Focused development and density adjacent to transit stops that link where people live to where people work, shop and recreate, helps make transit convenient for more people. It allows for a more cost-effective expansion of transit services (General Plan, SF-3, ME-5);
- New policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers (General Plan, SF-4);
- The City of Villages Strategy strives to increase housing supply and diversity through the development of compact, mixed-use villages in specified areas. This strategy also helps to achieve some of the jobs/housing benefits of balanced communities at a broader scale by encouraging better links from homes to jobs and services throughout the region (General Plan, SF-6).

The UTC Project is consistent with SANDAG's RCP and Smart Growth Concept Map [Smart Growth Map]. The site is identified in the RCP and the Smart Growth Map as an Urban Center/Node designated for higher density, mixed-use and transit oriented development.

The project will have no substantial adverse effect regarding the Airport Land Use Compatibility Plan [ALUCP] for Marine Corps Air Station [MCAS] Miramar. The project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest

001574

proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would not generate other obstructions, emit or reflect light at levels that could interfere with air crew vision, produce emissions that would interfere with aircraft communication systems or other electrical systems, or attract birds. The project, therefore, would not present a significant land use conflict with regard to aircraft operations at MCAS Miramar.

The UTC Project includes the construction of a pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive, identified in the adopted University Community Plan (See Community Plan, Figure 11, page 78 and page 142). The following objectives and recommendations regarding pedestrian bridge overcrossings from the University Community Plan will be implemented by the UTC Project:

- Urban Design Element – A Vision of the Future. Pedestrian overpasses will be part of the network spanning wide, heavily traveled streets, and connecting superblocks, buildings and uses in a safe environment (Community Plan, page 37);
- Urban Design Element – Linkages. With the exception of the pedestrian overpass linking the University Towne Centre and "The Plaza" project, existing overpasses seem to go from nowhere to nowhere. They solely provide a safe means of crossing wide streets. The connection from the overpass to the sidewalk is often an unsightly and space-consuming ramp paralleling the street. Design solutions must address the needs of the handicapped while contributing to the aesthetic quality of the community (Community Plan, page 72);
- Urban Design Element – Linkages. An objective of the University Community Plan is to designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas (Community Plan, page 73);
- Urban Design Element – Linkages. Another objective is to ensure that the location of new pedestrian overpasses and street level crossings reinforce the pedestrian network and that their design reflects safety, uniqueness and community pride. This is accomplished by designing overpasses as integral parts of projects not as "afterthoughts." Overpasses should connect buildings, plazas, major entrances and the most active and interesting areas on both sides of the street. Detached and isolated overpasses landing on parking lots, or dead space should be avoided (Community Plan, page 76);
- Transportation Element – Pedestrian Facilities. Pedestrian facilities in the University Community have been provided as a condition of the approvals of many development projects. These facilities include sidewalks

001575

constructed in conjunction with City streets, interior private walkways included in planned commercial developments, and special facilities such as the pedestrian overpasses which have been constructed over La Jolla Village Drive near Villa La Jolla and from University Towne Center to the Plaza, and over Genesee Avenue from the Plaza to Regents Park. Approved, but not yet constructed pedestrian overpasses include facilities over Genesee Avenue from University Towne Center;

- Transportation Element – Pedestrian Pathway System. A pedestrian linkage system should be developed connecting residential areas to all activity areas of the community. An emphasis should be placed on separating pedestrian activity from other modes of transportation. In high-volume traffic areas, especially along La Jolla Village Drive and Nobel Drive and near the two regional shopping centers, pedestrian movement should be facilitated by pedestrian bridges (Community Plan, page 159).

Consistent with the objectives and recommendations of the Community Plan, the pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space.

For all of these reasons, the UTC Project will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The UTC Project will not be detrimental to the public health, safety and welfare. UTC proposes significant public improvements within the University Community including enhanced pedestrian access, non-contiguous sidewalks, walkways, new pedestrian bridge across La Jolla Village Drive, west of Towne Center Drive, and connections to the existing elevated pedestrian bridges over Genesee Avenue and La Jolla Village Drive. Roadway improvements, freeway improvements and bikeways are also proposed. The UTC Project has an existing community center which will be relocated and doubled in size to accommodate a variety of community activities.

The proposed pedestrian bridge implements the pedestrian safety objectives of the Community Plan. Furthermore, subsequent design review will ensure public health, safety, and welfare is protected through conditions of approval and issuance of a public right-of-way encroachment permit as outlined in San Diego Municipal Code section 129.0701 et seq.

The UTC Project also incorporates many sustainable design features and has been accepted as a pilot project in the United States Green Building Council's Leadership in Energy Efficiency and Design [LEED] Neighborhood Development program. The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism, and green building into the first national standard for neighborhood design. LEED certification

001576

provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable development.

The UTC Revitalization Project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. According to the noise contours in the ALUCP, the 60 dB contours occur east of the project site. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would not generate other obstructions, emit or reflect light at levels that could interfere with air crew vision, produce emissions that would interfere with aircraft communication systems or other electrical systems, or attract birds. The project, therefore, would not present a significant hazard with regard to aircraft operations at MCAS Miramar.

The project would not involve the development of a hazardous waste facility or require the routine transport, storage or treatment of hazardous materials. The project site is not located within or adjacent to any areas that have high public safety risk, such as airport accident potential zones, and permanent buildings are not proposed in a floodway. Therefore, impacts relating to hazards and hazardous materials associated with the project would not occur.

The UTC site will continue to be served by the Police Department's Northern Division and Fire Station 35. The Police Department's goal is for a ratio of officers to population of 1.5 officers per 1,000 persons. The department's goal for responding to emergency priority calls is seven minutes. Response times on average for the Northern Division are 8.9 minutes for emergency calls and 18.4 minutes for Priority One calls. The Northern Division response time exceeds the City's average response time of 7.3 minutes for emergency calls and 13.1 for Priority One calls. At a ratio of 1.5 officers per 1,000 residents, the maximum residential scenario at UTC would generate a demand equivalent to 0.9 officers. Fire Station 35's response time to the UTC site is approximately 2 minutes as the station is located about one and one half blocks (1/4 mile) from the site. However, the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks to reach the site in a prescribed time. In addition, the engine company at Station 35 exceeds workload capacity in a number of incidents per year which requires response from outlying fire stations. Additional stations that provide backup include Fire Stations 27, 28 and 41. The response time to the UTC site from Station 27 is approximately 7 minutes, 10 minutes from Station 28 and 5 minutes from Station 41.

The Project will facilitate the construction of necessary sewer, water and road infrastructure to serve the development and the community at large. The improvements will incorporate Best Management Practices [BMP's] in compliance with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code, including stormwater compliance standards. These improvements are conditions of approval of the permit as requirements necessary to avoid adverse impacts upon the health, safety and welfare of people living and/or working in the surrounding area.

001577

Subsequent development proposals will be evaluated for consistency with the MPDP for Westfield Design Guidelines in accordance with the City's substantial conformance review process. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the construction will be monitored and inspected in the field by certified inspectors. As such the proposed development will not be detrimental to the public health, safety, and welfare.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The San Diego Municipal Code Chapter 12, Article 6, Division 6 (Land Development Code) sets forth the City's procedures for the issuance of Planned Development Permits, including an MPDP. Chapter 12, Article 6, Division 5 sets forth the procedures for obtaining a SDP. The Zoning Ordinance provides specific development regulations for MPDPs and SDPs, as well as specific site development regulations for the applicable zones. The project currently operates under Planned Commercial Development Permit No. 83-0117. The Planned Commercial Development permit would be amended by the MPDP.

San Diego Municipal Code section 129.0702(a)(1) provides that a public right-of-way permit is required for private construction of public improvements. Sections 126.0502(d)(7) and 129.0710(b) provide that if the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located, a Site Development Permit is required. Consistent with those regulations, construction of the approved pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will comply with the applicable regulations of the Land Development Code.

The MPDP for the UTC Project allows flexibility in the strict adherence to development requirements of the underlying zone. Deviations are contemplated in the MPDP review process in order to create a more creative and desirable project which will benefit the community. The MPDP guidelines provide a conceptual framework for subsequent review by professional City staff in accordance with the substantial conformance review process to ensure consistent compliance with the purpose and intent of the regulations of the Land Development Code.

A majority of the project site shall be rezoned from the CC-1-3 zone (Community Commercial) to the CR-1-1 zone (Commercial Regional) to more accurately reflect the regional nature of the UTC shopping center. The proposed uses would be permissible in both the CC-1-3 and CR-1-1 zones. The zone change would have no impact upon the use or land use designation of the project site.

The tallest retail buildings and architectural appurtenances (such as towers and identity signs) would be a maximum of 100 feet. Residential structures would be no more than 293 feet in height, as outlined in the Design Guidelines. Because these buildings and architectural features would be taller than the 60-foot limit established in the CR-1-1 zone, the project requests a deviation from the height limit of the zone. Other than the requested deviation to a minimum of 5 feet setback along the Genesee Avenue frontage to accommodate future light

001578

rail and transit center development, all other structures would be set back at least 10 feet from the site boundary. The structures closest to the existing single-family residential uses to the south of the project site would be set back a minimum of 15 feet and up to 30 feet from the property line, and would be stepped back in accordance with the Design Guidelines and the development regulations in the CR-1-1 zone. The proposed project would comply with all requirements of the base zone for the provision of pedestrian pathways.

Under the proposed project, substantial amounts of surface and garage parking facilities would remain located along the street frontage. The amount of parking along the street frontage would exceed the requirements of the CR-1-1 zone (i.e., 50 percent) and a deviation is proposed. Compliance of all project structures with the specific requirements regarding provision of offsetting planes for building articulation in the MPDP and other architectural and landscaping treatments would be ensured as part of the building permit process.

Development of the property shall meet all requirements of the regulations and development criteria of the applicable zones, except as specifically allowed and modified by the MPDP No. 4103 which allows specific deviations. All relevant regulations shall be complied with at all times for the life of the project, except as allowed through specific deviations.

## **2. Supplemental Findings – Environmentally Sensitive Lands**

**a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** Torrey Trail is approximately eight acres of land on the southeast portion of the site. Although it is developed open space, it is under-utilized. Torrey Trail was graded when UTC was originally constructed. As such, it is mostly disturbed. However, there are a few remnant areas which contain steep slopes and sensitive biological resources. The UTC Project proposes park-like improvements within the boundary of Torrey Trail, but there will be no encroachment into the steep slopes or the sensitive biology. A conservation easement will be granted over those areas to ensure there will be no encroachment. For these reasons, the site is physically suitable for the design and siting of the proposed development and the will development will result in no disturbance to the environmentally sensitive lands.

**b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** All of the proposed grading will occur on previously graded land. There will be no encroachment into environmentally sensitive lands. In addition to obtaining all necessary state and federal permits, construction techniques such as locating staging and storage areas outside drainage areas, storing excavated soils outside of all drainage areas, and re-compacting soils to pre-construction or greater compaction density will be utilized to ensure minimal disturbance to natural land forms and will therefore not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

**c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** Although Torrey Trail contains environmentally sensitive lands, they are remnant, unconnected areas left over from the original development of the adjacent residential subdivisions and UTC. The sensitive biology is

001579

disturbed and contains a large quantity of non-native invasive exotic plant species. In addition, these areas are isolated by urban development from other environmentally sensitive lands. Therefore, Torrey Trail lacks the quantity, quality and connectivity necessary to support or contribute to the value of the environmentally sensitive lands.

The proposed improvements in the Torrey Trail will not impact or encroach into the environmentally sensitive lands. The Torrey Trail improvements may include pedestrian lighting, a tot lot, benches, picnic tables, new landscaping and/or other park-like amenities; the balance of the area will remain landscaped open space. A 7 to 10 foot buffer from the environmentally sensitive lands is proposed and secured by a covenant of easement to ensure no encroachment.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The Project site, including Torrey Trail, is within the Urban Areas of the City's MSCP Subarea Plan. The site is not within or near a Multi-Habitat Planning Area [MHPA]. The MHPA delineates core biological resource areas and corridors targeted for conservation. Because UTC is outside the MHPA and there will be no encroachment into the remnant environmentally sensitive areas, the proposed development is consistent with the MSCP Subarea Plan.

**e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed development is located approximately two and a half miles east of the Pacific Ocean's beaches and local shoreline. The on-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply in that all current water quality and erosion control measures will be required of the project during construction and post-construction. All drainage will be directed to the existing public storm drain system and to the extent possible will substantially decrease the potential for downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**f. 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 UTC Project's Torrey Trail District contains approximately 1.92 acres of naturally occurring steep and sensitive biological resources that occur between the existing developed land in the southern-most reaches of the district and surrounding residential development. Pursuant to and SDMC Chapter 14, Article 3, Division 1 of the Environmentally Sensitive Lands [ESL] Regulations, any portion of the premises that contains, among others, steep hillsides and sensitive biological resources would be subject to ESL regulations to the entire premises. Other than proposed park improvements as noted in the Design Guidelines, the project does not propose any commercial or residential development in the vicinity of the ESL nor would any development encroach into the ESL. Consistent with SDMC section 143.0140(a), the permit has been conditioned requiring the applicant to grant a covenant easement across the portion of the premises containing ESL to restrict any encroachment.

001580

3. Supplemental Findings—Public Right-of-way Encroachments

a. **The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.** The UTC Project includes future construction of an already approved pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive, connecting to Embassy Suites. (See Community Plan, Figure 11, page 78 and page 142). The purpose of this pedestrian bridge in the Community Plan is to implement the following objectives and recommendations related to public travel through pedestrian linkages:

- Urban Design Element – A Vision of the Future. Pedestrian overpasses will be part of the network spanning wide, heavily traveled streets, and connecting superblocks, buildings and uses in a safe environment (Community Plan, page 37);
- Urban Design Element – Linkages. With the exception of the pedestrian overpass linking the University Towne Centre and "The Plaza" project, existing overpasses seem to go from nowhere to nowhere. They solely provide a safe means of crossing wide streets. The connection from the overpass to the sidewalk is often an unsightly and space-consuming ramp paralleling the street. Design solutions must address the needs of the handicapped while contributing to the aesthetic quality of the community (Community Plan, page 72);
- Urban Design Element – Linkages. An objective of the University Community Plan is to designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas (Community Plan, page 73);
- Urban Design Element – Linkages. Another objective is to ensure that the location of new pedestrian overpasses and street level crossings reinforce the pedestrian network and that their design reflects safety, uniqueness and community pride. This is accomplished by designing overpasses as integral parts of projects not as "afterthoughts." Overpasses should connect buildings, plazas, major entrances and the most active and interesting areas on both sides of the street. Detached and isolated overpasses landing on parking lots, or dead space should be avoided (Community Plan, page 76);
- Transportation Element – Pedestrian Facilities. Pedestrian facilities in the University Community have been provided as a condition of the approvals of many development projects. These facilities include sidewalks constructed in conjunction with City streets, interior private walkways included in planned commercial developments, and special facilities such as the pedestrian overpasses which have been constructed over La Jolla Village Drive near Villa La Jolla and from University Towne Center to the Plaza, and over Genesee Avenue from the Plaza to Regents Park.

001581

Transportation Element – Pedestrian Pathway System. A pedestrian linkage system should be developed connecting residential areas to all activity areas of the community. An emphasis should be placed on separating pedestrian activity from other modes of transportation. In high-volume traffic areas, especially along La Jolla Village Drive and Nobel Drive and near the two regional shopping centers, pedestrian movement should be facilitated by pedestrian bridges (Community Plan, page 159).

Consistent with the objectives and recommendations of the Community Plan, the north to south pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district as shown on the approved Exhibit “A” plans, University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space.

The landing area for the pedestrian bridge on the Embassy Suites property, north side of La Jolla Village Drive was already dedicated pursuant to Map No. 11506 recorded in the office of the San Diego County Recorder as File Number 86-181364 on May 7, 1986. As such, the proposed encroachment is related to public travel, benefits a public purpose, and all record owners have given permission to maintain the encroachment on their property.

**b. The proposed encroachment does not interfere with the free and unobstructed use of the public right-of-way for public travel.** The purpose of constructing the pedestrian overpass is to prevent conflicts between different modes of transportation (i.e., pedestrian, bicycle, transit and/or vehicular). Construction of the pedestrian bridge will provide safe connections as part of the pedestrian linkage system outlined in the Community Plan. As such, the proposed encroachment will not interfere with the free and unobstructed use of the public right-of-way for public travel. In fact, the pedestrian bridge when it is constructed, will enhance public travel.

**c. The proposed encroachment will not adversely affect the aesthetic character of the community.** Consistent with the objectives and recommendations of the Community Plan, the north to south pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district. as shown on the approved Exhibit “A” plans, University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space. Furthermore, the pedestrian bridge will be designed in accordance with the objectives and recommendations of the Community Plan Urban Design Element. cited in the above Findings.

**d. The proposed encroachment does not violate any other Municipal Code provisions or other local, state or federal law.** See responses to all Findings above. The

001582

proposed encroachment will comply with the conditions of approval for the UTC Project to ensure there will be no violations of the Municipal Code or other local, state or federal law.

**B. PLANNED DEVELOPMENT PERMIT SDMC SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The Westfield UTC Project, with the approval of the proposed amendment to the Community Plan, will not adversely affect the land use and density designations for the site. UTC was originally developed in the late 1970's, opened in 1977 and expanded in 1984. The existing, open air center features department stores, specialty retail shops, automotive service shops, entertainment venues, multiple dining venues, community meeting facilities, a bus transit center and parking. The size of the existing center is 1,061,000 square feet on approximately 75 acres. UTC "...functions as a major regional commercial center as well as a social center for the community" (Community Plan, page 10). An amendment to the Community Plan is proposed in order to increase the development intensity for the site from 1,061,000 square feet to a traffic envelope, not to exceed 17,800 ADTs. Approval of the MPDP includes different project scenarios which could be developed within the ADT envelope. The proposed project would add up to 750,000 square feet of retail and a maximum of 300 residential units. Ten percent of the residential units will be affordable pursuant to the City's Inclusionary Housing Ordinance. The UTC Project also includes a Transit Center which will accommodate buses and any future light rail or bus rapid transit.

The UTC Project will implement many of the goals and policies of the General Plan, the Community Plan and SANDAG's RCP. The UTC Project is consistent with the General Plan Strategic Framework Element policies to create smart growth, mixed use developments. To that end, UTC will increase the supply of housing, including on-site affordable housing, connected to local and regional transit systems. Furthermore, UTC will accomplish the Community Plan objective to improve the urban node pedestrian network by providing non-contiguous sidewalks around the perimeter of the site and enhancing the walkability within the site and through connections to surrounding land uses.

The UTC Project will further many of the goals and policies of the City's Progress Guide and General Plan which are identified in the Community Plan as follows:

- Residential Growth – Management of the growth of the region through appropriate population assimilation without artificial constraints or limitations on growth increases (Community Plan, page 14);
- Fiscal – Economic – Reduction in costs of development – particularly public capital and operational costs and stabilizing the tax structure of the City by discouraging urban sprawl (Community Plan, page 14);
- Balancing Social and Community Characteristics in All Areas – Balanced housing for all communities and income levels; Proximity of place of employment and residence; Recognition of community and individual economic, social and physical values; Improving the range of goods and services for the residents of

001583

University City and accommodating communities activities, retail services, recreational and entertainment within UTC (Community Plan, page 14).

In the same way that the General Plan goals establish useful criteria for evaluating community plan alternatives in light of regional needs, the following goals from the Community Plan are particularly suited to University City:

- Develop the University area as a self-sufficient community offering a balance of housing, employment, business, cultural, educational and recreational opportunities (Community Plan, page 16);
- Create an "urban node" with two relatively high density mixed-use core areas located in the University Towne Center (Community Plan, page 16);
- Develop an equitable allocation of development intensity among properties, based on the concept of the "urban node" (Community Plan, page 16);
- Locate higher density housing nearest the Towne Centre core (Community Plan, page 17);
- Encourage a mixture of residential, commercial, and professional office uses (Community Plan, page 17);
- Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre (Community Plan, page 17);
- Develop a transportation system designed to move people and goods safely and efficiently within the community, including linkages to other communities, and with due consideration for energy conservation (Community Plan, page 18);
- Encourage the adequate provision of public transit between major activity areas such as the University, Towne Centre, and La Jolla Village Square (Community Plan, page 18);
- Provide pedestrian paths, and bikeways to accommodate the community and complement the City-wide systems (Community Plan, page 18);
- Encourage alternative modes of transportation by requiring developer participation in transit facility improvements (Community Plan, page 18);
- Ensure implementation of City Council Policy 600-34, Transit Planning and Development (Community Plan, page 18).

In addition to furthering the goals and policies of the City's Progress Guide and General Plan and the Community Plan, the UTC Project implements many of the goals and policies of the newly adopted General Plan as follows:

001584

The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system (General Plan, SF-2, LU-6);

- A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated (General Plan, SF-2, LU-6);
- Implementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Villages should increase personal transportation choices and minimize transportation impacts through design that pays attention to the needs of people traveling by transit, foot, and bicycle, as well as the automobile. Focused development and density adjacent to transit stops that link where people live to where people work, shop and recreate, helps make transit convenient for more people. It allows for a more cost-effective expansion of transit services (General Plan, SF-3, ME-5);
- New policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers (General Plan, SF-4);
- The City of Villages Strategy strives to increase housing supply and diversity through the development of compact, mixed-use villages in specified areas. This strategy also helps to achieve some of the jobs/housing benefits of balanced communities at a broader scale by encouraging better links from homes to jobs and services throughout the region (General Plan, SF-6).

The UTC Project is consistent with SANDAG's RCP and Smart Growth Map. The site is identified in the RCP and the Smart Growth Map as an Urban Center/Node designated for higher density, mixed-use and transit oriented development.

The project will have no substantial adverse effect regarding the ALUCP for MCAS Miramar. The project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would not generate other obstructions, emit or reflect light at levels that could interfere with air crew vision, produce emissions that would interfere with aircraft communication systems or other electrical systems, or attract birds. The project, therefore, would not present a significant land use conflict with regard to aircraft operations at MCAS Miramar.

001585

The UTC Project includes the construction of a pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive, identified in the adopted University Community Plan (See Community Plan, Figure 11, page 78 and page 142). The following objectives and recommendations regarding pedestrian bridge overcrossings from the University Community Plan will be implemented by the UTC Project:

- Urban Design Element – A Vision of the Future. Pedestrian overpasses will be part of the network spanning wide, heavily traveled streets, and connecting superblocks, buildings and uses in a safe environment (Community Plan, page 37);
- Urban Design Element – Linkages. With the exception of the pedestrian overpass linking the University Towne Centre and "The Plaza" project, existing overpasses seem to go from nowhere to nowhere. They solely provide a safe means of crossing wide streets. The connection from the overpass to the sidewalk is often an unsightly and space-consuming ramp paralleling the street. Design solutions must address the needs of the handicapped while contributing to the aesthetic quality of the community (Community Plan, page 72);
- Urban Design Element – Linkages. An objective of the University Community Plan is to designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas (Community Plan, page 73);
- Urban Design Element – Linkages. Another objective is to ensure that the location of new pedestrian overpasses and street level crossings reinforce the pedestrian network and that their design reflects safety, uniqueness and community pride. This is accomplished by designing overpasses as integral parts of projects not as "afterthoughts." Overpasses should connect buildings, plazas, major entrances and the most active and interesting areas on both sides of the street. Detached and isolated overpasses landing on parking lots, or dead space should be avoided (Community Plan, page 76);
- Transportation Element – Pedestrian Facilities. Pedestrian facilities in the University Community have been provided as a condition of the approvals of many development projects. These facilities include sidewalks constructed in conjunction with City streets, interior private walkways included in planned commercial developments, and special facilities such as the pedestrian overpasses which have been constructed over La Jolla Village Drive near Villa La Jolla and from University Towne Center to the Plaza, and over Genesee Avenue from the Plaza to Regents Park. Approved, but not yet constructed pedestrian overpasses include facilities over Genesee Avenue from University Towne Center
- Transportation Element – Pedestrian Pathway System. A pedestrian linkage system should be developed connecting residential areas to all activity areas of the

001586

community. An emphasis should be placed on separating pedestrian activity from other modes of transportation. In high-volume traffic areas, especially along La Jolla Village Drive and Nobel Drive and near the two regional shopping centers, pedestrian movement should be facilitated by pedestrian bridges (Community Plan, page 159).

Consistent with the objectives and recommendations of the Community Plan, the pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space.

For all of these reasons, the UTC Project will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The UTC Project will not be detrimental to the public health, safety and welfare. UTC proposes significant public improvements within the University Community including enhanced pedestrian access, non-contiguous sidewalks, walkways, new pedestrian bridge across La Jolla Village Drive, west of Towne Center Drive, and connections to the existing elevated pedestrian bridges over Genesee Avenue and La Jolla Village Drive. Roadway improvements, freeway improvements and bikeways are also proposed. The UTC Project has an existing community center which will be relocated and doubled in size to accommodate a variety of community activities.

The proposed pedestrian bridge implements the pedestrian safety objectives of the Community Plan. Furthermore, subsequent design review will ensure public health, safety, and welfare is protected through conditions of approval and issuance of a public right-of-way encroachment permit as outlined in San Diego Municipal Code section 129.0701 et seq.

The UTC Project also incorporates many sustainable design features and has been accepted as a pilot project in the United States Green Building Council's LEED Neighborhood Development program. The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism, and green building into the first national standard for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable development.

The UTC Revitalization Project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. According to the noise contours in the ALUCP, the 60 dB contours occur east of the project site. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would

001587

not generate other obstructions, emit or reflect light at levels that could interfere with air crew vision, produce emissions that would interfere with aircraft communication systems or other electrical systems, or attract birds. The project, therefore, would not present a significant hazard with regard to aircraft operations at MCAS Miramar.

The project would not involve the development of a hazardous waste facility or require the routine transport, storage or treatment of hazardous materials. The project site is not located within or adjacent to any areas that have high public safety risk, such as airport accident potential zones, and permanent buildings are not proposed in a floodway. Therefore, impacts relating to hazards and hazardous materials associated with the project would not occur.

The UTC site will continue to be served by the Police Department's Northern Division and Fire Station 35. The Police Department's goal is for a ratio of officers to population of 1.5 officers per 1,000 persons. The department's goal for responding to emergency priority calls is seven minutes. Response times on average for the Northern Division are 8.9 minutes for emergency calls and 18.4 minutes for Priority One calls. The Northern Division response time exceeds the City's average response time of 7.3 minutes for emergency calls and 13.1 for Priority One calls. At a ratio of 1.5 officers per 1,000 residents, the maximum residential scenario at UTC would generate a demand equivalent to 0.9 officers. Fire Station 35's response time to the UTC site is approximately 2 minutes as the station is located about one and one half blocks (1/4 mile) from the site. However, the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks to reach the site in a prescribed time. In addition, the engine company at Station 35 exceeds workload capacity in a number of incidents per year which requires response from outlying fire stations. Additional stations that provide backup include Fire Stations 27, 28 and 41. The response time to the UTC site from Station 27 is approximately 7 minutes, 10 minutes from Station 28 and 5 minutes from Station 41.

The Project will facilitate the construction of necessary sewer, water and road infrastructure to serve the development and the community at large. The improvements will incorporate BMP's in compliance with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code, including stormwater compliance standards. These improvements are conditions of approval of the permit as requirements necessary to avoid adverse impacts upon the health, safety and welfare of people living and/or working in the surrounding area.

Subsequent development proposals will be evaluated for consistency with the MPDP for Westfield Design Guidelines in accordance with the City's substantial conformance review process. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the construction will be monitored and inspected in the field by certified inspectors. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The San Diego Municipal Code Chapter 12, Article 6, Division 6 (Land Development Code) sets forth the City's procedures for the issuance of Planned Development Permits, including an MPDP. Chapter 12, Article 6, Division 5 sets forth the

001588

procedures for obtaining a SDP. The Zoning Ordinance within the Code provides specific development regulations for MPDPs and SDPs, as well as specific site development regulations for the applicable zones. The project currently operates under Planned Commercial Development Permit No. 83-0117. The Planned Commercial Development permit would be amended by the MPDP.

San Diego Municipal Code section 129.0702(a)(1) provides that a public right-of-way permit is required for private construction of public improvements. Sections 126.0502(d)(7) and 129.0710(b) provide that if the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located, a SDP is required. Consistent with those regulations, construction of the approved pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will comply with the applicable regulations of the Land Development Code.

The MPDP for the UTC Project allows flexibility in the strict adherence to development requirements of the underlying zone. Deviations are contemplated in the MPDP review process in order to create a more creative and desirable project which will benefit the community. The MPDP guidelines provide a conceptual framework for subsequent review by professional City staff in accordance with the substantial conformance review process to ensure consistent compliance with the purpose and intent of the regulations of the Land Development Code.

A majority of the project site shall be rezoned from the Commercial, CC-1-3 zone (Community Commercial) to the CR-1-1 zone (Commercial Regional) to more accurately reflect the regional nature of the UTC shopping center. The proposed uses would be permissible in both the CC-1-3 and CR-1-1 zones. The zone change would have no impact upon the use or land use designation of the project site.

The tallest retail buildings and architectural appurtenances (such as towers and identity signs) would be a maximum of 100 feet. Residential structures would be no more than 293 feet in height, as outlined in the Design Guidelines. Because these buildings and architectural features would be taller than the 60-foot limit established in the CR-1-1 zone, the project requests a deviation from the height limit of the zone. Other than the requested deviation to a minimum of 5 feet setback along the Genesee Avenue frontage to accommodate future light rail and transit center development, all other structures would be set back at least 10 feet from the site boundary. The structures closest to the existing single-family residential uses to the south of the project site would be set back a minimum of 15 feet and up to 30 feet from the property line, and would be stepped back in accordance with the Design Guidelines and the development regulations in the CR-1-1 zone. The proposed project would comply with all requirements of the base zone for the provision of pedestrian pathways.

The tallest retail buildings and architectural appurtenances (such as towers and identity signs) would be a maximum of 100 feet. Residential structures would be no more than 390 feet in height, as outlined in the Design Guidelines. Because these buildings and architectural features would be taller than the 60-foot limit established in the CR-1-1 zone, the project requests a deviation from the height limit of the zone. All structures would be set back at

001589

least 10 feet from the site boundary. The structures closest to the existing single-family residential uses to the south of the project site would be set back a minimum of 15 feet and up to 30 feet from the property line, and would be stepped back in accordance with the MPDP Design Guidelines and the development regulations in the CR-1-1 zone. Thus, the project would comply with all applicable setback and density requirements of the base zone. The proposed project would comply with all requirements of the base zone for the provision of pedestrian pathways.

Under the proposed project, substantial amounts of surface and garage parking facilities would remain located along the street frontage. The amount of parking along the street frontage would exceed the requirements of the CR-1-1 zone (i.e., 50 percent) and a deviation is proposed. Compliance of all project structures with the specific requirements regarding provision of offsetting planes for building articulation in the MPDP and other architectural and landscaping treatments would be ensured as part of the building permit process.

Development of the property shall meet all requirements of the regulations and development criteria of the applicable zones, except as specifically allowed and modified by MPDP No. 4103 which allows specific deviations. All relevant regulations shall be complied with at all times for the life of the project, except as allowed through specific deviations.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed project would revitalize an existing regional shopping center, balancing the functional needs of the existing center in a way that better serves the surrounding University City service area, which has expanded substantially through population growth and urban development over the last 15 to 20 years. The proposed project would provide for improved and expanded community facilities at the shopping center. The proposed project would offer a broader range of goods and services to the community by providing updated and expanded retail, dining and entertainment options within the University City community that promote extended stays at the center and serve as a means to reduce peak hour commute trips in the project area.

The project design concept described in the MPDP Design Guidelines addresses the current inadequacies of the existing department stores, specialty retail shops, dining and entertainment options onsite, as well as the isolated nature of the center from the surrounding community. The proposed project includes renovation of the existing regional shopping center through demolition of about half of the existing center and construction of new and expanded department stores, and retail shops, and the addition of a mix of uses including residential, and possible hotel and/or office uses onsite.

Utility improvements are proposed that would consist of removing a portion of the onsite sewer and water mains and replacing them with private mains that would be covered by a private utility easement. In addition, the project site would be connected to the City's reclaimed water system.

As discussed in Finding 2 above, the Project has been accepted into the United States Green Building Council's LEED Neighborhood Development Pilot Program and is seeking LEED certification, which is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED-ND pilot program

001590

integrates the principles of smart growth, new urbanism and green building. The project applicant has generated sustainability strategies for the redevelopment of the UTC shopping center, including those associated with landscape, lighting, electrical, structural, and HVAC systems.

The proposed project also addresses the regional transportation agencies' goal of expanding public transportation opportunities to ease traffic congestion within the University and Golden Triangle area by providing opportunities for mid- and long-range public transportation improvements that are currently being contemplated for the project area. Specifically, the project applicant, in cooperation with SANDAG, would relocate and expand the existing onsite bus transit center. The expanded transit center would be constructed by the applicant. The proposed project would also reserve right-of-way for the proposed transit center and planned extension of a light rail transit line through the University and Golden Triangle area with a stop proposed at a new station along Genesee Avenue near UTC.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** Deviations are proposed in accordance with Section 126.0602(b)(1) of the Municipal Code. Due to the conceptual nature of the MPDP, deviations are addressed on a planning area basis rather than attributed to a specific aspect of a subsequent development project. The requested deviations may include:

- Retail buildings within 20 feet of the public right-of-way shall be limited to 80 feet in height where the maximum structure height of the CR-1-1 zone is 60 feet;
- The maximum structure height for all other retail buildings and parking decks shall be 100 feet. In addition, the total cumulative area of any retail floors, which are 80 feet or higher above grade, shall not exceed more than 10 percent of the total amount of square feet allocated to regional commercial use permitted within the MPDP;
- The maximum building height for non-retail uses in all the planning areas where they are permitted shall be 293 feet above grade;
- Residential uses and parking will be permitted on the ground floor in the front half of the lot where it is not normally allowed in the CR-1-1 zone;
- All building elevations, within 20 feet of the property line, fronting a public right-of-way will include offsetting planes as described in the MPDP, rather than based on the length of the building façade as required in the Municipal Code;
- Street trees may be placed 4 feet from the face of curb rather than 7 feet as required in the Municipal Code if a non-contiguous sidewalk is proposed as part of a street classified in the Community Plan as a major street, primary arterial, or expressway;

001591

- The proposed private on-site sewer may require a depth of more than 15 feet as is the maximum depth in the Municipal Code. Should a depth of more than 15 feet be necessary, UTC shall design the utility corridor and nearby structure to provide adequate width and clearance for any possible future repair or replacement of the sewer line;

- Deviations from the minimum lot standards for the interior lots may include street frontage, lot area, lot dimensions, setbacks and lot coverage. The site will be treated as single premises with respect to the development regulations; the frontage and setback standards only apply to the portions of any exterior lot which are adjacent to the public right-of-way; and

- Deviation from the required minimum 10-foot setback to a minimum of 5 feet setback along the Genesee Avenue frontage only, and only where required to accommodate the future light rail service and/or the relocated and expanded transit center.

The deviation from the height restriction would allow for architectural and landscape treatments at the street level to engage the pedestrian network (including limitation of the base height of structures, changes in colors and textures, protrusions and recessions, etc.), which would contribute to street vitality and a pedestrian-friendly atmosphere. In addition, although the amount of parking along the street frontage would exceed the requirements of the CR-1-1 zone, it will improve upon the existing condition in which surface parking is located around the entire perimeter of the center. The proposed project would bring department stores and other retail uses closer to the street right-of-way. These buildings would replace some of the existing surface parking and divide the remaining surface parking into smaller units. A portion of the parking would be below the retail proposed near the corner of La Jolla Village Drive and Genesee Avenue. Parking structures would be screened by tall and large flowering trees and trellised vines and would feature architectural treatments to enhance the pedestrian experience. The proposed project would, therefore, substantially improve the building/parking orientation of the site to the adjacent roadways.

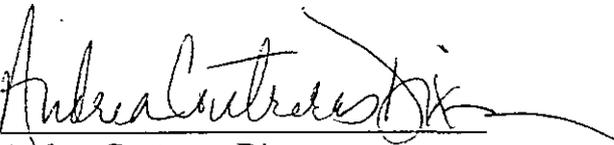
The Planned Development Permit regulations allow for deviations to the minimum requirements of the CR-1-1 zoning regulations affecting the site if the proposed design is demonstrated to be an imaginative and creative design solution which would not result from the strict application of the regulations. The development proposes the revitalization and expansion of a regional commercial center along with new residential development within a "live, work and play" environment which is sensitive to adjacent properties and avoids environmentally sensitive lands. The proposed layout of the project site, with the noted deviations above, will be such a creative and imaginative design. The deviations are therefore allowable through the Planned Development Permit regulations. The development's Design Guidelines and concept plans for the project identify compliance with all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project, except as allowed through the specific deviation listed above.

001592

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

BE IT FURTHER RESOLVED, that Master Planned Development Permit No. 4103/Site Development Permit No. 293783 is granted to University Towne Center Venture L.L.C., a Delaware Limited Liability Company; Nordstrom Incorporated, a Washington Corporation; Sears and Roebuck and Company, a New York Corporation; CMF University Towne Center South, L.L.C., a Delaware Limited Liability Company; and CMF University Towne Center North, L.L.C., a Delaware Limited Liability Company, Owners/Westfield Corporation, Incorporated, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
07/14/08  
Or.Dept:DSD  
R-2008-1214  
MMS #6458  
L:\Dixon, Andrea\Resos\2008\R-2008-1214 UTC Permit Reso.doc

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 41-1059

**MASTER PLANNED DEVELOPMENT PERMIT NO. 4103/  
SITE DEVELOPMENT PERMIT NO. 293783  
UNIVERSITY TOWNE CENTER MMRP**  
Amendment to Planned Commercial Development Permit No. 83-0117  
CITY COUNCIL

This Master Planned Development Permit [MPDP] No. 4103/Site Development Permit [SDP] No. 293783, an amendment to Planned Commercial Development Permit [PCD] No. 83-0117 is granted by the City Council of the City of San Diego to University Towne Center Venture L.L.C., a Delaware Limited Liability Company; Nordstrom Incorporated, a Washington Corporation; Sears and Roebuck and Company, a New York Corporation; CMF University Towne Center South, L.L.C., a Delaware Limited Liability Company; and CMF University Towne Center North, L.L.C., a Delaware Limited Liability Company, Owners/Westfield Corporation, Incorporated, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0501 and 126.0601. The 75.86-acre site is located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive in the CR-1-1 zone, CC-1-3 zone, RS-1-14 zone, Community Plan Implementation Overlay Area "A" Zone, Airport Environs Overlay Zone, and Airport Influence Area Zone of the University Community Plan area. The project site is legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittee for the phased redevelopment and renovation of the existing Westfield University Towne Center [UTC] regional shopping center, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], Master Planned Development Permit and Design Guidelines for Westfield UTC, and the University Towne Center Revitalization plans, dated \_\_\_\_\_, on file in the Development Services Department [DSD].

The project or facility shall include:

- a. The redevelopment and renovation of the existing 1,061,400-square-foot Westfield UTC regional shopping center. The proposed project would be the renovation and expansion of retail uses by up to 750,000 square feet for a maximum total of 1,811,400 square feet of new retail, and the development of a maximum of 300 multi-family residential units. The land use scenarios in the MPDP would be restricted to a mixture of retail and an option for residential uses that would not exceed 17,800 cumulative Average Daily Trips [ADTs] and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. On-site parking facilities and local regional transportation improvements; the relocation and expansion of the transit center for bus and future light rail services; a new pedestrian bridge crossing La Jolla Village Drive, west of Town Center Drive; and park facilities in support of the residential component all consistent with the approved Exhibit "A," Master Planned Development Permit and Design Guidelines for Westfield UTC [Design Guidelines], and the University Towne Center Revitalization plans.
- b. Allowable deviations:
  - Deviations from the minimum lot standards for the interior lots may include street frontage, lot area, lot dimensions, setbacks and lot coverage. The site will be treated as a single premises with respect to the development regulations; the frontage and setback standards only apply to the portions of any exterior lot which are adjacent to the public right-of-way;
  - Retail buildings within 20 feet of the public right-of-way shall be limited to 80 feet in height where the maximum structure height of the CR-1-1 zone is 60 feet;
  - The maximum structure height for all other retail buildings and parking decks shall be 100 feet. In addition, the total cumulative area of any retail floors, which are 80 feet or higher above grade, shall not exceed more than 10 percent of the total amount of square feet allocated to regional commercial use permitted within the MPDP;
  - The maximum building height for non-retail uses in the planning areas where they are permitted shall not exceed 293 feet above existing grade for residential buildings;
  - Residential uses and parking will be permitted on the ground floor in the front half of the lot where it is not normally allowed in the CR-1-1 zone;

- All building elevations, within 20 feet of the property line, fronting a public right-of-way will include offsetting planes as described in the MPDP, rather than based on the length of the building façade as required in the Municipal Code;
  - Street trees may be placed 4 feet from the face of curb rather than 7 feet as required in the Municipal Code if a non-contiguous sidewalk is proposed as part of a street classified in the Community Plan as a major street, primary arterial, or expressway;
  - The proposed private on-site sewer may require a depth of more than 15 feet as is the maximum depth in the Municipal Code. Should a depth of more than 15 feet be necessary, UTC shall design the utility corridor and nearby structure to provide adequate width and clearance for any possible future repair or replacement of the sewer line; and
  - Deviation from the required minimum 10-foot setback to a minimum of 5 feet setback along the Genesee Avenue frontage only, and only where required to accommodate the future light rail service and/or the relocated and expanded transit center.
- c. Landscaping (planting, irrigation and landscape related improvements); 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 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 SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC 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 Owner/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 Owner/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 continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. 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 Owner/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 Owner/Permittee by the City: (1) to grant Owner/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 Owner/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 Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. 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 site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to the Exhibits "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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.

11. The Owner/Permittee shall defend, indemnify, and hold the City, including its agents, officers, and employees [collectively Indemnified Parties] harmless from any claim, action, or proceeding against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the applicable statute of limitation. City shall promptly notify Owner/Permittee of any claim, action, or proceeding and City shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Owner/Permittee shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Owner/Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Owner/Permittee.

12. Planned Commercial Development Permit No. 83-0117 includes conditions of approval for 300 residential units constructed within Unit 2, Parcel Map 8333; Unit 3, Parcel Map 8679; and Unit 4, Parcel Map 8502. Unless herein amended by conditions of this permit, the Owner/Permittee and subsequent residential Owners within the aforementioned Parcel Map areas shall be subject to the conditions of approval to Planned Commercial Development Permit No. 83-0117.

13. Prior to issuance of any construction permits the applicant shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

14. This Permit may be developed in phases. 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 Exhibit "A."

15. The Owner/Permittee shall support and not oppose the formation of a Community Facilities District [CFD] within the University Community Plan area. The Owner/Permittee shall be allowed to offset or seek reimbursement on any portions of FBA fees with the implementation of specific CFD projects, subject to the satisfaction of the CPCI Facilities Financing and the City Manager.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

16. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

17. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report, Project No. 2214 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

18. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report, Project No. 2214 satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Aesthetics/Visual Quality
- Transportation/Circulation
- Air Quality
- Public Utilities (Solid Waste/Sewer)
- Paleontological Resources
- Construction Effects

19. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**AFFORDABLE HOUSING REQUIREMENTS:**

20. Prior to the issuance of any construction permits for residential development, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code [LDC]), by setting aside ten percent of the units as affordable pursuant to an agreement with the San Diego Housing Commission.

21. Prior to the issuance of any construction permit for the first residential building, the Owner/Permittee shall enter into an Affordable Housing Agreement with the San Diego Housing Commission.

**ENGINEERING REQUIREMENTS:**

22. This Permit shall comply with the conditions of the Vesting Tentative Map No. 293788.

23. Prior to the building occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

24. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

26. The drainage system outside of the public right-of-way proposed for this development is private and shall be privately maintained is subject to approval by the City Engineer.

27. The proposed driveway approximately 380 feet south of the La Jolla Village Drive and Genesee Avenue intersection, fronting the project boundary, shall comply with City Standard Drawings G-14A, G-14B, G-16 and SDG-100 and be satisfactory to the City Engineer.

28. This project proposes to export 592,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC section 141.0620(i).

29. Prior to the issuance of any construction permit the Owner/Permittee shall obtain a bonded grading 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.

30. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), 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 implemented concurrently with the commencement of grading activities, and a 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. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08 DWQ.

31. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

32. Prior to any building occupancy, the Owner/Permittee 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.

33. Prior to the issuance of any construction permit for grading, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No.. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

34. Prior to issuance of any construction permit for any development within the boundaries of the La Jolla Terrace district as shown on the approved Exhibit "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, the Owner/Permittee shall enter into a Deferred Improvement Agreement and post a bond for the design and construction of a pedestrian bridge across La Jolla Village Drive, between Towne Center Drive and Executive Way, in a manner satisfactory to CPCI Facilities Financing and the City Engineer.

35. Design of the pedestrian bridge shall be consistent with the adopted University Community Plan Urban Design-Linkages and Transportation Elements and satisfactory to the City Engineer.

#### **LANDSCAPE REQUIREMENTS:**

36. Landscape Development Plans shall be submitted to DSD during the Substantial Conformance Review [SCR] process. All portions of the site shall comply with the City's Landscape Regulations, which include planting area and plant point requirements.

Compliance shall be demonstrated by providing Landscape Calculations on the plans which will be evaluated and approved by DSD.

37. When trees with a caliper of 2 inches or greater are proposed to be removed, the Landscape Development Plan shall identify the common name, botanical name, height, spread, and caliper size of the trees proposed for removal or relocation. This shall be reviewed during the SCR process. Replacement trees shall be of a comparable caliper size. Replacement trees shall, at maturity, provide a similar tree shade canopy to those trees removed. A Certified Arborist shall submit a report with the Landscape Development Plan when trees are proposed to be removed or relocated.

38. Street trees shall be provided, at a minimum 24-inch box size, at a rate of one canopy tree per 30 feet of street frontage. A minimum 5 foot-wide planting area dimension shall be provided for trees, as measured from the inside face of curb. During the SCR process, approved street tree species will be those that are listed on the City's Street Tree Selection Guide, developed by the City's Urban Forester.

39. In the event that the Landscape Plan or Regulations and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan/Landscape Regulations such that landscape areas are consistent with Exhibit "A" and the City's Landscape Regulations.

40. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around 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.

41. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC sections 142.0403(b)5.

42. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

43. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

44. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual: Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Establishment & Maintenance Agreement shall be submitted for review by a Landscape Planner.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy or a Final Landscape Inspection.

46. Prior to issuance of any construction permit for parking structures, the Owner/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.

47. When alternatives to the Landscape Requirements for the top floor of Parking Structures open to the sky are proposed, the alternatives shall provide greater shade and landscape screening than one tree within 30 feet of each parking space. Alternatives shall be reviewed during the SCR process. Alternatives will be evaluated and approved to the satisfaction of the City Manager.

48. Any required planting that dies within three years of installation shall be replaced within thirty calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die three years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

49. All landscaping for the Light Rail and/or Transit Station shall comply with the Landscape Regulations. Compliance will be demonstrated with Landscape Development Plans submitted with Landscape Calculations during the SCR process.

#### **PARK AND RECREATION REQUIREMENTS:**

50. Any park or recreation development, including Torrey Trail, shall meet General Plan Standards for park acreage and facilities standards to be considered for population-based park credit and shall be privately owned and maintained with a recreation easement to allow for general public use.

51. Any recreation areas to be considered for meeting the City's population-based park requirements must be contiguous to a public right-of-way and in-close proximity to the residents creating the need.

52. Along with any residential dwelling unit development plans submitted for SCR, the Owner/Permittee shall also provide required information, plans, and exhibits for any recreation areas to be considered for meeting the City's population-based park requirements.

53. All recreation areas to receive population-based park credit shall be no smaller than 0.75 acres and shall be constructed and approved prior to the issuance of any Certificate of Occupancy for the residential development.

54. The Owner/Permittee shall ensure that all residential development satisfy the City's population-based park requirements within the University Towne Center project boundary.

55. The Owner/Permittee shall ensure that all parks that are to receive population-based park credit be developed consistent with Park and Recreation Department standards/guidelines.

56. Prior to the issuance of any construction permit for any residential unit development, the Owner/Permittee shall obtain approval of any population-based park from the Park and Recreation Department and through the public input process as stated in City of San Diego Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects. The Owner/Permittee shall provide the required information, plans, and exhibits for any recreation areas to be considered for meeting the City's population-based park requirements to the satisfaction of the Parks and Recreation Director.

57. Prior to the issuance of a Certificate of Occupancy of the first residential unit, the Owner/Permittee shall have completed the construction of the population-based park pursuant to the approved park plans prepared in accordance with Council Policy 600-33, to the satisfaction of the Parks and Recreation Director and the City Engineer.

#### **PLANNING/DESIGN REQUIREMENTS:**

58. Upon completion of all phases of development no fewer than 7,163 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

59. The project may be developed in phases. In order to allow for appropriate review of each phase and to determine consistency with this permit, all development plans shall be submitted for SCR, Process Two, consistent with the approved Exhibit "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans.

60. The Owner/Permittee shall apply to the City of San Diego for a Process Two, SCR for all new development. The SCR application's Notice of Future Decision, Notice of Public Hearing, or other mailed notice, shall be postage prepaid and addressed to the

persons identified in SDMC section 112.0302(b). Alternatives to mailed notices shall not be allowed.

61. Any retail or commercial service tenant improvements that will not increase gross floor area shall not require processing a SCR application with the City of San Diego.

62. Any SCR within the MPDP's designated University Central or Palm Passage areas shall require review and approvals from SANDAG and MTS for transit facility and/or the light rail station purposes.

63. The Owner/Permittee shall provide the development's current and proposed building square footage in a table format on all construction plans and plans submitted for Substantial Conformance Review. The table shall also include the current ADTs and proposed ADTs with the development.

64. Office uses, other than in support of onsite commercial and residential uses, and hotel uses shall not be allowed on the University Towne Center site. Any proposed office or hotels uses on the University Towne Center site shall require an amendment to the permit.

65. Prior to issuance of any construction permits, the Owner/Permittee shall execute a covenant of easement to be recorded against title to the affected premises, identified as the Torrey Trails area as shown on the approved Exhibit "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, and executed in favor of the City.

The covenant shall contain information regarding the legal description of the premises affected by the permit with a description of the development area and the environmentally sensitive lands that will be preserved; notice to all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting use of the environmentally sensitive lands covered by the permit; to ensure that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected premises; and to ensure enforceability of the covenant of easement by the City.

66. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

67. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or Citywide sign regulations.

68. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

69. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

70. The Owner/Permittee shall obtain approval from the U.S. Green Building Council under the Leadership in Energy and Environmental Design [LEED] for Neighborhood Development pilot program at the "Silver" or better rating level.

71. The Owner/Permittee shall incorporate water-conserving features into the project. These features shall include dual flush toilets, waterless urinals and metered and/or aerated lavatory faucets in the mall common area restrooms and in the tenant criteria manual for tenant build-outs. Any residential dwelling units shall include dual flush toilets, aerated faucets, and low-flow showerheads. All these fixture requirements shall be met to the satisfaction of the City Engineer.

72. The Owner/Permittee shall use reclaimed water for all landscape irrigation on the site, in a manner satisfactory to the Water Department Director and the City Engineer.

73. The Owner/Permittee shall use a combination of native and region adapted, drought-tolerant plants for a minimum of 90 percent of all new landscape areas in the project, and all landscape on site shall be non-invasive species, satisfactory to the City Engineer.

74. The Owner/Permittee shall design all commercial and residential building systems to increase energy efficiency by a minimum of 10 percent above the requirements of California Title 24 regulations, satisfactory to the City Engineer.

75. The Owner/Permittee shall incorporate renewable energy into the project, including at least one solar power project on-site with a minimum capacity of 100 kilowatts [kW], satisfactory to the City Engineer.

76. The Owner/Permittee shall include "cool roof" technology in the project by using roofing materials with a Solar Reflective Index [SRI] equal to or greater than 78 (for roofs with slopes less than or equal to 2:12) and/or green roofs for a combined minimum of 75 percent of the roof area for all new buildings, satisfactory to the City Engineer.

77. The Owner/Permittee shall utilize recycled content in infrastructure for roadways, parking lots, sidewalks and curbs, including minimum 90 percent recycled aggregate materials for any aggregate base and aggregate subbase, and minimum 15 percent recycled asphalt pavement for any asphalt base, satisfactory to the City Engineer.

78. The Owner/Permittee shall use materials with post-consumer recycled content such that the total amount of post-consumer content constitutes a minimum of 15 percent of the material in the project. Post-consumer material is defined as waste material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product, which can no longer be used for its intended purpose. Mechanical, electrical and plumbing components and specialty items such as elevators are not included in this calculation, but other materials permanently installed in the

project shall be included. This requirement shall be met to the satisfaction of the City Engineer.

79. Consistent with SDMC section 66.0606, the Owner/Permittee shall recycle and/or salvage at least 65 percent of non-hazardous construction and demolition debris during construction of the project, satisfactory to the City Engineer. Recycling materials shall be sorted by material type and taken to specific recycling facilities, a list of which can be found in the City of San Diego's Recycling Guide.

80. The Owner/Permittee shall develop and implement a construction waste management plan for the construction of the project. The waste management plan shall address waste generated both during construction and post-construction satisfactory to the City Engineer and include the following elements:

- a. The type and quantity of solid waste to be generated;
- b. Identification of materials being diverted from disposal;
- c. Description of recycled materials, if separated or commingled, and where they are going;
- d. Onsite reuse of construction demolition materials; and
- e. Projected use of recycled materials.

81. The Owner/Permittee shall use fly ash to replace cement content for a minimum of 12 percent of the cement volume used in the project's new building structures, calculated as an average across all new buildings and parking structures in the project, satisfactory to the City Engineer.

82. The Owner/Permittee shall provide recycling receptacles alongside with litter receptacles for the public to use within the commercial and retail areas. The containers should be specifically designed for recycling to discourage contamination and have clearly visible signs that indicate pictorially and in words that all paper and beverage containers are recyclable. An annual report shall be provided to the City of San Diego Environmental Service Department Director, attention to Waste Reduction Section, on the quantity of recycling containers in use and the frequency of service.

83. The Owner/Permittee shall include at least one recycling or reuse station on the project site dedicated to the collection and storage of materials generated at the project site for recycling including, at a minimum, paper, corrugated cardboard, glass, plastics and metals, satisfactory to the City Engineer.

84. The Owner/Permittee shall include at least one drop-off point on the project site for office or household potentially hazardous wastes generated at the project site such as paints, solvents, oil and/or batteries, and establish and implement a plan for post-collection disposal or use, satisfactory to the City Engineer.

85. The Owner/Permittee shall implement an educational program on-site to raise awareness of the green building initiatives incorporated into the design and operations of the project and to promote green building practices among the general public, interested organizations and educational establishments, to the satisfaction of the City Engineer.

**FACILITIES FINANCING REQUIREMENTS:**

86. The Owner/Permittee shall pay the Facilities Benefit Assessment [FBA] rate or Development Impact Fee in effect at the time construction permits are issued.

87. The North University City Public Facilities Financing Plan and FBA shall be amended to include the relocation and expansion of the transit center. Prior to issuance of any construction permits within the University Central, Palm Passage, or Nobel Heights districts, the Owner/Permittee shall enter into a reimbursement agreement with the City for a value to be determined in the agreement.

**FIRE AND LIFE SAFETY REQUIREMENTS:**

88. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall submit Fire Access plans to the Fire Marshal for the Fire Department's review during any SCR application process for each proposed phase of the development. The Fire Access plans submitted during the SCR process shall provide access during each phase of construction in accordance with the current City of San Diego design standards, to the satisfaction of the Fire Marshal. Any proposed means of alternative compliance shall be subject to the approval of the Fire Marshal.

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY, AIRPORT LAND USE COMMISSION [ALUC] REQUIREMENTS:**

89. For all proposed noise sensitive uses listed as conditionally compatible located in areas in the 60 dB - 65 dB CNEL noise contour as shown in the adopted ALUCP, the Owner/Permittee shall demonstrate with an acoustical study that adequate noise attenuation will be provided to ensure an interior noise level of 45 dB CNEL for all habitable rooms as required by the ALUCP.

90. For all proposed residential uses located in areas in the 60 - 65 dB CNEL noise contour as shown in the adopted ALUCP, the Owner/Permittee, as required by the ALUCP, shall provide appropriate legal notice to purchasers, lessee, and renters of properties in the 60 dB - 65 dB CNEL noise contour as shown in the adopted ALUCP that clearly describes the potential for impacts from aircraft noise associated with airport operations at MCAS Miramar.

91. The "Airport Environs Overlay Zone" implements the ALUCP requirements and criteria. The ALUCP addresses the FAA Part 77 (Objects Affecting Navigable Airspace) requirements. Any project determined to be a "Hazard to Air Navigation" by the FAA would be inconsistent with the ALUCP. The Owner/Permittee's implementation of the MPDP will not result in any building that the FAA would determine to be a Hazard to Air Navigation.

**TRANSPORTATION REQUIREMENTS:**

92. The Owner/Permittee shall relocate and expand the existing bus center and plan for the future Light Rail Transit Station (or other high capacity transit system) at the southeast corner of La Jolla Village Drive/Genesee Avenue or Esplanade Court/Genesee Avenue, satisfactory to the City Engineer.
93. The Owner/Permittee shall provide a Transportation Demand Management Plan to include transit subsidies, bicycle parking spaces and lockers, on-site child care, cafeteria, deli, gym and/or fitness facilities for employees, off-site employee parking program during holidays and special events, carpool/vanpool reserved parking spaces, transit/carpool/vanpool information kiosks, and appointed ridership coordination, satisfactory to the City Engineer.
94. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a westbound right-turn lane at the intersection of La Jolla Village Drive and Regents Road, satisfactory to the City Engineer.
95. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a northbound right-turn lane at the intersection of La Jolla Village Drive and Genesee Avenue, satisfactory to the City Engineer.
96. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a second northbound through lane at the intersection of La Jolla Village Drive and Towne Centre Drive, satisfactory to the City Engineer.
97. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a raised center median along Towne Centre Drive from La Jolla Village Drive to the South Project Driveway, satisfactory to the City Engineer.
98. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal and appropriate interconnect at the intersection of Nobel Drive and Lombard Place, satisfactory to the City Engineer.
99. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the modification of the traffic signal and appropriate interconnect at the intersection of Towne Centre Drive and the South UTC Project Driveway, satisfactory to the City Engineer.
100. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation

001609

of a westbound right-turn lane at the intersection of Governor Drive and Genesee Avenue, satisfactory to the City Engineer.

101. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the re-stripping of the four-lane southbound approach to include a left, right-left, and dual right-turn lane at the intersection of La Jolla Village Drive and Interstate 805 Southbound Ramps, satisfactory to the City Engineer.

102. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a second northbound right-turn lane at the intersection of La Jolla Village Drive and Executive Way, satisfactory to the City Engineer.

103. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a westbound right-turn lane at the intersection of Nobel Drive and Genesee Avenue, satisfactory to the City Engineer.

104. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the re-stripping of the eastbound approach to provide left-thru-right and right-turn lanes at the intersection of Decoro Street and Genesee Avenue, satisfactory to the City Engineer.

105. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the re-stripping of La Jolla Village Drive from Towne Centre Drive to Interstate 805 to provide an additional eastbound lane, satisfactory to the City Engineer.

106. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the widening of Nobel Drive, with right-of-way acquisition from the north side of Nobel Drive, satisfactory to the City Engineer.

107. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the extension of the existing number one westbound left-turn lane approximately 500 feet east of the intersection of the Interstate 805 off-ramp and Nobel Drive, satisfactory to the City Engineer.

108. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the widening of the westbound Interstate 5 northbound on-ramp at La Jolla Village Drive to provide an HOV lane, satisfactory to the City Engineer.

109. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the extension of the existing number one westbound left turn lane on Nobel Drive for the Southbound

001610

Interstate 5 on-ramp, approximately 300 feet east of University Center Lane, satisfactory to the City Engineer.

110. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the extension of the eastbound Interstate 805 southbound on-ramp on La Jolla Village Drive, to the Judicial Drive under crossing, satisfactory to the City Engineer.

111. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by a letter of credit their contribution of 3.38 million dollars towards the study, design, or implementation of traffic operational improvements (i.e., auxiliary lanes) on Interstate 805 between La Jolla Village Drive and State Route 52, satisfactory to the City Engineer.

112. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall contribute \$250,000.00 to the City of San Diego towards the preparation of a mobility plan for the University Community area, satisfactory to the City Engineer.

113. The Owner/Permittee shall provide and maintain a current Parking Management Plan and perform an annual parking study satisfactory to the City Engineer. The updated Parking Management Plan and annual parking study shall provide additional parking opportunities in the event that the parking demand exceeds the parking supply. In the event that the parking demand exceeds the parking supply, the Owner/Permittee shall provide adequate parking for the site, and implement these alternatives prior to the next annual parking study, satisfactory to the City Engineer. In addition, no later than October 31 of each year, the Owner/Permittee shall provide evidence of a shared parking agreement for holiday overflow parking, satisfactory to the City Engineer.

114. The Owner/Permittee shall, within two years after the final occupancy of the last retail building, provide a trip generation study to show any trip reduction in daily and AM/PM peak hour to the satisfaction of the City Engineer.

**SAN DIEGO ASSOCIATION OF GOVERNMENTS AND METROPOLITAN TRANSIT SYSTEM REQUIREMENTS:**

115. The Owner/Permittee shall design and construct the bus transit center and related improvements. The bus transit center shall be designed and constructed consistent with the guidelines in SANDAG's Designing for Transit Manual and as described and conditioned herein to the satisfaction of SANDAG, MTS, and the City Engineer.

116. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, the Owner/Permittee shall receive written confirmation from SANDAG and MTS (in the form of a memo from the Executive Director or their designee) that the bus transit center and related improvements have been designed to MTS standards. Development plans shall contain the following to the satisfaction of SANDAG, MTS, and the City Engineer:

- a. A centralized bus island platform design substantially conforming to the conceptual design shown on the approved Exhibit "A," Master Planned Development Permit and Design Guidelines for Westfield UTC, page 4:58. With this design concept, the waiting area would be ringed by bus bays and the bus circulation system. The dimensions for the full facility shall be approved by MTS and would be based on a design that accommodates eleven bays around the center of the platform (two of which are articulated bus bays).
- b. The central waiting area shall minimize walking distance for transferring passengers. This area shall be designed to buffer patrons from bus noises and exhaust fumes to create a pleasant waiting environment. The waiting area shall include visibility so buses can be seen from the waiting areas, and include space for information kiosks and small retail facilities.
- c. Public restrooms available for transit operators in the bus transit center. These restrooms shall remain open during the entire time there is transit service to the Mid Coast Light Rail Transit [MCLRT] station and bus transit center.
- d. A plan for how pedestrians will safely, comfortably, and efficiently access the bus transit center both horizontally and vertically and how security for passengers waiting on the platform will be factored into the design. This pedestrian circulation plan should be shown on a separate page of the plans. The central waiting area must be connected by stairs/escalators and elevators to the shopping center and show how connections would be made to the proposed Light Rail Transit [LRT] platform along Genesee Avenue.
- e. Amenities, including sufficient lighting (with as much natural light as possible), sufficient HVAC (including heating, ventilation, and air conditioning if required with the open-air design) to meet standards for comfort and health, adequate seating, transit information signage, enhanced flooring and ceiling treatments, architectural details, vending machines and/or a concession stand, and security cameras.

117. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, the final project plans shall demonstrate a design that allows for the future construction of a direct elevated pedestrian connection (to be constructed by SANDAG as a part of the future MCLRT project) between a possible future elevated light rail station platform and level one of the shopping center in a manner satisfactory to SANDAG, MTS, and the City Engineer.

118. Upon completion, the bus transit center shall be clearly identifiable from the public-right-of-way along Genesee Avenue and from areas inside the Project to the satisfaction of SANDAG, MTS, and the City Engineer.

119. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, final project plans shall show a bus-only traffic signal at the bus driveway entrance for the bus transit center to the satisfaction of SANDAG, MTS, and the City Engineer.

120. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, bike lockers within or immediately adjacent to the bus transit center, and short-term bicycle parking through bike racks placed near building entrances, out of the path of pedestrians must be provided in accordance with Regional Bicycle Parking Guidelines.

121. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, the Owner/Permittee shall consult with MTS to accommodate any bus operations during construction to the satisfaction of MTS.

**WASTEWATER REQUIREMENTS:**

122. All onsite sewer facilities shall be private.

123. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

124. Prior to the issuance of any construction permits, the Owner/Permittee shall abandon the existing onsite public sewer mains in this site or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

125. Prior to the issuance of any construction permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium unit and lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

126. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

127. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

128. Prior to the recordation of any easement vacation, the Owner/Permittee shall abandon all unused water mains, water services and appurtenances within the easement area to be vacated. The abandonment shall be in a manner which will receive operational acceptance from the Water Department Director and City Engineer.

129. Prior to the issuance of any construction permits for each phase of construction, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new water services necessary for that phase within the rights-of-way adjacent to the project site and or in the remaining water or new easements within the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

130. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

131. The Owner/Permittee agrees not to construct structures or landscaping in or over any public water facilities and appurtenances located within water easements that would inhibit vehicular access and the ability of the Water Department to operate and maintain its water facilities.

132. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

133. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

134. 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved Exhibit "A" shall be modified at final engineering to comply with standards.

135. Prior to the issuance of any construction permits, the Owner/Permittee shall have an executed agreement which requires the Owner/Permittee to off-set the potable water demand of the project, above the existing water use as indicated in the Water Supply Assessment, with the use of recycled water, in a manner satisfactory to the Water Department Director and the City Engineer.

136. Prior to the issuance of any construction permits for each phase of construction, the Owner/Permittee shall assure, by permit and bond, the design and construction of the recycled water facilities necessary for the irrigation needs of that phase, in a manner satisfactory to the Water Department Director and the City Engineer.

137. Prior to the issuance of any construction permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot, which must also include water conservation measures in accordance with the Owner/Permittee's LEED application.

001614

138. The Owner/Permittee agrees to design and construct all proposed and rebuilt/renovated buildings to utilize water conservation measures in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, specifically designed to meet the requirements for acquiring 3 points under LEED-ND Credit 3: Reduced Water Use, namely Option 1 (Indoor, Category 1) and Option 2 (Outdoor), and standards and practices pertaining thereto.

139. The Owner/Permittee agrees to provide a semi-annual water report. The report shall be prepared by an independent third party, subject to the approval by the City, to account for the project's potable water demands beginning from the issuance of the first building permit to a period of three years beyond the project's completion and acceptance, in a manner satisfactory to the Water Department Director and the City Engineer.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Council of the City of San Diego on \_\_\_\_\_ by  
Resolution No. R-\_\_\_\_\_.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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.

UNIVERSITY TOWNE CENTER  
VENTURE, LLC, a Delaware Limited  
Liability Company  
Owner

By \_\_\_\_\_

By \_\_\_\_\_

NORDSTROM INCORPORATED, a  
Washington Corporation  
Owner

By \_\_\_\_\_

By \_\_\_\_\_

SEARS AND ROEBUCK AND  
COMPANY, a New York Corporation  
Owner

By \_\_\_\_\_

By \_\_\_\_\_

001616

CMF UNIVERSITY TOWNE CENTER  
SOUTH, LLC, a Delaware Limited Liability  
Company  
Owner

By \_\_\_\_\_

By \_\_\_\_\_

CMF UNIVERSITY TOWNE CENTER  
NORTH, LLC, a Delaware Limited Liability  
Company  
Owner

By \_\_\_\_\_

By \_\_\_\_\_

WESTFIELD CORPORATION,  
INCORPORATED  
Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER - Permit Shell 11-01-04

## CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

EFFECTIVE DATE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 69.76 ACRES LOCATED SOUTH OF LA JOLLA VILLAGE DRIVE, WEST OF TOWNE CENTER DRIVE, EAST OF GENESEE AVENUE, AND NORTH OF NOBEL DRIVE, WITHIN THE UNIVERSITY COMMUNITY PLAN AREA IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CC-1-3 (COMMERCIAL-COMMUNITY) ZONE TO THE CR-1-1 (COMMERCIAL REGIONAL) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0503; AND REPEALING ORDINANCE NO. O-11612 (NEW SERIES), ADOPTED MAY 27, 1975, OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

This ordinance approves the rezoning of 69.76 acres from the CC-1-3 zone to the CR-1-1 zone, in connection with property located south of La Jolla Village Drive, West of Towne Center Drive, East of Genesee Avenue, and North of Nobel Drive, in the University Community Plan, in the City of San Diego, California.

*This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.*

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

001618

(O-2008-172)

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

ACD:pev  
07/09/08  
Or.Dept:DSD  
O-2008-172  
MMS #6458  
ZONING Rezone Digest 11-01-04

08 JUL 11 11:00 AM '08

## PLANNING COMMISSION RESOLUTION NO. 4412-PC

RECOMMENDING TO THE CITY COUNCIL TO CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 2214, ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM, AND CONSIDER THE APPLICANT'S FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPT REZONE ORDINANCE, AND APPROVE THE RESOLUTIONS AMENDING THE PROGRESS GUIDE AND GENERAL PLAN, AND THE UNIVERSITY COMMUNITY PLAN, VESTING TENTATIVE MAP WITH SUMMARY VACATIONS, MASTER PLANNED DEVELOPMENT PERMIT, AND SITE DEVELOPMENT PERMIT.

WHEREAS, on May 22, 2008 and June 12, 2008, the Planning Commission of the City of San Diego held public hearings for the purpose of considering and recommending to the Council of The City of San Diego to certify Environmental Impact Report No. 2214, adopt The Mitigation Monitoring and Reporting Program, and consider the applicant's Findings and Statement of Overriding Considerations, adopt the rezone ordinance of the 69.76-acre site from CC-1-3 to CR-1-1, approve the resolutions amending the Progress Guide and General Plan, and the University Community Plan, and granting Vesting Tentative Map No. 293788 with summary vacations, Master Planned Development Permit No. 4103, and Site Development Permit No. 293783; and

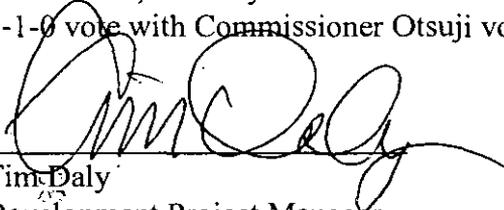
WHEREAS, UNIVERSITY TOWNE CENTER VENTURE L.L.C., A DELAWARE LIMITED LIABILITY COMPANY; NORDSTROM INCORPORATED, A WASHINGTON CORPORATION; SEARS AND ROEBUCK AND COMPANY, A NEW YORK CORPORATION; CMF UNIVERSITY TOWNE CENTER SOUTH, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY; AND CMF UNIVERSITY TOWNE CENTER NORTH, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, owners, and WESTFIELD CORPORATION, INCORPORATED, Permittee, requested an amendment to the Progress Guide and General Plan, the University Community Plan, rezone portions of CC-1-3 (Community Commercial) to CR-1-1 (Commercial Regional), Vesting Tentative Map with summary vacations of utility, pedestrian and non-motor vehicular easements and public right of way to create 36 commercial lots and a maximum of 300 residential condominiums, Master Planned Development Permit (MPDP) and Site Development Permit, an amendment to Planned Commercial Development (PCD) Permit No. 83-0117, and an update for the North University City Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2009, for the redevelopment and renovation of the existing Westfield University Towne Center (UTC) regional shopping center. The proposed project would be the renovation and expansion of retail uses by up to 750,000 square feet of new retail; the development of 250 to 300 multi-family residential units; on-site parking facilities and local region transportation improvements; the expanded development of a regional transit center for bus, taxi, and light rail services; a new pedestrian bridge crossing La Jolla Village Drive, west of Town Center Drive; and park facilities in support of the residential development. The land use scenarios in the MPDP would be restricted to a mixture of retail and an option for residential uses that would not exceed 17, 800 cumulative average daily trips (ADT's) and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. The approximate 75.86-acre UTC site is located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive in the University

Community Plan area; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends the City Council certify the Final Environmental Impact Report No. 2214, adopt the Mitigation Monitoring and Reporting Program, applicant's Findings and Statement of Overriding Considerations, and approve the project with the applicant's modifications, including the reduction of the maximum number of residential units to 300 and the allowable residential building height on the site reduced to 293 feet above grade. The Planning Commissioners cited reasons to support the project due to the applicants' sustainability commitment, the existing mall is outdated, the University Community Plan is outdated, the site is designated as an urban node in the newly adopted General Plan, and the proposed project will transform the mall into an urban mall consistent with the newly adopted General Plan. In addition, the Planning Commissioners motion included conditions to delete "where possible" on page 4 of the Master Planned Development Permit General Design Guidelines to ensure inclusion of street level retail and require the City's Public Notices be mailed rather than published in the newspaper for subsequent Process Two, Substantial Conformance Reviews.

The motion, made by Commissioner Golba and second by Commissioner Griswold, passed by a 5-1-0 vote with Commissioner Otsuji voting NAY and Commissioner Smiley not present.



Tim Daly  
Development Project Manager  
Development Services Department

Dated: June 12, 2008

001621

**Note:** At the time of assembly of this exhibit pac, Planning Commission minutes for June 12, 2008 were not yet available.

Item 9

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF REGULAR SCHEDULED MEETING OF  
MAY 22, 2008  
IN CITY COUNCIL CHAMBERS - 12<sup>TH</sup> FLOOR  
CITY ADMINISTRATION BUILDING**

**CHRONOLOGY OF THE MEETING:**

Vice-Chairperson Naslund called the meeting to order at 9:02 a.m. Vice-Chairperson Naslund adjourned the meeting at 4:02 p.m.

**ATTENDANCE DURING THE MEETING:**

Chairperson Barry Schultz – Not present  
Vice-Chairperson - Eric Naslund – present  
Commissioner Robert Griswold – present, left @ 2:00pm  
Commissioner Gil Ontai -present  
Commissioner Dennis Otsuji - present  
Commissioner Mike Smiley – Not present  
Commissioner Tim Golba-present

Staff

Andrea Dixon, City Attorney - present  
Mary Wright, Planning Department – present  
Mike Westlake, Development Services Department - present  
Elisa Contreras, Recorder - present

Passed by 4-0-3 vote with Chairperon Schultz, Commissioner Smiley not present and Commissioner Golba abstaining.

*Lunch from 11:56-12:36*

ITEM-9: **UNIVERSITY TOWNE CENTER-PROJECT NO. 2214**  
City Council District: 1; Plan Area: Universtiy

Speaker slip submitted in favor Jim Gleeson, Clifton Williams, Walter Musial, Pam Nagata, Janis Deady, Scott Crider, Arlie Martin, Ahmad Solomon, Hugh Pates, Emil Elghanian, Andrew Poat, Sue Reynolds, Dan Hom, Jack Boda, Todd Philips, Stephen Kapp, Andrew McAllister, Michael Rubenstein, Katie Hansen, Reed Vickerman, Scott Alevy, Scott Barnett, Sharon Cooney, Joni Low, Angelika Villagrana, JC Thomas, Mark Thomsen, Jonathan Bradhurst, Greg Fitchitt, Vince Zawodly, Paul Silvern, Kim Baranek, Robin Monroe, Pat Gibson, Cif Williams, Clint Carney, Tim Murphy, Lynne Heidel, Christopher Garrett, Chris Wahl, Randy Ualang, Emily Carbone, Julia Theios.

Speak slips submitted opposed to the project Lorraine Stein, Cheryl Ceyerman Charles Pratt, Peter Burcy, Deborah Knight, Larry Hogue, Shelley Plumb, Elaine Maltz, Cynthia Thorsen, Karen Moranville, Darcy Ashley, George W. Lattimer, Sandra Lippe, Megan Beale, Kevin Willard, Linda Colley, Patricia A. Wilson

**COMMISSION ACTION:**

MOTION TO CONTINUE TO A DATE CERTAIN OF JUNE 12, 2008 BY COMMISSIONER ONTAI. Second by Commissioner Golba. Passed by 4-0-3 vote with Chairperon Schultz, Commissioner Smiley, Commissioner Griswold not present.

**ADDITIONAL RECOMMENDATION:**

Dispersing the residential housing throughout the three sites having one tall tower. Show active street edges along La Jolla, how one gets to transit. Also, recommend to alignment with structures in University City and show range of development options, look at the mix use again. Recommed revisiting affordable housing. Bring us back a sense of what type of housing and schools.

**For Staff:**

Justification or refinement regarding the process for substantial conformance, also itemized questions regarding the F.B.A. Need commitment on transportation issues.

*\*Vice-Chairperson Naslund adjourned the meeting @ 4:02.*

001625

337  
07/29

---

**From:** Stephen Kapp [stephen.kapp@energycenter.org]  
**Sent:** Monday, July 21, 2008 10:17 AM  
**To:** Peters, Councilmember Scott  
**Cc:** Mayor, Office of the; CLK City Clerk  
**Subject:** UTC Support Letter for July 29th City Council Meeting  
**Attachments:** 7-21-08 UTC Council Support Letter.doc

Dear Council President Peters,

I am writing on behalf of the U.S. Green Building Council San Diego Chapter to recommend that the City Council approve the UTC renovation project at its July 29<sup>th</sup> meeting. It is truly a model revitalization project for San Diego and for shopping center development in the country, and it will provide both economic and environmental benefits.

Please see the attached support letter that outlines further comments. Thank you.

Sincerely,

**Stephen L. Kapp, CEM, CDSM, LEED-AP**  
Board Director, Immediate Past President  
Chair, Advocacy Committee  
Director, SoCal Sustainable Rebuilding Task Force

**USGBC - San Diego Chapter**

P.O. Box 420162  
San Diego, CA 92142  
info@usgbc-sd.org chapter email  
www.usgbc-sd.org chapter website  
858-244-1190 phone (direct)  
858-357-3011 phone (chapter)

7/21/2008



001626

U.S. GREEN BUILDING COUNCIL SAN DIEGO CHAPTER

USGBC  
SAN DIEGO CHAPTER  
P.O. BOX 420162  
SAN DIEGO, CA 92142  
[www.usgbc-sd.org](http://www.usgbc-sd.org)  
[info@usgbc-sd.org](mailto:info@usgbc-sd.org)

Honorable Scott Peters  
Council President  
**City of San Diego**  
202 C Street, 10<sup>th</sup> floor  
San Diego, CA 92101

Dear Council President Peters,

OFFICERS

PRESIDENT  
**Keith Schneringer**  
WAXIE Sanitary Supply

VICE PRESIDENT  
**Paul Stapleton**  
SDG&E

TREASURER  
**Lee Barken**  
Haskell & White, LLP

SECRETARY  
**Zach Pannier**  
DPR Construction

DIRECTORS

**Charles Angyal**  
KEMA Services, Inc

**Jay Corrales**  
Turner Real Estate

PAST PRESIDENT  
**Stephen Kapp**  
California Center for  
Sustainable Energy

**Carolyn Keith**  
The Ecologic Studio LLC

**David Lecours**  
LecoursDesign, Inc.

**Jane Leonard**  
Stantec Architecture

I am writing on behalf of the U.S. Green Building Council San Diego Chapter to *recommend that the City Council approve the UTC renovation project at its July 29<sup>th</sup> meeting.* It is truly a model revitalization project for San Diego and for shopping center development in the country, and it will provide both economic and environmental benefits.

Westfield has been accepted as a pilot project for the newly developed LEED for Neighborhood Development (ND) program. The USGBC launched this pilot program in partnership with the Congress for New Urbanism and the Natural Resources Defenses Council. This LEED® for Neighborhood Development Rating System integrates the principles of smart growth, new urbanism, and green building into the first national program for neighborhood design. LEED certification provides independent, third-party verification that a project's location, design and construction meet accepted high standards for environmentally responsible, sustainable development.

Recently, the New UTC became the first shopping center in the United States to be LEED-ND certified at the Gold level, a commendable accomplishment. UTC is only the fourth project to be approved under the LEED-ND pilot program. There are indeed numerous green elements of this project that are important to the region. It also melds a key mix of smart growth, affordable housing and green building. Such projects have been shown to enjoy a vitality and sense of community that has been central to their success.

Westfield UTC's location in an urban node of the City, with concentrated business and residential development all served by an on-site transit center, make it a natural for the LEED-ND program. Further, the proposed project supports the City's newly adopted General Plan and in particular it's Conservation Element. The Westfield UTC project will be an excellent beginning to fulfill the City's goals for this type of smart growth.

This is a signature green revitalization project for the region, whose principles Westfield has taken a leadership role in embracing. It will illustrate many best practices of environmental stewardship to all those who will participate in and enjoy the ongoing services of. The U.S. Green Building Council – San Diego Chapter supports LEED projects in our county such as this and looks forward to welcoming Westfield-UTC into the ranks of local LEED certified projects. We ask that you approve this project for it's exciting movement forward into the next generation of green developments - for which we hope San Diego will be increasingly known for. Thank you.

Sincerely,

*Stephen L. Kapp*

**Stephen L. Kapp, CEM, CDSM, LEED-AP**  
Board Director, Immediate Past President  
Chair, Advocacy Committee,  
Director, SoCal Sustainable Rebuilding Task Force

Cc: Mayor Jerry Sanders; Honorable Members of the City Council; San Diego City Clerk



 Scripps

RECEIVED  
CITY CLERK'S OFFICE  
08 JUL 17 AM 11:09  
SAN DIEGO, CALIF.

001627

July 11, 2008



Honorable Scott Peters  
Council President  
City of San Diego, District One  
202 C Street, 10<sup>th</sup> Floor  
San Diego, CA 92101

Dear Council President Peters:

As a member of the Board of Directors of the Parent Connection, I would like to express our support for Westfield's plans to revitalize the UTC shopping center. Parent Connection is an organization that is part of Scripps which brings mothers together to promote family life in San Diego.



The Parent Connection is very excited about Westfield's proposed improvements to UTC because they will make the shopping center a more dynamic place with better choices. Not only will the center be an economic boost to San Diego during hard times, Westfield has taken care in making sure the New UTC will be as green as possible.

On a personal note, Westfield met with our Board and provided a detailed overview of how the New UTC will be more family friendly. Westfield has been an active community partner over the years. Families are very important to Westfield which comes across in their plans. They are currently in the midst of unveiling a platform, which focuses on making shopping centers more kid- and parent-friendly.



Plans include a new discovery zone of play structures and fun activities. Additionally, Westfield is planning a family lounge with a play area for kids, changing tables, couches and arm chairs, extra large bathrooms with kid-sized toilets.

As you can see, Westfield has paid close attention to families and what would make a family friendly environment. They are committed to building a shopping center that will benefit all San Diego families. On behalf of the Parent Connection Board of Directors, I urge you to support this important project.

Sincerely,  
*Pam Nagata*

Pam Nagata  
Parent Connection  
CC: Mayor Jerry Sanders  
San Diego City Council  
San Diego City Clerk ✓



001628

Proa, Sandy

**From:** guy alexander [gpea9@yahoo.com]  
**Sent:** Wednesday, July 16, 2008 6:19 PM  
**To:** Young, Anthony  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott; Faulconer, Council Member Kevin; Atkins, Councilmember; Maienschein, Councilmember; Frye, Donna; Madaffer, Councilmember Jim; Hueso, Councilmember Ben; CLK City Clerk  
**Subject:** Support Letter for UTC

July 16, 2008

Councilmember Tony Young  
 202 C Street  
 San Diego, CA 92101  
 MS-10A

RECEIVED  
 CLERK'S OFFICE  
 08 JUL 17 AM 8:05  
 SAN DIEGO, CALIF.

Dear Councilmember Young,

Having enjoyed the UTC shopping center for over 30 years I admit that it is a wonderful place. However, it is in need of many innovative improvements. I enthusiastically support the proposed revitalization of the UTC shopping center because of what it would bring to the area. The center would offer a number of new dining and shopping options as well as new entertainment including a new state-of-the-art movie-going experience and even a new ice rink.

Westfield seems to be very aware of what San Diego residents want, for example; Plaza Bonita. This is clear in the proposal for the new UTC. The changes would attract even more people by not only introducing these new entertainment options but also providing a transit center and implementing infrastructure improvements so that people can easily get to UTC. People like myself, who live outside University City, can take a bus or trolley. These are the types of options that most people want in their communities, and I commend Westfield for recognizing what the people want.

For all of these reasons, I am thrilled about the new UTC plans and I support its renovation and development. Please consider all the positive ways that the project will affect San Diego residents and vote to approve UTC.

Sincerely,

Guy Alexander  
 Pat Hoo Alexander  
 Aurora Alexander  
 Ariel Alexander  
 5244 Oak Park Drive  
 San Diego CA, 92105

7/17/2008



**SAN DIEGO™  
REGIONAL  
CHAMBER OF  
COMMERCE**

**EMERALD PLAZA**  
402 West Broadway, Suite 1000  
San Diego, California 92101-3585  
Tel **619.544.1300**  
**www.sdchamber.org**

7/29/08

001629

July 11, 2008

Honorable Scott Peters  
City of San Diego  
202 C Street  
San Diego, CA 92101

RECEIVED  
CITY CLERK'S OFFICE  
08 JUL 14 11:11 AM  
SAN DIEGO, CALIF.

Dear Council President Peters:

The San Diego Regional Chamber of Commerce represents more than 3,000 member businesses throughout the San Diego region. As you are aware, we are actively involved in projects that significantly impact the local economy.

Following a rigorous review of the UTC project, during which Westfield met with various policy committees, the Chamber voted to support the revitalization of UTC.

The Chamber reviews many projects, and Westfield's plans stood out as being unique for a number of reasons.

First, UTC will bring tremendous economic benefits to the San Diego region by adding thousands of new jobs and generating \$7.3 million annually for the City's general fund. Westfield will also contribute more than \$55 million to build public infrastructure, including a regional transit center, with the land provided to the City at no cost.

Additionally, the Chamber is pleased that UTC will be the first LEED-ND certified shopping center in the country. Westfield's plan to construct the largest solar project in San Diego is truly commendable, and the use of reclaimed water at UTC is especially critical given the Governor's recent announcement that California is officially in a drought.

As President and CEO of the San Diego Regional Chamber of Commerce, I ask you to approve the New UTC, which will provide numerous economic and environmental benefits to the entire region. Thank you for your consideration.

Sincerely,

Ruben Barrales  
President & CEO

cc: Mayor Jerry Sanders  
San Diego City Council  
San Diego City Clerk

001630

July 10, 2008

Honorable Scott Peters  
City of San Diego  
202 C Street, 10<sup>th</sup> Floor  
San Diego, CA 92101

RECEIVED  
CITY CLERK'S OFFICE  
08 JUL 14 AM 10:38  
SAN DIEGO, CALIF.

Dear Council President Peters:

I am a resident of Vista La Jolla Townhomes, which is located right behind UTC. As a member of my HOA board, I have spoken with many of my neighbors about Westfield's proposed revitalization of the shopping center. The support for this project is truly overwhelming. The vast majority of Vista La Jolla residents are very excited to see UTC become a reality.

University City is a wonderful community, but it is somewhat lacking in terms of pedestrian access and entertainment options. UTC would provide both of these amenities, creating a vibrant commercial and residential hub. Those of us who live nearby would love to be able to walk directly into the center and enjoy the new shops, restaurants, fitness center, and movie theater.

The transit center would benefit residents by helping us save money on gas and improving mobility for those who physically cannot drive. The availability of alternative transportation and adding additional bike lanes will take cars off the road and reduce traffic congestion in the area.

Westfield/UTC mall is the central hub of the UC community and provides a huge economic stimulus but I strongly believe that UTC needs to be updated in order to remain competitive as a regional shopping center. Doing nothing is not an option because most University City residents do not want a dead mall in their community. Something must be done to bring UTC into the 21<sup>st</sup> century, and Westfield's plans are unique and exciting. I urge you to approve this important project. Thank you.

Sincerely,



Ethel Pascal  
8905 Via Andar  
San Diego, CA 92122

CC: Mayor Jerry Sanders  
San Diego City Council  
San Diego City Clerk

001631



July 10, 2008

Elizabeth Maland.  
City Clerk  
202 "C" St., 2nd Floor  
San Diego, CA 92101

RECEIVED  
CITY CLERK'S OFFICE  
08 JUL 14 AM 11:00  
SAN DIEGO, CALIF.

Dear Ms. Maland,

As the CEO of BIOCOM, I am writing to voice my support for Westfield's plans to revitalize UTC. While BIOCOM has opted to stay neutral on this issue, I can tell you that many members of the community it represents support this project. In fact, I have spoken with numerous CEOs in the life sciences community who support the project.

UTC has played an important role in the overall development of the Golden Triangle and north University City area. It has offered valuable services and amenities that are relied upon by those in our industry. The New UTC will offer even more including childcare, restaurants, movie theater and housing. This project will help continue the evolution of University City into a world-class business and research center.

Additionally, I and many of our industry leaders find the sustainability of the center very compelling. Conserving natural resources such as water and taking advantage of other resources such as solar, is a critical path for all of us to take in the future. Westfield should be commended for being so proactive in this area.

Sincerely,

  
Joe Panetta  
President and CEO

CC: Mayor Jerry Sanders  
San Diego City Council Members  
San Diego City Clerk



# San Diego-Imperial Counties Labor Council

AFL-CIO

VIA FACSIMILE

001632

July 9, 2008

President Scott Peters  
San Diego City Council  
202 C Street  
San Diego, CA 92101

Dear President Peters:

I am writing on behalf of the San Diego-Imperial Counties Labor Council ("the Labor Council") to recommend that the City Council approve the proposed revitalization of the Westfield UTC shopping center on July 29.

The Labor Council urges you and your colleagues on the City Council to consider Westfield's history as a terrific employer in the City of San Diego when it reviews this project. Westfield has had a strong, trusting relationship with the local janitors union, Service Employees International Union Local 1877, one of nearly 120 regional unions affiliated with the Labor Council.

As you remember, Local 1877 struggled to win basic health care for many of its workers in the contract it reached in San Diego County this spring. That feat was made possible in no small part because of Westfield's commitment a year earlier to provide all of its subcontracted janitors with family health coverage. That commitment has not only made a significant impact on hundreds of local families, but Westfield is held up as a model employer that has helped raise the bar in the janitorial industry.

Additionally, our organization is hopeful that the City Council will take into account the potential creation of many local construction jobs if the proposal wins approval. Westfield estimates that the project will generate 8,000 jobs for skilled workers at a time when our economy is suffering horrendous unemployment levels, particularly in the construction sector.

The Labor Council looks forward to supporting Westfield and the City of San Diego as they move forward with this project, as well as the City's ongoing commitment to providing affordable and reliable mass transit in the surrounding area to make commuting more feasible for the workers at UTC.

Please don't hesitate to contact me at (619) 228-8101 if you have any questions.

Sincerely,

Lorena Gonzalez  
Secretary-Treasurer/CEO  
San Diego-Imperial Counties Labor Council

Cc: Mayor Jerry Sanders; Honorable Members of the San Diego City Council; City Clerk Elizabeth Maland

LORENA GONZALEZ, *Secretary-Treasurer*

MICKEY KASPARIAN, *President*

RECEIVED  
SECRETARY'S OFFICE  
08 JUL -9 AM 11:24  
SAN DIEGO, CALIF.

001633

5402 Renaissance Ave  
Casabella North Gate  
San Diego  
CA 92122-5611  
PH/Fax: 858 546 0288  
E-mail: ppieters@san.rr.com

RECEIVED  
CLERK'S OFFICE  
08 JUL 14 AM 10:46  
SAN DIEGO, CALIF.

July 09 2008

Council President Scott Peters  
City of San Diego  
202 C Street, Tenth Floor  
San Diego, CA 92122

Dear Council President Peters:

I am in full support of Westfield's development plans for University Town Centre [UTC] for many reasons. The revenue it would generate for the city, the environmentally sustainable features, the transit transportation center and new shops are all unquestionable reasons to support this innovative and exciting project.

But I also believe that UTC is necessary to accommodate San Diego's ever increasing population. Over the next few years, we will need to see a significant increase in the number of homes available for the single families, professionals, retired baby boomers, and most importantly, the returning service men and women whose service keeps us a free nation.

The residential units and affordable housing at UTC would contribute immensely to help these people, most of who need housing located near places to shop, restaurants, entertainment, workplace, and public transportation. UTC would include all of these features, making it an ideal place to live.

001634

Approving the UTC development is not only a moral issue, but is the right thing to do for San Diego. I trust and believe you will make the prudent choice and approve this important project.

Thank you very much.

Kind Regards,

Paul P. Pieterse

CC: Mayor Jerry Sanders  
San Diego City Council  
San Diego City Clerk

001635

5402 Renaissance Ave  
Casabella North Gate  
San Diego  
CA 92122-5611  
PH/Fax: 858 546 0288  
E-mail: ppieters@san.rr.com

RECEIVED  
CLERK'S OFFICE  
08 JUL 14 09:46  
SAN DIEGO, CALIF.

July 09 2008

Council President Scott Peters  
City of San Diego  
202 C Street, Tenth Floor  
San Diego, CA 92122

Dear Council President Peters:

I am in full support of Westfield's development plans for University Town Centre [UTC] for many reasons. The revenue it would generate for the city, the environmentally sustainable features, the transit transportation center and new shops are all unquestionable reasons to support this innovative and exciting project.

But I also believe that UTC is necessary to accommodate San Diego's ever increasing population. Over the next few years, we will need to see a significant increase in the number of homes available for the single families, professionals, retired baby boomers, and most importantly, the returning service men and women whose service keeps us a free nation.

The residential units and affordable housing at UTC would contribute immensely to help these people, most of who need housing located near places to shop, restaurants, entertainment, workplace, and public transportation. UTC would include all of these features, making it an ideal place to live.

GARY SNEAG, O.D., F.C.O.V.D.  
OPTOMETRY

JENNIFER N. TAM, O.D.  
OPTOMETRY



Adult and Pediatric Optometry

FAMILY VISION CARE  
4310 Genesee Avenue Suite 101  
San Diego, California 92117  
Tel (858) 560-5181  
FAX (858) 560-1926

001636

July 9, 2008

San Diego City Clerk  
City of San Diego  
202 C Street, 3rd Floor  
San Diego, CA 92101

Dear City Clerk,

You will soon be asked to decide whether or not Westfield should be allowed to proceed with the improvements planned for UTC. This is a no-brainer for anybody who lives in San Diego. I think the project is inevitable, and it needs to happen. I hope that you and the rest of the City Council will approve UTC and make San Diego a better place.

The New UTC is more than a regional shopping center; as a LEED-ND certified project, it is a nationwide model for sustainability and smart growth. Westfield's plans include housing and retail located near jobs and public transportation. Westfield will also build the largest solar project in San Diego, use water and energy saving appliances, and implement a cutting-edge water conservation program.

As someone who cares about the environment, I commend Westfield for its commitment to green building. I think it would be incredibly short-sighted to reject a sustainable project like UTC, and I urge you to make the right decision.

Thank you.

Dr. Gary Sneag  
6246 Lakewood Street  
San Diego, CA 92122

CC: Honorable Scott Peters  
Honorable Jerry Sanders, Mayor San Diego  
San Diego City Council

RECEIVED  
CITY CLERK'S OFFICE  
08 JUL 14 AM 10:36  
SAN DIEGO, CALIF.

---

# MICHAEL D. RUBENSTEIN

001637 688 CASSOWARY COURT • SAN DIEGO, CA 92131 • MOBILE 619.384.3330  
FAX 858.530.1795 • E-MAIL: MRUBENSTEIN@HOTMAIL.COM

---

July 09, 2008

Council President Scott Peters  
City of San Diego  
202 C Street  
San Diego, CA 92101

RECEIVED  
CLERK'S OFFICE  
08 JUL 15 PM 2:17  
SAN DIEGO, CALIF.

Dear Council President Peters:

I am the Parent Committee Development Chair of the Nierman Preschool, which is located at the Lawrence Family Jewish Community Center Jacob's Family Campus (JCC) in University City, just a few blocks from the UTC shopping center. Because it is on City property, the JCC is unable to vote on projects that come before the City Council. However, I can tell you that Nierman Preschool wholeheartedly supports the UTC revitalization.

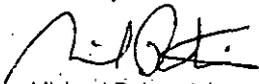
One of the main arguments against UTC is that it will generate more traffic in an already congested area. I know all about the traffic in University City because I commute to the JCC every day from Scripps Ranch. The traffic is worse in the morning and late afternoon. That is because the traffic in University City is caused by commuters, not shoppers. Consistent with this line of thinking is a fundamental understanding that UTC does not even open until 10:00 am, which is well after most people drive to work.

My colleagues and I strongly believe that the UTC project would improve traffic because the new amenities would attract people who work in the area, causing more commuters to stay later and avoid peak traffic times. I know (upon completion of this project) my friends and my family will want to go to UTC after work to eat dinner (with more restaurant choices), take advantage of a more prolific shopping experience or see a movie before driving home.

Additionally, improved pedestrian access at UTC would encourage more people to walk, rather than drive to the mall. With the current layout, I am much more inclined to drive to UTC, even though it is only half of a mile from the JCC. If the proposed pedestrian improvements were made, my colleagues and I would prefer to walk. I know many others in surrounding businesses who feel the same way. This shift from driving to walking would definitely ease traffic in University City.

UTC offers a unique opportunity to improve the surrounding community. The new shops, restaurants and pedestrian improvements would help those of us who commute, but they would also benefit University City residents by reducing traffic congestion and promoting walkability. I urge you to support this important and much-needed long overdue project. Thank you.

Sincerely,



Michael Rubenstein  
Parent Committee Development Chair  
Nierman Preschool

CC: Mayor Jerry Sanders  
San Diego City Council  
San Diego City Clerk

001638



San Diego County  
**Taxpayers  
Association**

RECEIVED  
CITY CLERK'S OFFICE  
08 JUL -9 PM 11:02  
SAN DIEGO CALIF

*Targeting Waste • Promoting Efficiency*

110 West C Street, Suite 714, San Diego, CA 92101 • P: (619) 234-6423 • F: (619) 234-7403 • www.sdcta.org

July 7, 2008

The Honorable Scott Peters  
City of San Diego  
202 C Street, MS #10A  
San Diego, CA 92101

Re: SDCTA Support of Westfield UTC Expansion Project

Dear Council President Peters:

On June 20, 2008 the Board of Directors of the San Diego County Taxpayers Association (SDCTA), after extensive study and deliberation, voted to support the proposed Westfield UTC expansion project.

The New UTC will substantially expand both the City's and the County's tax base. UTC currently generates roughly \$4.9 million in annual tax revenue (\$4.4 million in sales tax and \$458,000 in property tax to the City of San Diego's General Fund).

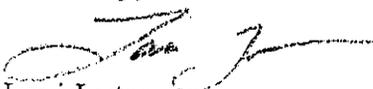
After UTC is revitalized, the new revenue stream is projected to double to \$11 million, with \$8.8 million in sales tax and \$2.2 million in property tax annually (this includes new residential property tax). Taking the cost of increased city services related to the project into account, the net revenue to the City's general fund is \$10.1 million per year, a net increase of more than \$5 million.

When complete, the New UTC is projected to generate more than \$882 million in annual sales, roughly double what it does today. SDCTA is convinced that the \$440 million in new sales projected for the new UTC represents new dollars into the retail sector of San Diego County, as opposed to sale transfer from other stores.

Finally, the project would expand the amount of TransNet dollars for San Diego as a direct result of increasing sales. TransNet revenue from current UTC sales totals about \$2.2 million per year. The net increase as a result of the revitalization project is estimated at an additional \$2.2 million per year, with a total annual revenue figure projected at \$4.4 million per year.

Given the preponderance of the economic data, SDCTA urges the City Council to approve the Westfield UTC project as quickly as possible.

Sincerely,

  
Lani Lutar  
President & CEO

001639

cc: Mayor Jerry Sanders  
San Diego City Council Members  
City Clerk Elizabeth Maland

001640

**Contreras, Elisa**

---

**From:** Anne Catherine Roch Leveq [arochlev@eyecenter.ucsd.edu]  
**Sent:** Wednesday, June 25, 2008 1:41 PM  
**To:** PLN Planning Commission; Mayor, Office of the; Dixon, Andrea  
**Cc:** info@rosecanyon.org  
**Subject:** Opposition to the UTC Expansion

To Whom It May Concern:

The UCPG, UC's local planning group, has rejected this massive expansion of the UTC mall by a vote of 11-3.

**I strongly urge the Planning Commission to reject this project.**

This project would:

1. **WORST OF ALL** open the floodgates of development far beyond what is allowed in the Community Plan. This project would almost double Westfield's development rights. Other developers would certainly then want their development rights increased - in fact, a number of them already have such requests in process. **The Community Plan would become meaningless.**

2. Add massive new traffic, almost 18,000 vehicle trips a day, with unmitigable impacts.
3. Build up to 3 mega towers up to 35 stories that would dwarf surrounding buildings.
4. Increase air pollution.
5. Increase pressure for road projects that are widely opposed, including the widening of Genesee Avenue and the proposed road through Rose Canyon Park (the Regents Road bridge project).

Sincerely,  
Anne-Catherine Roch-Levecq, Ph.D

Oceanside, CA

001641

**Contreras, Elisa**

---

**From:** Solinsky, Sonya [Sonya.Solinsky@TransCore.com]  
**Sent:** Tuesday, June 24, 2008 9:26 AM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

6/27/2008

001642

#6  
June 12, 2009

City of San Diego  
Planning Commission Hearing

Dear Members of the Commission:

On behalf of myself as CEO of BIOCOM and the CEOs of biotechnology companies whose names appear below, we are writing to voice our support for the Westfield UTC project. While BIOCOM has neither endorsed or rejected this project, we have chosen to voice our support as a group of individuals.

Over the past few months, there has been speculation by some members of the community that the UTC project might threaten our companies. We do not believe this to be the case.

UTC has played an important role in the overall development of the Golden Triangle, and north City area. For more than 30 years, it has sat in the center of the community, offering valuable services and amenities that are relied upon by those in our industry.

Moving forward, we view the New UTC as playing this same role. Childcare, restaurants, movie theaters and housing are just a few of the many benefits from this project that will help continue the evolution of this part of the City into a world-class business and research center.

- Another component of the project that our industry finds very compelling is the sustainability of the center. Conserving natural resources, such as water, and taking advantage of others, such as solar, is a critical path item for us all in the future. Westfield should be commended for being so proactive in this area.

Finally, I want to clear on one point. I have talked with a number of CEOs in the life sciences community and I haven't come across one who opposes this project. We all see the benefits it provides and the many gaps it fills.

Please support this project. Thank you.

Joseph Panetta  
President & CEO, BIOCOM

Greg Lucier  
Chairman, President & CEO, Invitrogen  
and Chairman, BIOCOM Board of Directors

Steven Mento  
President and CEO, Conatus Pharmaceuticals  
and former Chairman, BIOCOM Board of Directors

Larry Stambaugh,  
former President and CEO, Maxim Pharmaceuticals

001643

June 6, 2008

**To: Planning Commissioners**

**Re: Westfield UTC proposal to be heard on June 12, 2008.**

**Contents: CD with rush hour traffic video and photo  
Comment on issue of minimal noticing conducted by Westfield**

Enclosed is a CD with a very short video and a photo showing rush hour at La Jolla Village Drive and 805, with the backup on La Jolla Village Drive, which often backs up all the way to the mall. Also visible is the large amount of new housing just built at this location, just one of a number of new high density housing developments already approved for the area.

In addition, I would like to make you aware that instead of individually notifying all property owners residents and stores within 300 feet of the Planning Commission hearing on this very major proposed project, Westfield chose to do the minimum by just placing a notice in the Daily Transcript. Technically, this is allowed when the number of notices required to be sent out is over 1,000. However, this form of notice is one few if any people will be aware of. This project would have huge impacts, many unmitigable. It would seem appropriate to better inform the community of the Planning Commission hearing.

Deborah Knight  
858-597-0220

001644

**UNIVERSITY COMMUNITY PLANNING GROUP**

c/o Linda Colley, Chair  
3589 Syracuse Avenue  
San Diego, CA 92122  
Phone: 858-453-0435

June 11, 2008

City of San Diego Planning Commissioners:

Mr. Barry Shultz, Chair  
Mr. Mike Smiley  
Mr. Robert Griswold  
Mr. Eric Naslund  
Mr. Dennis Otsuji  
Mr. Gill Ontai  
Mr. Tim Golba

Dear Commissioners:

Re: Proposed Expansion of University Town Center, Project 2214  
Item #6, June 12, 2008 Agenda

This letter from the UCPG provides the Commissions with an update following our monthly UCPG meeting on June 10, 2008.

At last night's meeting, after hearing information presented by Westfield regarding the proposed community plan agreement to expand the project, the UCPG voted 14-2-1 to recommend denial of the project. One member, an employee of Westfield, recused herself from the discussion and vote.

Sincerely,



Linda Colley, Chair  
University Community Planning Group

Cc: Ms. Andrea Dixon, Deputy City Attorney  
City Engineer, Ex-Officio Engineer ✓  
Ms. Elisa Contreras, Planning Commission Secretary

## UNIVERSITY COMMUNITY PLANNING GROUP

c/o Linda Colley, Chair  
3589 Syracuse Avenue  
San Diego, CA 92122  
Phone: 858-453-0435

June 10, 2008

City of San Diego Planning Commissioners:

Mr. Barry Shultz, Chair

Mr. Dennis Otsuji

Mr. Mike Smiley

Mr. Bill Ontai

Mr. Robert Griswold

Mr. Tim Golba

Mr. Eric Naslund

Dear Commissioners:

Re: Proposed expansion of University Town Center, Project #2214  
Item #6, June 12, 2008 Agenda

On May 22, 2008, the City Planning Commission considered a proposed amendment to the adopted University Community Plan to add 750,000 square feet of retail to the existing 1,000,000 square feet of retail plus 250 residential units to the existing 310 units at University Town Center. During that discussion, the Commission raised several very important issues and cogent questions. I would like to respond to the Commission's concerns as Chair of the University Community Planning Group.

As part of your scheduled June 12, 2008 deliberations please consider the following comments and observations.

1. Regional Economics. Entities in University City are a major source of San Diego's economic success.

- UCSD is the largest land use in University City and will continue to grow – subject only to State approval.
- There are many renowned research facilities in University City including Salk, Pfizer, Novartis, Burnham Cancer Center, the Neurosciences Institute, Scripps Research Institute, and Sidney Kimmel Cancer Center.
- University City has numerous technology businesses: Qualcomm, SAIC, Biogen-Idex, Illumina, Amylin to list but a few.
- University City includes four major regional medical centers, Scripps Green Hospital, the VA Hospital, Thorton Hospital and Scripps Memorial Hospital.

The protection and growth of UCSD and these research centers and businesses should not be jeopardized by changing the Community Plan in a way that will deteriorate already serious traffic congestion especially if the beneficiary is limited to retail.

## 2. Regional Malls are a Major Traffic Generator

The Trip Generation Rates set out in the University City Plan indicate that on a per thousand square foot basis a regional mall of 1,250,000 or more square feet will generate:

- almost 4 times as much traffic as a science research facility,
- more than three times as much traffic as a large corporate headquarters, and
- almost twice the traffic of an office complex of over 100,000 square feet.

On a comparable basis each of these uses contributes far more to the San Diego economy than does retail shopping and generates far less traffic.

## 3. Traffic (ADT's)

The traffic issue with the proposed expansion of UTC is the freeway interchanges. The surface streets adjacent to UTC may be able to handle the proposed UTC expansion and still function above a level of service F. Traffic on the surface streets will be negatively impacted by the proposed additional median and curb cuts as well as at least one added traffic signal for the Transit Center.

However, the I-805 interchanges at La Jolla Village Dr. and at Nobel Drive:

- Handle the great majority of traffic generated by UTC.
- Are currently heavily congested, with unacceptable waits of up to 30 minutes during several hours of the day.
- Projects closer to the I-805 interchanges than UTC, which have existing entitlements, but that have not yet been completed will add over 14,500 trips to these interchanges. The projects include:
  - University Science Center at 190,000 sq. ft. of science research space,
  - La Jolla Crossroads at 162,000 sq. ft. of science research space,
  - Biogen-Idex Corporate Research Center at 400,000 sq. ft. of science research space, and
  - La Jolla Commons at 300,000 sq. ft. of office building, 190 room hotel, 30,000 square feet of science research and 250 residential units.

The scheduled FBA improvements to the La Jolla Village Dr I-805 interchange will improve safety but not materially reduce interchange congestion.

The I-805 HOV lanes are a long-term planning goal that have no identified funding source and no firm completion date.

The recently updated Facilities Benefit Assessment Program for University City indicates that there are developments in University City for which construction permits have not been issued that will generate 38,000 more ADTs. Westfield's proposed expansion would substantially increase those trips by almost 50%.

#### 4. Mass Transit

The proposed expansion would double the number of bus stalls. Perhaps the customers arriving by mass transit would then increase to 2%.

Light rail to University City has been talked about for more than 20 years and remains an unfunded conceptual dream.

SANDAG has repeatedly denied University City a Coaster station near UTC, citing insufficient ridership.

The discussion of UTC's traffic impact should be focused on the 98% or more of the customers who will arrive by car. UTC's parking spaces are the best evidence of where this super regional mall gets its customers: 4,500 spaces today and 7,100 spaces if expanded.

#### 5. Westfield's Ownership of San Diego Regional Malls:

Currently, Westfield owns malls with more than 7,750,000 square feet of retail space in San Diego. They own seven of the eight biggest regional malls in San Diego County. Expanding UTC will not generate more shopping, rather it will switch/steal sales from another mall. It is financially unreasonable to expect that Westfield will diminish one of its malls at the expense of another.

The only major retail mall in San Diego that Westfield does not own is Fashion Valley, which has the greatest concentration of high-end stores of any mall in San Diego. Fashion Valley Mall also is the closest mall to UTC. It is fairly apparent that a major goal of the proposed UTC expansion is to steal sales from Fashion Valley. The net sales tax effect from shifting spending from one San Diego mall to another is not great.

Note Westfield's web site describes the *current* UTC as: a "super regional mall". With approximately 9,000,000 visitors a year – that generates a lot of traffic

#### 6. University City's existing Shopping Malls

Existing shopping malls include:

- La Jolla Village Square, located adjacent to I-5
- University Town Center, located near I-805

Each have in excess of 1,000,000 square feet of existing retail shopping, existing residential unit within their approved master plans, high density residential nearby, and two nearby freeway interchanges that handle the bulk of the attracted traffic.

La Jolla Village Square and UTC are each designated as an "urban node" in the adopted *Community Plan*, which also sets a goal of "equitable allocation of development intensity among properties". Approval of the proposed expansion of UTC by 750,000 square feet would surely set the precedent for La Jolla Village Square to seek a similar change.

Please note that La Jolla Village Square presently functions more like a power center, because it lost its May and Bullocks Wilshire department stores due to consolidation in the retail industry.

#### 7. Costa Verde Development.

Costa Verde is a 54-acre super-block across Genesee Avenue from UTC's 75-acre super-block with a pedestrian bridge that presently links Costa Verde with UTC. The Community Plan allows 2,600 dwelling units, 178,000 square feet of neighborhood retail and a 400-room hotel on the Costa Verde site.

The only undeveloped portion of Costa Verde is the site at the intersection of La Jolla Village Dr. and Genesee Ave. The owners of the undeveloped site applied for a change to the adopted Community Plan to convert the hotel designation to residential and named this new project Monte Verde. The trips assigned for residential development that had not yet been consumed added to the trips allocated for a hotel would allow 1,100 dwelling units on the undeveloped site.

In late 2007 the City Council followed the recommendation of the Planning Commission to scale back the project to 560 units. It would appear to be inequitable and inconsistent to reduce the development of one project below that allowed in the adopted Community Plan and then allow UTC, the project immediately across the street, to expand by more than 70% in excess of the Plan.

8. Remodel without expansion. Upgrading, modernizing, rejuvenating within the existing 1,000,000 square feet of retail is clearly an alternative that would optimally serve UTC's customers and the community without all of the negative effects of an expansion, while still benefiting Westfield's return on investment.

Shopping areas are continuously responding to shopping trends by replacing stores, changing uses, and upgrading properties. Downtown La Jolla is probably San Diego's most expensive shopping area and its shops and restaurants are in almost constant flux, but without any significant expansion of the overall square footage devoted to retail. UTC replaces merchants and brings in new stores all within the existing square footage. Note the power center area at Balboa and Genesee intersection is currently undergoing a major renovation all within the constraints of the existing Clairemont Community Plan

#### 9. Environmental Sustainability

All of the "green" features Westfield touts for the UTC expansion can be readily added to the existing UTC with economic benefits for Westfield including:

- extensive use of reclaimed water,
- water conserving fixtures,
- drought resistant landscaping,
- photovoltaic cells for the ice rink,
- photovoltaic panels on building roofs,
- cooling roof materials, and
- recycling of on-site wastes.

#### 10. Bulk and Scale/Design Guidelines

The Master Planned Development Permit sought by Westfield offers little or no specificity regarding elevations, materials, cross-sections, etc. Rather, Westfield offers relatively loose design guidelines, compliance with which would be done at the staff level with Planning Commission input only for increments exceeding 50,000 square feet. Given the substantial time the Planning Commission spends on much smaller projects, *this lack of Commission approval seems unwarranted.*

The design guidelines, however, do allow building heights in excess of City standards at the minimum setback from the major streets.

There appears to be no guarantee that with shifting retail market conditions UTC could become a power center like Westfield's Mission Valley Center rather than the high-end shopping experience being extolled today.

However, discussion of the land planning and design is premature until the question of the appropriateness of the proposed expansion and its negative impacts is resolved.

11. Proposed Overriding Considerations: The significant unmitigated impacts of the proposed expansion of UTC are:

- Traffic
- Circulation
- Air Quality
- Public Utilities
- Aesthetics
- Visual Quality

Westfield suggests the following as benefits that exceed the significant unmitigated impacts:

- Zero increase in potable water use.
- Potable water usage can be greatly reduced by using reclaimed water that has been available for years from the nearby City wastewater treatment plant. This benefit is available without expansion.
- LEED-ND pilot project. This award is for neighborhood developments not just for retailing. The existing University City "urban core" already meets most of the LEED criteria. The award appears to be for the design of the proposed expansion, with no requirements for implementation.
- \$300 million for TransNet. This sum is a cumulative number over several years. This appears to be a gross number for the expanded mall, not a net figure representing just the additional space that is being proposed. There is no net increase in TransNet sales taxes if the retail sales are shifted from one mall to another.
- \$10 million annually for the City's General Fund. This appears to be a gross number for the expanded mall, not a net figure representing just the additional

space that is being proposed. There is no net increase in sales taxes if the retail sales are shifted from one mall to another. This sum is very small compared to property taxes that are paid by all of the development that presently exists in University City.

- Nearly 2,000 permanent jobs. Low paying, often “permanent” part-time work. Sales shifted to UTC from other malls will cause layoffs resulting in a minimal increase in overall retail employment.
- Economic Output of \$514 million annually. This “output” is also a gross number and is mostly from the sale of clothing and accessories to San Diegans. The economic “multiplier effect” for the San Diego economy is but a small fraction of that resulting from expenditures by the technology and research entities in University City. For example, UCSD annually attracts funding of over \$800,000,000 from outside the San Diego region.
- Upgraded Transit Center. Mass transit is an insignificant benefit as it serves only 1% of UTC customers. Please refer to item 4 Mass Transit above.
- Enhanced pedestrian and bicycle access. University City is a series of super-blocks and master planned developments served by wide streets that carry significant amounts of traffic. The proposed expansion of UTC will not affect the existing circulation between the super blocks. Westfield’s proposed 7,100 parking spaces, however, do indicate how the vast majority of UTC’s customers will arrive. Pedestrian circulation between the super blocks adjacent to UTC at the busy intersection of La Jolla Village Dr. and Genesee Avenue is accommodated by existing pedestrian bridges that enter the developments at the second floor level. This enhances pedestrian safety and expedites the auto traffic. Pedestrian traffic to and from UTC is but a very small fraction of UTC’s customers. Regardless of whether there are non-contiguous sidewalks between the street and the proposed 80-foot high building with 20-foot minimum setbacks, few, if any, pedestrians will walk along La Jolla Village Dr. with its forecast 65,000 trips a day speeding by or on Genesee Avenue with its projected 50,000 trips per day. This issue has an extremely small impact on the residents of University City or the customers of UTC.
- Fulfills City’s Smart-Growth Strategic Framework. Currently North University City meets the goals of the Framework better than any other San Diego community. It has a well-balanced mixture of office buildings, science research centers, housing, recreation and education. Each of these elements is offered in a variety of densities and housing types. In residential, for example, there are single-family homes and town homes as well as condominiums and apartments available in low rise medium densities to high rises. UTC, as originally approved, is a mixed use development with 1,000,000 square feet of retail, including 115,000 square feet of community serving facilities such as the ice rink, a museum and movie theatres (the latter two long gone) plus 56 single family homes, 110 townhomes, 150 apartments and the Torrey Trail open space. If adding more residential to UTC would further the goals of the Framework, the UCPG would very likely welcome the opportunity to work with Westfield.
- Doubling the size of public meeting facilities on-site. No public demand has been shown for such a doubling and the significant traffic impacts resulting from the

expansion would diminish the public's inclination to use the public spaces. The benefit is minimal.

- Expanded retail shopping opportunities. San Diego already has several malls, the vast majority controlled by Westfield, with a wide variety of stores. In addition there are many discount stores, power malls and community shopping areas that offer a range of products. The growth in Internet shopping is reducing the need for bricks and mortar. Retail industry consolidation has seen the demise of department store chains, such as, Broadway, May, Bullocks and Robinsons, which has reduced the need for retail square footage. Adding another 750,000 at UTC does not produce significant retail diversity.
- Creating new housing to balance job growth. Even if 750 units were developed, it is an insignificant increase in the total number of residences in University City. Please refer to the comments above regarding "Smart Growth".
- New onsite affordable housing. City codes require 10% inclusionary housing. Building these units on-site is somewhat more expensive than paying the City's in-lieu fee. Even if 75 units were built on site they would not serve all of the minimum wage jobs that the UTC expansion would create.
- Enhance childcare facilities. There is currently a childcare facility at UTC. Enhancing doesn't mean expanding. A very slight benefit.
- Comprehensive Recycling program. Could be implemented without expansion.

In summary, the suggested overriding considerations:

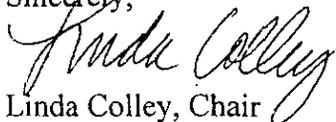
- Are of minimal benefit, or
- Could be successfully implemented without an expansion, or
- Offer insufficient attributes to exceed the many negative impacts that the proposed expansion would cause.

Thank you for taking the time to read this letter. Its length is dictated by the great number of impacts which the proposed expansion of Westfield's UTC will cause.

Please also refer to the University Community Planning Group's Position Paper of the proposed expansion of UTC submitted previously.

Your vote to deny the expansion of UTC is solicited for the good of San Diego and the good of University City. Thank you for your attention.

Sincerely,



Linda Colley, Chair  
University Community Planning Group

Cc: Ms. Andrea Dixon, Deputy City Attorney  
City Engineer, Ex-Officio Member ✓  
Ms. Elisa Contreras, Planning Commission Secretary

001652

Development Services Department  
Project Management Section

---

**Item No. 6 ; University Towne Center**  
**Project No. 2214**  
**Community: University**  
*Planning Commission*  
*June 12, 2008*  
*(continued from May 22, 2008)*  
*Process 5, Recommendation to City Council*  
*Development Project Manager: Tim Daly*

Development Services Department  
Project Management Section

---

**Project Scope**

- Redevelopment and renovation of existing 1,061,400 s.f. UTC shopping center on a 76-acre site
- Renovation and expansion of retail uses by 610,000 to 750,000 s.f. of new retail
- Development of 250 to 725 multi-family residential units
- Proposed 7,163 parking spaces (structured and surface)
- Relocate and expand public transit opportunities and pedestrian access

Development Services Department  
Project Management Section

**Project Location**

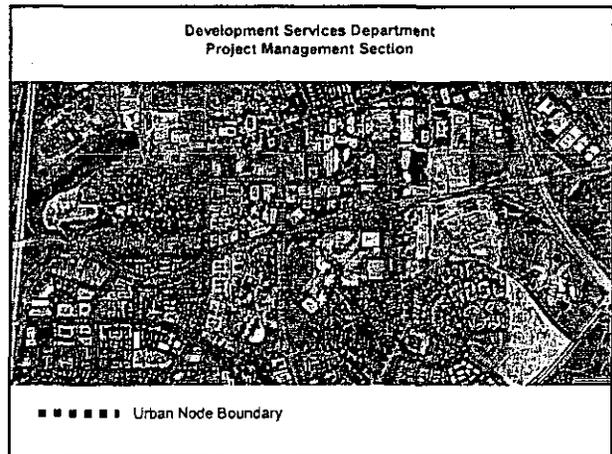
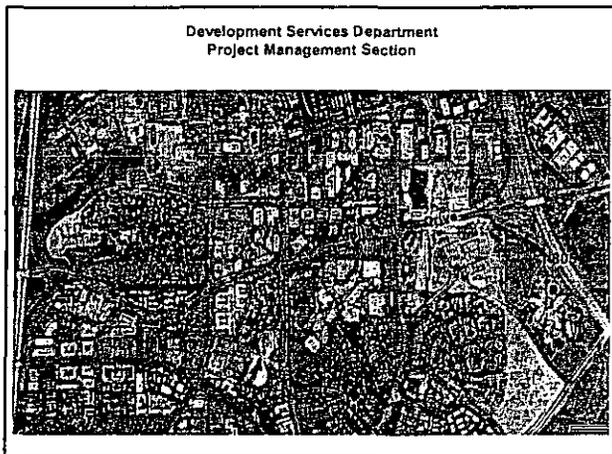
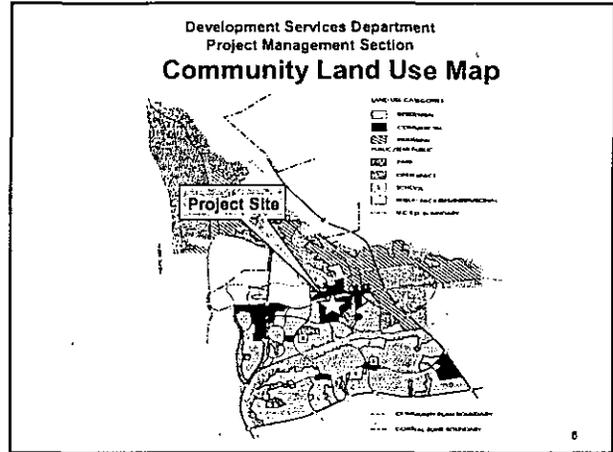
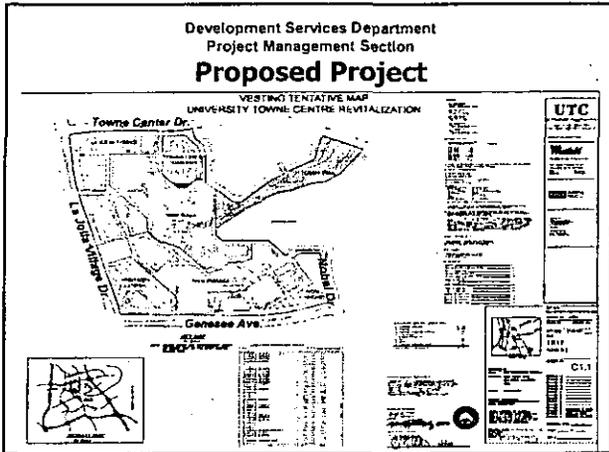
3

Development Services Department  
Project Management Section

**Aerial Photo**

4

001653



001654

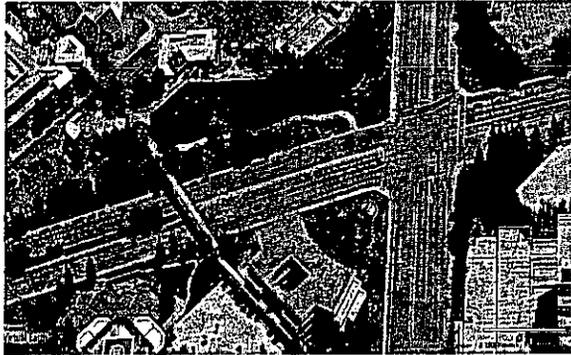
Development Services Department  
Project Management Section



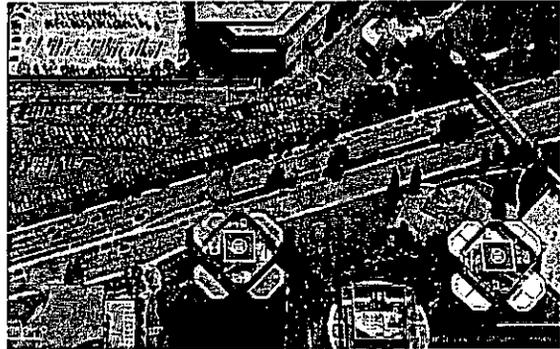
Development Services Department  
Project Management Section



Development Services Department  
Project Management Section

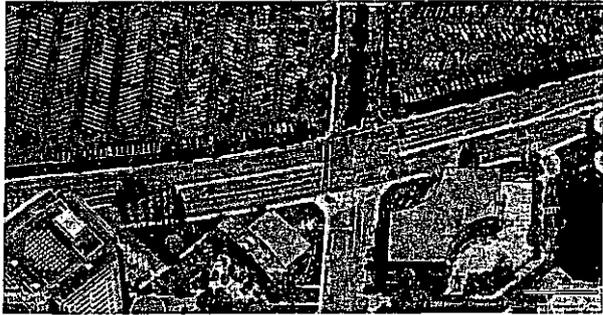


Development Services Department  
Project Management Section



001655

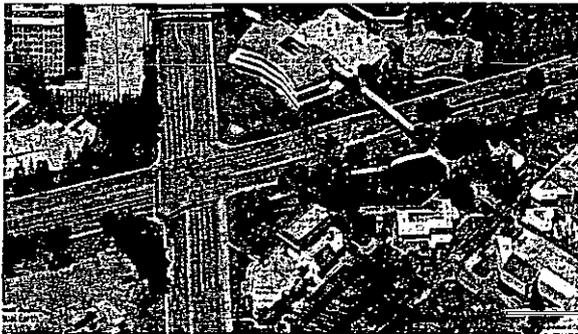
Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



001656

Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



Development Services Department  
Project Management Section

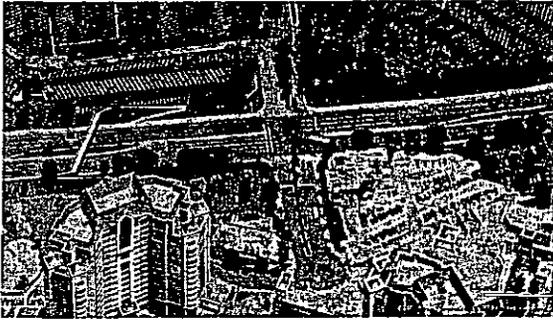


Development Services Department  
Project Management Section



001657

Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



001658

Development Services Department  
Project Management Section



Development Services Department  
Project Management Section



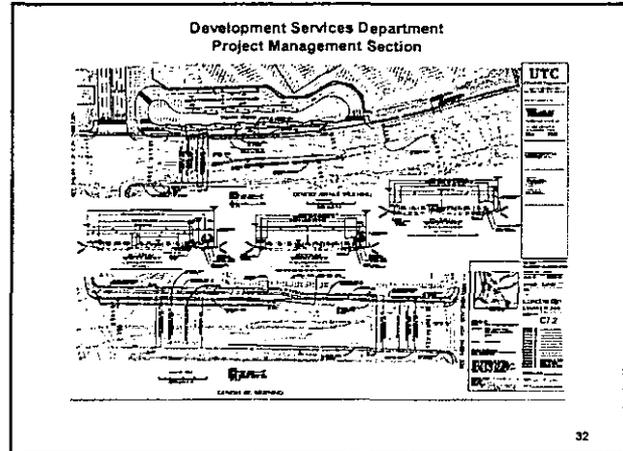
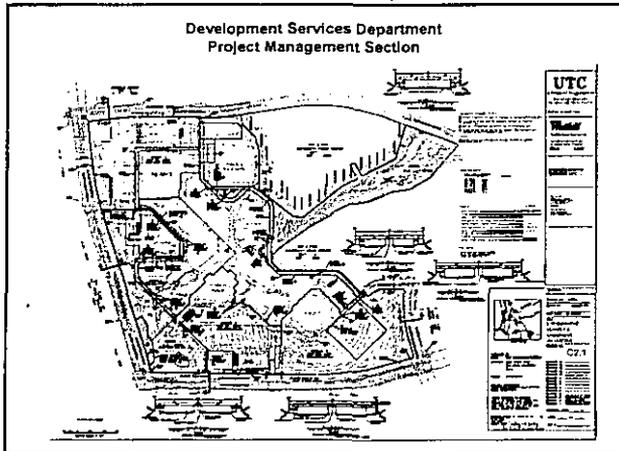
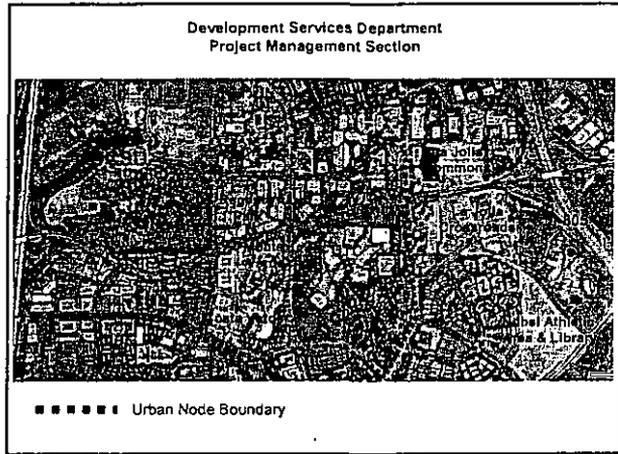
Development Services Department  
Project Management Section



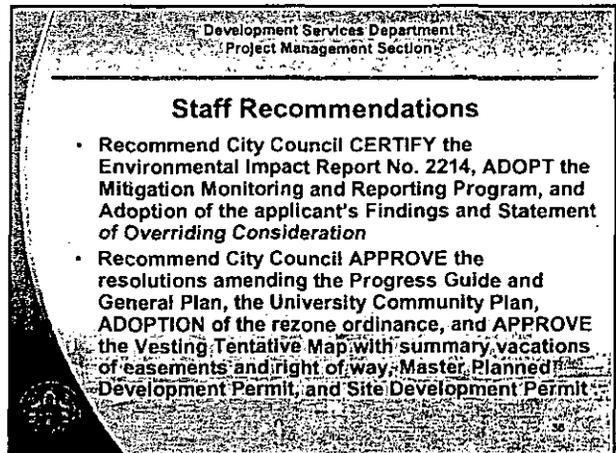
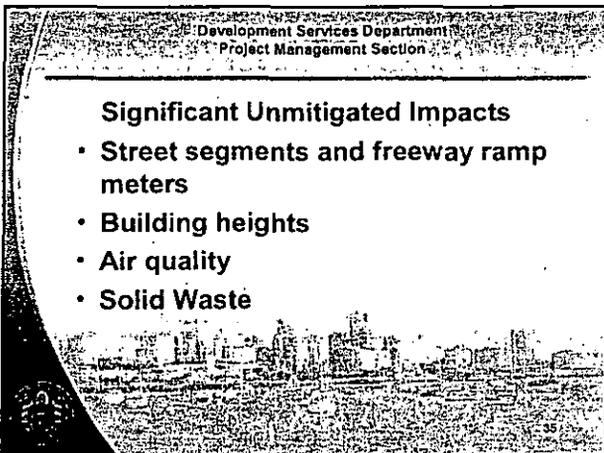
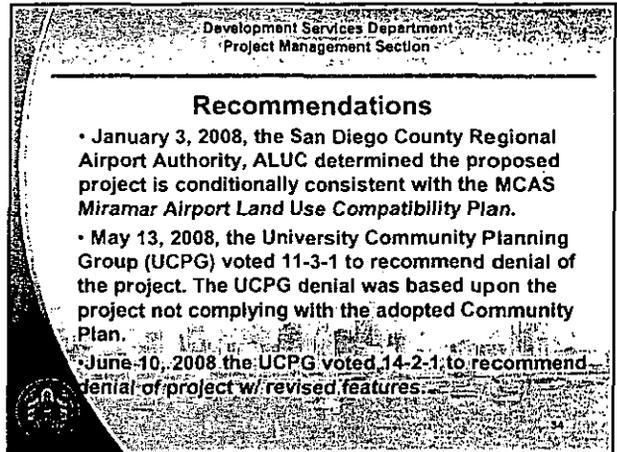
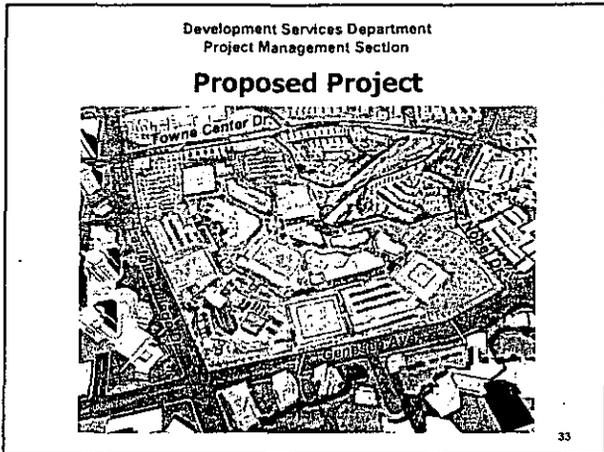
Development Services Department  
Project Management Section



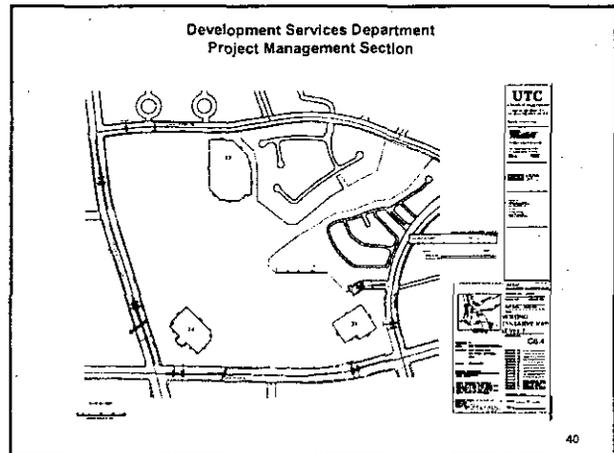
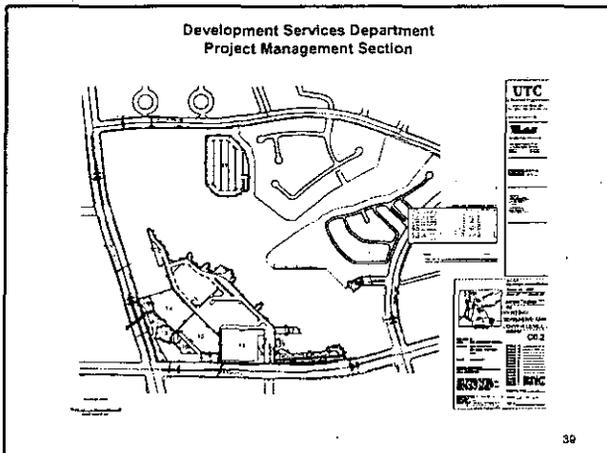
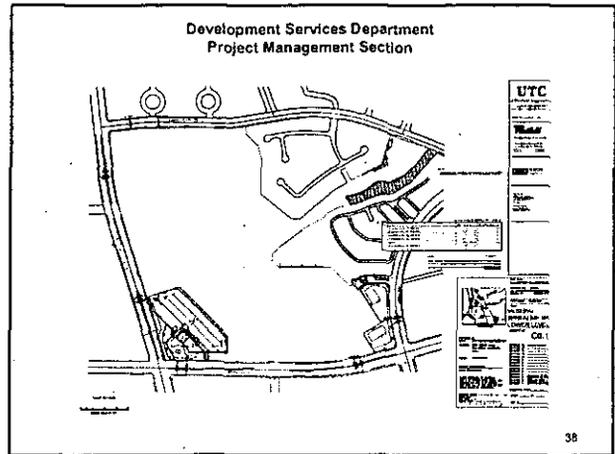
001659



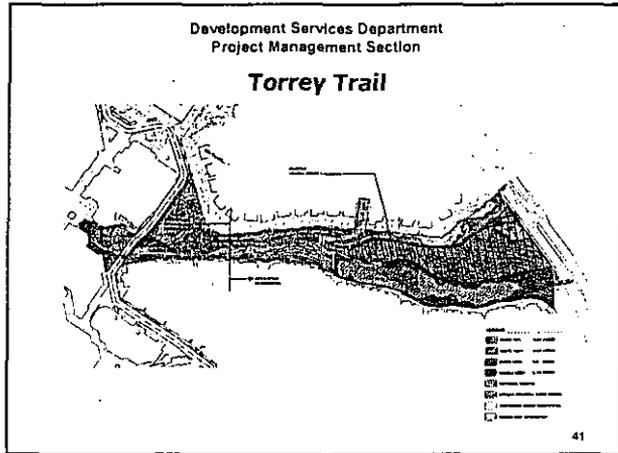
001660



001661



001662



001663

**Contreras, Elisa**

---

**From:** Michael G. Duffey [mduffy@ucsd.edu]  
**Sent:** Thursday, June 05, 2008 8:26 AM  
**To:** PLN Planning Commission  
**Subject:** Westfield Mall Expansion

Dear Commissioners:

I want to thank each of you for your recent comments and suggestions regarding modifying the current proposed plans for expanding the mall. As you have correctly noted the housing piece is far too aggressive for the site and the transportation center needs to equally distribute ridership to the center of the proposed project and while it is commendable to focus on a physical presence (brick and mortar) for a transit hub, the developers ignore a broader based transit plan such as park and ride as a feeder shuttle service for patrons, the current plan relies entirely upon bus ridership from the MTB and super loop proposals, the developer/owners needs to think and develop strategies outside the box to encourage ridership to the mall based on other modes of transit.

Thank you for listening to the local communities well founded concerns about precedent setting 'plan busting' elements requiring major exceptions to the long standing concerns about insufficient infrastructure prior to development, as correctly noted by several commissioners, the infrastructure needs to accommodate the huge increase in traffic circulation, congestion, parking, the lack of sufficient and innovative 'walk-able features' and a far too dense development of housing for the site.

I have been an active resident of UTC for nearly 20 years, I have witnessed the build out of UTC to 95+%, plans which emanated prior to your tenure and inherited from previous plan boards, it is prudent going forward to measure twice and cut once before obligating our community to major plan changes for the next decade or longer, once built the changes and impacts are irreversible.

Michael Duffey

001664

**Contreras, Elisa**

---

**From:** Louise Diamond (about apartment) [ledmeow@hotmail.com]**Sent:** Saturday, May 10, 2008 8:28 PM**To:** PLN PlanningCommission; Mayor, Office of the; Dixon, Andrea; dpeter1@san.rr.com; lcolley1@san.rr.com; chertzfeld@aprilboling.com; stein\_if@yahoo.com; PatWilson2002@aol.com; wpeveri@sbcglobal.net; Duper8092@aol.com; pkrysl@ucsd.edu; itsaok@aol.com; venzel.hammershaimb@camoves.com; dadderson@hotmail.com; nmadden@mbmacademy.com; HRW3186@aol.com; thager@irvinecompany.com; sjones@westfield.com; gwlatt@san.rr.com; tanamktpr@aol.com; mpegley@ucsd.edu; juan.lias@usmc.mil; Monroe, Daniel**Cc:** info@rosecanyon.org**Subject:** Opposition to the UTC Expansion

Please, please, don't let the character of our beautiful neighborhood be spoiled by UTC expansion. We need to get the community informed about this, with an evening meeting devoted to this issue. We don't need more traffic or more people or more crime. I am scared of what UC will be like if the developers are allowed free reign. I was just in Rose Canyon today, and I was so delighted to see the beautiful restoration work that was going on. I do not want to see this irreplaceable area spoiled because the area is overbuilt. When you fly into San Diego, UC already looks like a second downtown. We can't let this get worse.

**University Community Planning Group (UCPG)  
Position Paper on Proposed UTC Expansion Project #2214**

**Deny the Proposed Expansion of Westfield's UTC  
Submitted June 4, 2008**

**Introduction**

The UCPG voted on May 11, 2008, 11-3-1 to reject Westfield's current proposal for UTC expansion as it exceeds the University Community Plan. In addition, members of the UCPG testified at the Planning Commission meeting on May 22, 2008, explaining a number of reasons why the UCPG opposes the current project. This position paper documents the key points of UCPG opposition.

- Westfield project would double the development rights in the University Community Plan, making it the only developer to exceed the Plan – a precedent that will lead other developers to demand equal treatment and a landslide of additional development.
- Specific aspects of the Westfield project will create a de facto violation of our 30-year long, carefully balanced approach to development in University City.
- Proposed expansion risks the UCSD economic engine based on a growing university campus and the high tech and bio tech companies attracted to locate here because of it. Clogging the North University City area further with traffic will do economic damage to the entire city and to its local residents who will bear the brunt of negative impacts of traffic, noise, and air quality.
- The proposed project will introduce an additional 17,800 vehicle trips per day over the Community Plan, with unmitigable impacts on local streets, freeway ramps and freeway segments, a number of which are already at failing levels of service.
- The 2009 Facilities Benefit Assessment Plan (FBA) revision provides no development rights to Westfield to expand ADT's with the community already at 95% build out and with only 1,549 multi-family dwelling units and 28,906 commercial ADT's remaining in the plan.
- The University Community Planning Group has consistently opposed the Westfield expansion.
- The bulk and scale of the project will create unmitigable aesthetic impacts, with high rise buildings towering over adjacent buildings, including two story homes, with five-level parking garages and a 35-story tower lining Genesee Avenue.

**Background** Forty (40) years ago UCSD was built in an area of coastal bluffs, canyon systems, areas of rolling topography and mesa tops. UCSD has continued to evolve and grow, spinning off major research, corporate and medical centers that enrich all of San Diego.

UCSD provides the intellectual capacity that stimulates the research centers in University City and the community accommodates their needs for infrastructure including traffic for the 50,000 plus staff and students. Though the City of San Diego has no decision power over the growth of UCSD, it would be wise to reserve any traffic capacity that may be left after full development to the intensity called for in the Community Plan.

University Towne Center (UTC), now owned by Westfield, was developed in 1977 and later expanded in 1984 to provide "a major regional commercial center as well as a social center for the community" limited in the Community Plan to the existing build out of 1,061,000 sq. ft. regional commercial land use and development intensity.

### **Community Plan Adhered to for 30 Years**

The University Community Plan – adopted July 7, 1987 – was intended to guide development in this area to provide and maintain a balance between the University, research, commercial, residential and retail components and has been strictly adhered to over the past 30 years.

Development in the area is regulated via the number of ADTs (average daily trips) assigned to each property though UCSD is not subject to this plan. George Lattimer, a developer of properties in the community and a member of the UCPG since the early 1980s, can only recall two minor exceptions where additional development rights were granted that exceeded the Community Plan.

Indeed, the City, which originally was the second biggest landowner in University City, has respected the adopted Community Plan in the development of millions of square feet in Campus Point, Eastgate Tech Park, and Torrey Pines Mesa including the originally city-owned Idec Biogen site prominently fronting on I-805.

Many respected institutions and businesses have been attracted to University City, where excellent scientific research takes place in a balanced and stable community. The following nationally recognized companies that have come to University City have all followed the Community Plan and abided by the level of ADTs allowed them in the Community Plan. They provide the economic engine for San Diego. They include:

Scripps Hospital	SAIC
Novartis Pharmaceutical Research	Burnham Cancer Center
Salk Institute	The Neurosciences Institute
Qualcomm	Scripps Research Institute
Pfizer Research	Amylin Pharmaceuticals
Scripps Clinic	National University's headquarters
General Atomics	Idec- Biogen

On the residential side, in 2007, the City Council, following the leadership of this Planning Commission, approved the development of a significantly modified Monte Verde project directly across from UTC at La Jolla Village Drive and Genesee Avenue. Though the City sanctioned master plan for the property including Monte Verde allowed development rights for an additional 1,100 multi-family dwelling units, it was the judgment of the City that Monte Verde should develop only 560 multi-family dwelling units due to the cumulative effects of traffic in the area.

### **UCPG has Consistently Opposed UTC Expansion**

In January 1998, the owners of UTC, Trizec Hahn, sought to increase their retail space, initiating an amendment for the expansion of UTC. These former owners, however, did not pursue the amendment and their development plans. In March 2001, Westfield Corporation, the new owners of UTC, pursued a new plan amendment to allow retail expansion and mixed use on the site.

**But, in January 2002, expressing grave concerns about development that would exceed the adopted community plan, the UCPG voted 9-2-1 against initiating a plan amendment. The UCPG consistently expressed similar concerns about exceeding the community plan at six Westfield presentations between 2003 and 2007.**

### **UCPG Responses to Westfield DEIR**

After Westfield released their draft EIR in September of 2007, the UCPG submitted a 53-page comment letter that detailed the following objections:

- Justification was lacking to add new ADTs to the community plan.
- Cumulative impacts in growth inducement.
- Impacts of additional housing and traffic.
- Justification was lacking to rezone the property from regional commercial.
- Impacts from bulk and scale, degradation of community character and visual aesthetics, and lack of parks.
- Lack of fire and police services in the community.
- Lack of specificity in the project description, a CEQA issue.

### **Facilities Benefit Assessment Plan (FBA)**

Over 20 years ago, a compact was established between the City and the developers in North University City to ensure that adequate infrastructure was in place to support the degree of allowed, balanced development. That compact was formalized in the Facilities Benefit Assessment Plan (FBA) which identifies the public facilities needed when full community development in the Community Plan is expected. As a result, developers have paid a fee into the FBA based on their properties' trip generation to provide public facilities which will benefit the North University City community. And, development in North University is subject to the City Council approved FBA.

There is a fine balance between the amount of development allowed and the supporting infrastructure in the University Community Plan, particularly that supporting traffic.

**Today, with University City at 95% build out, the traffic infrastructure is barely adequate.** After a recent comprehensive review of outstanding plan-approved projects in the Community Plan, the City reports the remaining ADT's for projects as listed in the draft 2009 FBA are limited to 1,549 multi-family units and 28,906 ADT's.<sup>1</sup>

Future major infrastructure projects include the reconstruction of the I-805 La Jolla Village Dr. interchange as well as the I-5 Genesee Ave. interchange. Much of the freeway infrastructure, built from funds outside the FBA to accommodate even the existing and planned development, is behind schedule while much of the traffic congestion caused, by the number of cars on I-5, I-8-5, and SR-52 as they pass through University City, is substantially higher than SANDAG forecasts. As a result, making some changes to the street system as proposed by Westfield will have little impact on the difficulty of getting on or off the freeways.

The Westfield FEIR acknowledges that it will create unmitigable impacts on traffic, particularly at the interchanges with the freeways where current waits of 30 minutes at rush hour are not uncommon.

### **Comments on Traffic from the Planning Commission Meeting**

The Planning Commission members at the May 22, 2008 hearing echoed many of the concerns expressed by the UCPG at their May meeting. Planning Commission members made the following observations about the traffic effects of UTC expansion:

- Infrastructure is the most important issue. It comes down to how the infrastructure works. We have been putting the project before the infrastructure.
- University City is a de facto urban village due to vehicle intensive development; it is not well functioning because it is vehicle intensive.
- The layout of streets in UC is a regional model; there is no infrastructure providing multiple access points such as the network of streets downtown.
- Long range planning had been geared to the automobile so it is geared toward congestion. (We need a transit system that's so good that a car is not needed.)
- Most people will drive cars to the mall since it's a regional facility. Cars will be a feature.
- The retail element of the project drives traffic.<sup>2</sup>
- "Traffic is the overriding factor."
- Nothing is being done to mitigate the effects of 17,800 trips... the 805 ramp takes 20-25 minutes to get on the freeway after 3 p.m.

### **Traffic/Circulation in University City Remains Unmitigated**

People who work or reside in University City know **today** that traffic is a major problem. The EIR's traffic analysis acknowledges the problems, particularly where the Level of

<sup>1</sup> 2009 FBA, Table 7, Page 11.

<sup>2</sup> The EIR states that 93% of the traffic increase from Westfield's proposal is due to the retail expansion. The project plans to add 2,500 new parking spaces that will certainly attract traffic.

Service (LOS) is at E or F at 11 street segments and 11 intersections. In Westfield's conclusions<sup>3</sup>, they state:

1. Direct and cumulative impacts to segments of Genesee Avenue would remain significant and unmitigated.
2. Impacts to segments of La Jolla Village Drive would remain significant and unmitigated. The only mitigation is to widen La Jolla Village Drive to up to 10 through lanes plus multiple additional turn lanes, and this would be inconsistent with community character and urban design policies in the University Community Plan.
3. Freeways operate at levels of service E and F in the project area and impacts from the project are immitigable.<sup>4</sup> Westfield proposes a payment of fair share fees of \$3.38 million for future auxiliary lanes on I-805 between La Jolla Drive and SR-52.
4. Freeway ramp impacts to five freeway ramps are immitigable due to the situation on the freeways. These include La Jolla Village Drive/I-805 ramps, Nobel-805 ramp, and Nobel/I-5 ramps, particularly southbound on 805 during the evening rush hour.<sup>5</sup>

Though the FEIR states that having to use CALTRANS fixed metering approaches at the freeway ramps exaggerates wait times and queuing for current, near term (2010), and Horizon Year (2020) freeway ramp analysis, Westfield proposes to either extend queue storage for existing lanes or provide a high occupancy vehicle lane at affected freeway ramps. These efforts would not mitigate project impacts (i.e. reduce ramp meter delays). Rather, they would simply add queue storage getting onto the already E or F LOS freeways.

Note that a series of photos (see Appendix I) was taken at the southbound I-805 at Nobel freeway ramp show traffic patterns at 5:50 p.m. on May 20, 2008 – during the normal weekday peak. The amount of traffic alone is not the issue, but the behavior of the vehicles due to the ramp backup can be observed which include a bus turning illegally across traffic and then blocking it (Photo #1 and 2), other cars who have a green light when turning onto backed up southbound ramp and consequently block traffic (Photo #3), other traffic pulling in and out of line – changing lanes and routes due to frustration (Photos #4 and #6), and back up from freeway (Photo #7) with a total 15-minute wait by the photographer to reach the green light to pull onto the freeway.

**In summary, the FEIR states that there is no mitigation for the increased ramp delays because the freeways themselves are so congested.**

**Analysis of Future Traffic.** The traffic model used to project future traffic is the Series 9 (2020) Model. The model was calibrated to include proposed development that would require community plan amendments. This approach is more conservative with respect

<sup>3</sup> UTC FEIR, Conclusions, p. 5-6.

<sup>4</sup> UTC FEIR, p. 5.3-12.

<sup>5</sup> UTC FEIR, p. 5.3-48.

to the total amount of traffic expected, but minimizes the effect of UTC expansion as a percentage of the total. The Series 9 "horizon year" is 2020. Horizon year conditions also assume that planned roadway improvements identified in the North University City FBA are in place. Traffic volumes are assumed to increase as 2020 approaches.

**Horizon Year: Street Segments.** Even without the project being built, in the Horizon year, 19 of 55 street segments will operate at LOS E (10) or F (9). Westfield expansion would, in addition, significantly impact six segments on Genesee Avenue and La Jolla Village Dr. (Widening of Genesee Avenue would eliminate any significant cumulative impacts from the project on Genesee Avenue from Nobel Drive to Decoro Drive and from Governor to SR 52. However, it is not certain that the City will pursue this project. Building the Regents road bridge would have no mitigating effect).

**Horizon Year: Intersections.** Even without the project being built, in the Horizon year, 29 intersections will operate at LOS E or F. If UTC is expanded, then an additional significant impact will occur at 4 major intersections. (Widening of Genesee Avenue would eliminate the cumulative impact at Decoro Street/Genesee Avenue. Again, the Regents Road Bridge would have no mitigating effect.)

**Horizon Year: Freeway Segments and Ramps.** UTC expansion will have significant cumulative impacts on two freeway segments at peak (whether or not Genesee is widened). Under the horizon year scenario, Westfield's expansion of UTC will have significant cumulative impacts at five ramp meter locations. (If Genesee Avenue is widened, UTC expansion will add a significant cumulative impact only at eastbound La Jolla Village Dr./I-805, northbound and southbound. The Regents Road Bridge would have no mitigating effect at the ramps.)

It is clear that even without the Westfield project, the models show that future traffic will cause failing conditions on road segments, intersections, freeway segments, and particularly where the freeway ramps allow commuters access to the I-5 and I-805 freeways. Westfield argued in its presentation that the nearly 18,000 additional ADTs from its project are a small percentage of the total allowed by the Community Plan. **However, the EIR states clearly that their project has significant unmitigable impacts on local streets, freeway ramps and freeway segments.**

It is undeniable that traffic volumes constitute a current serious problem in University City and are projected to worsen in the future. **Why should UTC expand and exacerbate the traffic situation when other projects that are in the Plan have not yet even been built?**

### **UTC Expansion Will Unleash a Flood of Retail Development.**

The worst part of this proposal is the precedent it will set in University City. It will be impossible for the City to deny other projects their wish to expand beyond the limits of the Community Plan if UTC is allowed to expand.

Westfield says that the process has taken them a long time and that no other building owner is likely to expend the effort. With an opportunity to make tens of millions of dollars by processing a community plan change there will be many, many others. Indeed, the Costa Verde retail center, just across Genesee from UTC, has an application in process with the City for a major expansion. The owners of La Jolla Village Square would make the very valid point that the Community Plan granted their property approximately the same development rights as UTC, so they would clearly be in line to double their square footage.

Once the major retail sector gets its expansion, other projects will follow with the logic that the community needs to have more office space and housing to balance the growth in retail. Of course, Westfield would be supportive because that provides more shoppers close to their regional mall. But, over time, traffic becomes hopelessly gridlocked and property values decline because University City is no longer a premier place to live, work, or shop.

The City must be judicious about how to allocate the remaining ADTs in University City. UCSD is one of the most prestigious research and educational institutions in the United States. It is the engine of San Diego's current and future economy. They provide the intellectual capacity that stimulates the research centers in University City, and the community accommodates their needs for infrastructure, including traffic for the 50,000 plus staff and students. And, University City has a symbiotic relationship with UCSD. The City of San Diego has no decision power over the growth of UCSD. It would be wise, therefore, to reserve for UCSD any traffic capacity that may be left after full development to the intensity called for in the adopted Community Plan.

Westfield promotes the number of jobs that will be created. The Planning Commission should consider the benefits to the City from the existing and future high paying science and professional employment in University City rather than the benefit from adding minimum wage retail/service jobs. The proposed expansion of UTC and the other retail expansion are likely to run the risk of negatively effecting the environment that initially attracted the technology entities.

### **UTC Expansion will Harm Neighborhoods and Neighborhood Character**

The University Community was designed with superblocks, broad thoroughfares, buildings graded in height from lower to taller as one moves from the perimeter to the middle of the superblock, and grassy berms that provide a park-like atmosphere as they also provide a sound barrier. The streets have high speed traffic.

The Westfield plan would eliminate the berms and bring parking structures, residential towers, and retail to the street. The Planning Commission members expressed concern about creating a canyon effect by bringing these big buildings including parking structures right onto streets that are major thoroughfares.

Westfield also proposes to build from 1-3 high rise residential towers, from 320' to 390' (35 stories). These buildings would be more than 100 feet higher than any buildings that exist or have been approved in University City. In fact, they would be taller than many of the buildings in downtown San Diego. This, too, would set a precedent that other developers could use to justify "going vertical" elsewhere in the area. Big buildings built on the street violate the Community Plan's setback requirements. The Westfield representatives also acknowledged the possibility that one or two of these high rise building will loom over the two existing developments of single-family dwellings that are located in the superblock immediately adjacent to Westfield's property.

Air quality impacts would remain significant and unmitigable during both phases of construction and likely simultaneous with the Monte Verde project. Air quality impacts would also remain significant and unmitigable during operation of the project due to associated traffic.

The Westfield proposal promises to add not just a huge increase in traffic, but in fact will create a condition that will destroy the existing aesthetic coherence in University City today.

### **Overriding Considerations**

At the May 22, 2008 hearing, Commissioner Naslund commented that many of the Overriding Considerations are weak. The UCPG agrees. To mention a few:

**1. The Transit Center:** The current transit center is required to be provided by Westfield in its existing permit. Westfield is moving it for their own benefit, because they want to build where the current transit center is located. The new location along Genesee Avenue, which requires additional bus turning lanes, puts an additional traffic burden on Genesee and Nobel with ingress and egress across traffic lanes at street segments of D through F LOS.

Moreover, providing a new bus station does not encourage one additional person to ride the bus. The EIR admits that few people use transit, and the traffic study takes no credit for transit use. The trolley, were it ever to come to the University Community, is many years away, and in any case, Westfield is providing neither land nor funding for the trolley station. The fundamental nature of the proposed Westfield expansion is a vehicle-oriented; super regional mall designed to attract vehicle traffic from a large geographic area.

**2. 10% On-Site Affordable Housing.** Westfield states that unless they build the high rise buildings that provide the most lucrative upper floor units with views, they might not be able to afford to provide the on-site affordable housing. In meeting this commitment to affordable housing, then, they are proposing unmitigable impacts on the community in terms of bulk and scale so they can maximize their profits.

**3. Transnet Taxes:** Westfield states the project would, over the 40 year life of the Transnet tax, generate \$314 million. **They fail to mention that \$174 million of that**

**amount would be generated anyhow from the existing project** (according to Westfield's own economic study). Moreover, much of the remaining \$126 million that would be generated with the expansion would not be new tax money because it could simply be generated elsewhere in the county if Westfield did not expand. People would buy their goods and go out to eat somewhere else – and still pay the Transnet tax. (Also, the \$300 million figure is calculated using a 3-4% annual growth factor over 40 years. In today's dollars, the total Transnet tax generated by the proposed project over 40 years is \$51 million - \$105 million, according to Westfield's economic study.)

**4. New tax revenue for the city.** Much of this tax revenue is likely to be shifted from one location to another, most notably from the Fashion Valley mall – a direct competitor.

### **Recommendations**

**The Planning Commission should reject the proposed Westfield UTC expansion to:**

1. Follow the long established precedent and practice of the City of San Diego and the private sector of complying with the adopted University Community Plan,
2. Respect the compact that all of the existing project developers have with the FBA to provide a functioning traffic infrastructure system, and
3. To consider before this or any other proposal is reviewed further exceeding the University Community Plan to:
  - (1) Assess the status of and impact on the FBA traffic infrastructure elements that await construction, and
  - (2) Allow the yet un-built but Community Plan-approved projects to be developed.

Respectfully Submitted,

Linda N. Colley  
UCPG, Chair  
858-453-0435  
[lcolley1@san.rr.com](mailto:lcolley1@san.rr.com)

Pat Wilson  
UCPG, Secretary  
[PatWilson2002@aol.com](mailto:PatWilson2002@aol.com)

001674

**APPENDIX I**  
**PHOTOS TAKEN ON EAST BOUND NOBEL DRIVE APPROACHING**  
**SOUTH BOUND INTERSECTION I-805**  
**May 20, 2008 beginning at 5:49 p.m.**

The following photos were taken in series at the southbound I-805 at Nobel freeway ramp during normal week day traffic starting at 5:50 p.m. on May 20, 2008. The amount of traffic alone is not the issue, rather the behavior of the vehicles due to the ramp backup can be observed which include a bus turning illegally across traffic and then blocking it (Photo #1 and 2), other cars who have a green light when turning onto the backed up southbound ramp and consequently block traffic (Photo #3), other traffic pulling in and out of line – changing lanes and routes due to frustration (Photos #4 and #6), and back up on ramp from freeway (Photo #7) with a total 15 minute wait by the photographer to reach the green light to pull onto the freeway where ramp traffic was 'not too bad'.

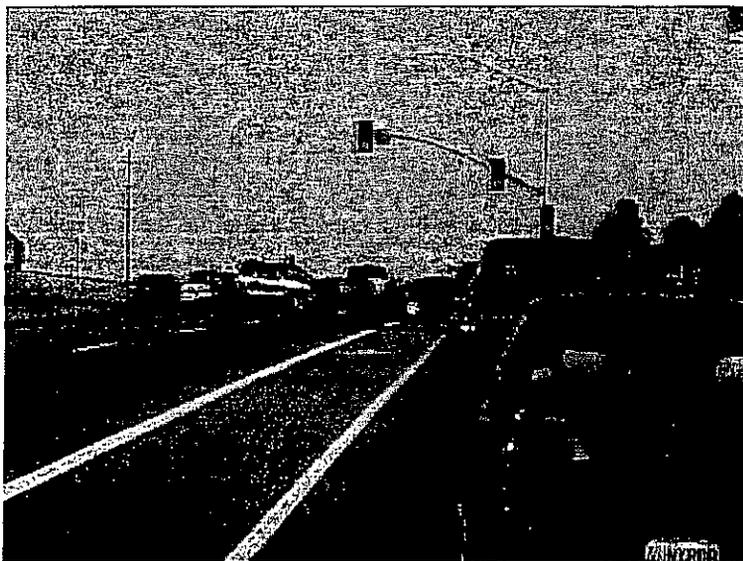


**Photo #1 – Bus about to turn right across bike lane. 5:50.20 p.m.**

001675



**Photo #2 – Bus has just turned right across bike lane, and cars are turning left, blocking intersection. 5:50.38 p.m.**



**Photo #3 – Left turning cars blocking intersection when eastbound traffic has the green light. Note red car swerving into oncoming westbound lane to circumvent stopped cars. Gray car is about to do the same thing. 5:50.52 p.m.**

001676



**Photo #4 -- Gray car has just finished swerving around pickup, which has moved forward a bit, but still blocking intersection. Blue sedan is pulling out of line and going straight ahead. Many cars changed their routes out of frustration with the wait. 5:50.58 p.m.**



**Photo #5 -- Cars continuing to sit at the green light and backup on onramp clearly visible. 5:51.26 p.m.**

001677



**Photo #6 -- SUV turning right from through lane, crossing bike lane, to get into car pool lane on onramp. This seemed to be the standard practice. 5:51.42 p.m.**



**Photo #7 -- Just turned onto the onramp. 5:52.30 p.m.**

001678



**Photo #8 -- Point at which I gave up taking photos, less than half way down onramp. 5:56.26. Overall it took about 15 minutes from the time I arrived at the intersection to getting the green light to pull onto the freeway. And this was on a day when the backup onto Nobel was "not too bad."**

**Contreras, Elisa**

---

**From:** C.A. Kozik [chriskozik@hotmail.com]  
**Sent:** Wednesday, June 04, 2008 6:47 AM  
**To:** PLN PlanningCommission; Mayor, Office of the; Dixon, Andrea  
**Subject:** opposition to UTC expansion

Please do not expand the UTC area. Developers continue to expand and make big bucks while the rest of us are told to CONSERVE, save water, save electricity. Why do we have to save? So the developers can build more and more and more and presumably lots of money goes into politician's pockets. And you wonder why the electorate is so fed up with politics as usual. Wake up! There's no water! There's no electricity! Stop building! I'm sick of sitting in traffic trying to get to and from work. Don't build more places that will bring in even more traffic! I oppose the UTC expansion, in case you couldn't tell from the above.

Chris Kozik  
4609 El Penon Way  
San Diego 92117

---

Search that pays you back! Introducing Live Search cashback. [Search Now!](#)

**University Community Planning Group (UCPG)  
Position Paper on Proposed UTC Expansion Project #2214**

**Deny the Proposed Expansion of Westfield's UTC  
Submitted June 4, 2008**

**Introduction**

The UCPG voted on May 11, 2008, 11-3-1 to reject Westfield's current proposal for UTC expansion as it exceeds the University Community Plan. In addition, members of the UCPG testified at the Planning Commission meeting on May 22, 2008, explaining a number of reasons why the UCPG opposes the current project. This position paper documents the key points of UCPG opposition.

- Westfield project would double the development rights in the University Community Plan, making it the only developer to exceed the Plan – a precedent that will lead other developers to demand equal treatment and a landslide of additional development.
- Specific aspects of the Westfield project will create a de facto violation of our 30-year long, carefully balanced approach to development in University City.
- Proposed expansion risks the UCSD economic engine based on a growing university campus and the high tech and bio tech companies attracted to locate here because of it. Clogging the North University City area further with traffic will do economic damage to the entire city and to its local residents who will bear the brunt of negative impacts of traffic, noise, and air quality.
- The proposed project will introduce an additional 17,800 vehicle trips per day over the Community Plan, with unmitigable impacts on local streets, freeway ramps and freeway segments, a number of which are already at failing levels of service.
- The 2009 Facilities Benefit Assessment Plan (FBA) revision provides no development rights to Westfield to expand ADT's with the community already at 95% build out and with only 1,549 multi-family dwelling units and 28,906 commercial ADT's remaining in the plan.
- The University Community Planning Group has consistently opposed the Westfield expansion.
- The bulk and scale of the project will create unmitigable aesthetic impacts, with high rise buildings towering over adjacent buildings, including two story homes, with five-level parking garages and a 35-story tower lining Genesee Avenue.

**Background** Forty (40) years ago UCSD was built in an area of coastal bluffs, canyon systems, areas of rolling topography and mesa tops. UCSD has continued to evolve and grow, spinning off major research, corporate and medical centers that enrich all of San Diego.

UCSD provides the intellectual capacity that stimulates the research centers in University City and the community accommodates their needs for infrastructure including traffic for the 50,000 plus staff and students. Though the City of San Diego has no decision power over the growth of UCSD, it would be wise to reserve any traffic capacity that may be left after full development to the intensity called for in the Community Plan.

University Towne Center (UTC), now owned by Westfield, was developed in 1977 and later expanded in 1984 to provide "a major regional commercial center as well as a social center for the community" limited in the Community Plan to the existing build out of 1,061,000 sq. ft. regional commercial land use and development intensity.

### **Community Plan Adhered to for 30 Years**

The University Community Plan – adopted July 7, 1987 – was intended to guide development in this area to provide and maintain a balance between the University, research, commercial, residential and retail components and has been strictly adhered to over the past 30 years.

Development in the area is regulated via the number of ADTs (average daily trips) assigned to each property though UCSD is not subject to this plan. George Lattimer, a developer of properties in the community and a member of the UCPG since the early 1980s, can only recall two minor exceptions where additional development rights were granted that exceeded the Community Plan.

Indeed, the City, which originally was the second biggest landowner in University City, has respected the adopted Community Plan in the development of millions of square feet in Campus Point, Eastgate Tech Park, and Torrey Pines Mesa including the originally city-owned Idec Biogen site prominently fronting on I-805.

Many respected institutions and businesses have been attracted to University City, where excellent scientific research takes place in a balanced and stable community. The following nationally recognized companies that have come to University City have all followed the Community Plan and abided by the level of ADTs allowed them in the Community Plan. They provide the economic engine for San Diego. They include:

Scripps Hospital	SAIC
Novartis Pharmaceutical Research	Burnham Cancer Center
Salk Institute	The Neurosciences Institute
Qualcomm	Scripps Research Institute
Pfizer Research	Amylin Pharmaceuticals
Scripps Clinic	National University's headquarters
General Atomics	Idec- Biogen

On the residential side, in 2007, the City Council, following the leadership of this Planning Commission, approved the development of a significantly modified Monte Verde project directly across from UTC at La Jolla Village Drive and Genesee Avenue. Though the City sanctioned master plan for the property including Monte Verde allowed development rights for an additional 1,100 multi-family dwelling units, it was the judgment of the City that Monte Verde should develop only 560 multi-family dwelling units due to the cumulative effects of traffic in the area.

### **UCPG has Consistently Opposed UTC Expansion**

In January 1998, the owners of UTC, Trizec Hahn, sought to increase their retail space, initiating an amendment for the expansion of UTC. These former owners, however, did not pursue the amendment and their development plans. In March 2001, Westfield Corporation, the new owners of UTC, pursued a new plan amendment to allow retail expansion and mixed use on the site.

**But, in January 2002, expressing grave concerns about development that would exceed the adopted community plan, the UCPG voted 9-2-1 against initiating a plan amendment. The UCPG consistently expressed similar concerns about exceeding the community plan at six Westfield presentations between 2003 and 2007.**

### **UCPG Responses to Westfield DEIR**

After Westfield released their draft EIR in September of 2007, the UCPG submitted a 53-page comment letter that detailed the following objections:

- Justification was lacking to add new ADTs to the community plan.
- Cumulative impacts in growth inducement.
- Impacts of additional housing and traffic.
- Justification was lacking to rezone the property from regional commercial.
- Impacts from bulk and scale, degradation of community character and visual aesthetics, and lack of parks.
- Lack of fire and police services in the community.
- Lack of specificity in the project description, a CEQA issue.

### **Facilities Benefit Assessment Plan (FBA)**

Over 20 years ago, a compact was established between the City and the developers in North University City to ensure that adequate infrastructure was in place to support the degree of allowed, balanced development. That compact was formalized in the Facilities Benefit Assessment Plan (FBA) which identifies the public facilities needed when full community development in the Community Plan is expected. As a result, developers have paid a fee into the FBA based on their properties' trip generation to provide public facilities which will benefit the North University City community. And, development in North University is subject to the City Council approved FBA.

There is a fine balance between the amount of development allowed and the supporting infrastructure in the University Community Plan, particularly that supporting traffic.

**Today, with University City at 95% build out, the traffic infrastructure is barely adequate.** After a recent comprehensive review of outstanding plan-approved projects in the Community Plan, the City reports the remaining ADT's for projects as listed in the draft 2009 FBA are limited to 1,549 multi-family units and 28,906 ADT's.<sup>1</sup>

Future major infrastructure projects include the reconstruction of the I-805 La Jolla Village Dr. interchange as well as the I-5 Genesee Ave. interchange. Much of the freeway infrastructure, built from funds outside the FBA to accommodate even the existing and planned development, is behind schedule while much of the traffic congestion caused, by the number of cars on I-5, I-8-5, and SR-52 as they pass through University City, is substantially higher than SANDAG forecasts. As a result, making some changes to the street system as proposed by Westfield will have little impact on the difficulty of getting on or off the freeways.

The Westfield FEIR acknowledges that it will create unmitigable impacts on traffic, particularly at the interchanges with the freeways where current waits of 30 minutes at rush hour are not uncommon.

### **Comments on Traffic from the Planning Commission Meeting**

The Planning Commission members at the May 22, 2008 hearing echoed many of the concerns expressed by the UCPG at their May meeting. Planning Commission members made the following observations about the traffic effects of UTC expansion:

- Infrastructure is the most important issue. It comes down to how the infrastructure works. We have been putting the project before the infrastructure.
- University City is a de facto urban village due to vehicle intensive development; it is not well functioning because it is vehicle intensive.
- The layout of streets in UC is a regional model; there is no infrastructure providing multiple access points such as the network of streets downtown.
- Long range planning had been geared to the automobile so it is geared toward congestion. (We need a transit system that's so good that a car is not needed.)
- Most people will drive cars to the mall since it's a regional facility. Cars will be a feature.
- The retail element of the project drives traffic.<sup>2</sup>
- "Traffic is the overriding factor."
- Nothing is being done to mitigate the effects of 17,800 trips... the 805 ramp takes 20-25 minutes to get on the freeway after 3 p.m.

### **Traffic/Circulation in University City Remains Unmitigated**

People who work or reside in University City know **today** that traffic is a major problem. The EIR's traffic analysis acknowledges the problems, particularly where the Level of

---

<sup>1</sup> 2009 FBA, Table 7, Page 11.

<sup>2</sup> The EIR states that 93% of the traffic increase from Westfield's proposal is due to the retail expansion. The project plans to add 2,500 new parking spaces that will certainly attract traffic.

Service (LOS) is at E or F at 11 street segments and 11 intersections. In Westfield's conclusions<sup>3</sup>, they state:

1. Direct and cumulative impacts to segments of Genesee Avenue would remain significant and unmitigated.
2. Impacts to segments of La Jolla Village Drive would remain significant and unmitigated. The only mitigation is to widen La Jolla Village Drive to up to 10 through lanes plus multiple additional turn lanes, and this would be inconsistent with community character and urban design policies in the University Community Plan.
3. Freeways operate at levels of service E and F in the project area and impacts from the project are immitigable.<sup>4</sup> Westfield proposes a payment of fair share fees of \$3.38 million for future auxiliary lanes on I-805 between La Jolla Drive and SR-52.
4. Freeway ramp impacts to five freeway ramps are immitigable due to the situation on the freeways. These include La Jolla Village Drive/I-805 ramps, Nobel-805 ramp, and Nobel/I-5 ramps, particularly southbound on 805 during the evening rush hour.<sup>5</sup>

Though the FEIR states that having to use CALTRANS fixed metering approaches at the freeway ramps exaggerates wait times and queuing for current, near term (2010), and Horizon Year (2020) freeway ramp analysis, Westfield proposes to either extend queue storage for existing lanes or provide a high occupancy vehicle lane at affected freeway ramps. These efforts would not mitigate project impacts (i.e. reduce ramp meter delays). Rather, they would simply add queue storage getting onto the already E or F LOS freeways.

Note that a series of photos (see Appendix I) was taken at the southbound I-805 at Nobel freeway ramp show traffic patterns at 5:50 p.m. on May 20, 2008 – during the normal weekday peak. The amount of traffic alone is not the issue, but the behavior of the vehicles due to the ramp backup can be observed which include a bus turning illegally across traffic and then blocking it (Photo #1 and 2), other cars who have a green light when turning onto backed up southbound ramp and consequently block traffic (Photo #3), other traffic pulling in and out of line – changing lanes and routes due to frustration (Photos #4 and #6), and back up from freeway (Photo #7) with a total 15-minute wait by the photographer to reach the green light to pull onto the freeway.

**In summary, the FEIR states that there is no mitigation for the increased ramp delays because the freeways themselves are so congested.**

**Analysis of Future Traffic.** The traffic model used to project future traffic is the Series 9 (2020) Model. The model was calibrated to include proposed development that would require community plan amendments. This approach is more conservative with respect

---

<sup>3</sup> UTC FEIR, Conclusions, p. 5-6.

<sup>4</sup> UTC FEIR, p. 5.3-12.

<sup>5</sup> UTC FEIR, p. 5.3-48.

to the total amount of traffic expected, but minimizes the effect of UTC expansion as a percentage of the total. The Series 9 "horizon year" is 2020. Horizon year conditions also assume that planned roadway improvements identified in the North University City FBA are in place. Traffic volumes are assumed to increase as 2020 approaches.

**Horizon Year: Street Segments.** Even without the project being built, in the Horizon year, 19 of 55 street segments will operate at LOS E (10) or F (9). Westfield expansion would, in addition, significantly impact six segments on Genesee Avenue and La Jolla Village Dr. (Widening of Genesee Avenue would eliminate any significant cumulative impacts from the project on Genesee Avenue from Nobel Drive to Decoro Drive and from Governor to SR 52. However, it is not certain that the City will pursue this project. Building the Regents road bridge would have no mitigating effect).

**Horizon Year: Intersections.** Even without the project being built, in the Horizon year, 29 intersections will operate at LOS E or F. If UTC is expanded, then an additional significant impact will occur at 4 major intersections. (Widening of Genesee Avenue would eliminate the cumulative impact at Decoro Street/Genesee Avenue. Again, the Regents Road Bridge would have no mitigating effect.)

**Horizon Year: Freeway Segments and Ramps.** UTC expansion will have significant cumulative impacts on two freeway segments at peak (whether or not Genesee is widened). Under the horizon year scenario, Westfield's expansion of UTC will have significant cumulative impacts at five ramp meter locations. (If Genesee Avenue is widened, UTC expansion will add a significant cumulative impact only at eastbound La Jolla Village Dr./I-805, northbound and southbound. The Regents Road Bridge would have no mitigating effect at the ramps.)

It is clear that even without the Westfield project, the models show that future traffic will cause failing conditions on road segments, intersections, freeway segments, and particularly where the freeway ramps allow commuters access to the I-5 and I-805 freeways. Westfield argued in its presentation that the nearly 18,000 additional ADTs from its project are a small percentage of the total allowed by the Community Plan. **However, the EIR states clearly that their project has significant unmitigable impacts on local streets, freeway ramps and freeway segments.**

It is undeniable that traffic volumes constitute a current serious problem in University City and are projected to worsen in the future. **Why should UTC expand and exacerbate the traffic situation when other projects that are in the Plan have not yet even been built?**

### **UTC Expansion Will Unleash a Flood of Retail Development.**

The worst part of this proposal is the precedent it will set in University City. It will be impossible for the City to deny other projects their wish to expand beyond the limits of the Community Plan if UTC is allowed to expand.

Westfield says that the process has taken them a long time and that no other building owner is likely to expend the effort. With an opportunity to make tens of millions of dollars by processing a community plan change there will be many, many others. Indeed, the Costa Verde retail center, just across Genesee from UTC, has an application in process with the City for a major expansion. The owners of La Jolla Village Square would make the very valid point that the Community Plan granted their property approximately the same development rights as UTC, so they would clearly be in line to double their square footage.

Once the major retail sector gets its expansion, other projects will follow with the logic that the community needs to have more office space and housing to balance the growth in retail. Of course, Westfield would be supportive because that provides more shoppers close to their regional mall. But, over time, traffic becomes hopelessly gridlocked and property values decline because University City is no longer a premier place to live, work, or shop.

The City must be judicious about how to allocate the remaining ADTs in University City. UCSD is one of the most prestigious research and educational institutions in the United States. It is the engine of San Diego's current and future economy. They provide the intellectual capacity that stimulates the research centers in University City, and the community accommodates their needs for infrastructure, including traffic for the 50,000 plus staff and students. And, University City has a symbiotic relationship with UCSD. The City of San Diego has no decision power over the growth of UCSD. It would be wise, therefore, to reserve for UCSD any traffic capacity that may be left after full development to the intensity called for in the adopted Community Plan.

Westfield promotes the number of jobs that will be created. The Planning Commission should consider the benefits to the City from the existing and future high paying science and professional employment in University City rather than the benefit from adding minimum wage retail/service jobs. The proposed expansion of UTC and the other retail expansion are likely to run the risk of negatively effecting the environment that initially attracted the technology entities.

### **UTC Expansion will Harm Neighborhoods and Neighborhood Character**

The University Community was designed with superblocks, broad thoroughfares, buildings graded in height from lower to taller as one moves from the perimeter to the middle of the superblock, and grassy berms that provide a park-like atmosphere as they also provide a sound barrier. The streets have high speed traffic.

The Westfield plan would eliminate the berms and bring parking structures, residential towers, and retail to the street. The Planning Commission members expressed concern about creating a canyon effect by bringing these big buildings including parking structures right onto streets that are major thoroughfares.

Westfield also proposes to build from 1-3 high rise residential towers, from 320' to 390' (35 stories). These buildings would be more than 100 feet higher than any buildings that exist or have been approved in University City. In fact, they would be taller than many of the buildings in downtown San Diego. This, too, would set a precedent that other developers could use to justify "going vertical" elsewhere in the area. Big buildings built on the street violate the Community Plan's setback requirements. The Westfield representatives also acknowledged the possibility that one or two of these high rise building will loom over the two existing developments of single-family dwellings that are located in the superblock immediately adjacent to Westfield's property.

Air quality impacts would remain significant and unmitigable during both phases of construction and likely simultaneous with the Monte Verde project. Air quality impacts would also remain significant and unmitigable during operation of the project due to associated traffic.

The Westfield proposal promises to add not just a huge increase in traffic, but in fact will create a condition that will destroy the existing aesthetic coherence in University City today.

### **Overriding Considerations**

At the May 22, 2008 hearing, Commissioner Naslund commented that many of the Overriding Considerations are weak. The UCPG agrees. To mention a few:

**1. The Transit Center:** The current transit center is required to be provided by Westfield in its existing permit. Westfield is moving it for their own benefit, because they want to build where the current transit center is located. The new location along Genesee Avenue, which requires additional bus turning lanes, puts an additional traffic burden on Genesee and Nobel with ingress and egress across traffic lanes at street segments of D through F LOS.

Moreover, providing a new bus station does not encourage one additional person to ride the bus. The EIR admits that few people use transit, and the traffic study takes no credit for transit use. The trolley, were it ever to come to the University Community, is many years away, and in any case, Westfield is providing neither land nor funding for the trolley station. The fundamental nature of the proposed Westfield expansion is a vehicle-oriented, super regional mall designed to attract vehicle traffic from a large geographic area.

**2. 10% On-Site Affordable Housing.** Westfield states that unless they build the high rise buildings that provide the most lucrative upper floor units with views, they might not be able to afford to provide the on-site affordable housing. In meeting this commitment to affordable housing, then, they are proposing unmitigable impacts on the community in terms of bulk and scale so they can maximize their profits.

**3. Transnet Taxes:** Westfield states the project would, over the 40 year life of the Transnet tax, generate \$314 million. **They fail to mention that \$174 million of that**

**amount would be generated anyhow from the existing project** (according to Westfield's own economic study). Moreover, much of the remaining \$126 million that would be generated with the expansion would not be new tax money because it could simply be generated elsewhere in the county if Westfield did not expand. People would buy their goods and go out to eat somewhere else – and still pay the Transnet tax. (Also, the \$300 million figure is calculated using a 3-4% annual growth factor over 40 years. In today's dollars, the total Transnet tax generated by the proposed project over 40 years is \$51 million - \$105 million, according to Westfield's economic study.)

**4. New tax revenue for the city.** Much of this tax revenue is likely to be shifted from one location to another, most notably from the Fashion Valley mall – a direct competitor.

### **Recommendations**

**The Planning Commission should reject the proposed Westfield UTC expansion to:**

1. Follow the long established precedent and practice of the City of San Diego and the private sector of complying with the adopted University Community Plan,
2. Respect the compact that all of the existing project developers have with the FBA to provide a functioning traffic infrastructure system, and
3. To consider before this or any other proposal is reviewed further exceeding the University Community Plan to:
  - (1) Assess the status of and impact on the FBA traffic infrastructure elements that await construction, and
  - (2) Allow the yet-un-built but Community Plan-approved projects to be developed.

Respectfully Submitted,

Linda N. Colley  
UCPG, Chair  
858-453-0435  
[lcolley1@san.rr.com](mailto:lcolley1@san.rr.com)

Pat Wilson  
UCPG, Secretary  
[PatWilson2002@aol.com](mailto:PatWilson2002@aol.com)

**APPENDIX I**  
**PHOTOS TAKEN ON EAST BOUND NOBEL DRIVE APPROACHING**  
**SOUTH BOUND INTERSECTION I-805**  
**May 20, 2008 beginning at 5:49 p.m.**

The following photos were taken in series at the southbound I-805 at Nobel freeway ramp during normal week day traffic starting at 5:50 p.m. on May 20, 2008. The amount of traffic alone is not the issue, rather the behavior of the vehicles due to the ramp backup can be observed which include a bus turning illegally across traffic and then blocking it (Photo #1 and 2), other cars who have a green light when turning onto the backed up southbound ramp and consequently block traffic (Photo #3), other traffic pulling in and out of line – changing lanes and routes due to frustration (Photos #4 and #6), and back up on ramp from freeway (Photo #7) with a total 15 minute wait by the photographer to reach the green light to pull onto the freeway where ramp traffic was ‘not too bad’.

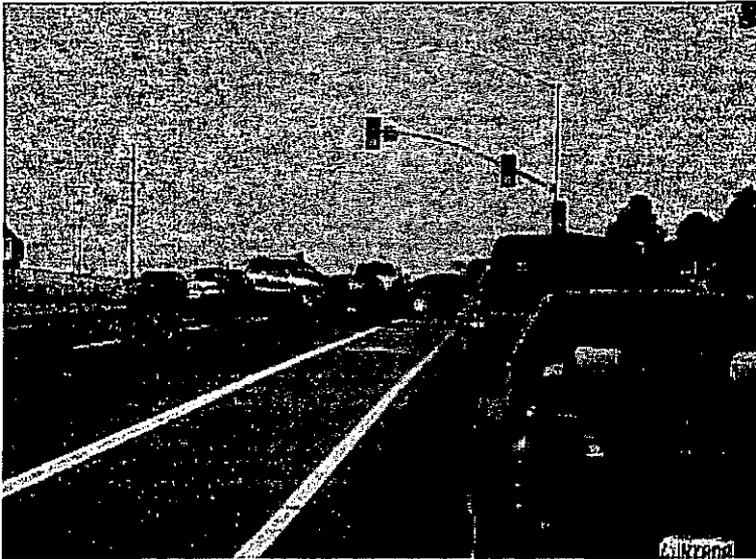


**Photo #1 – Bus about to turn right across bike lane. 5:50.20 p.m.**

001690

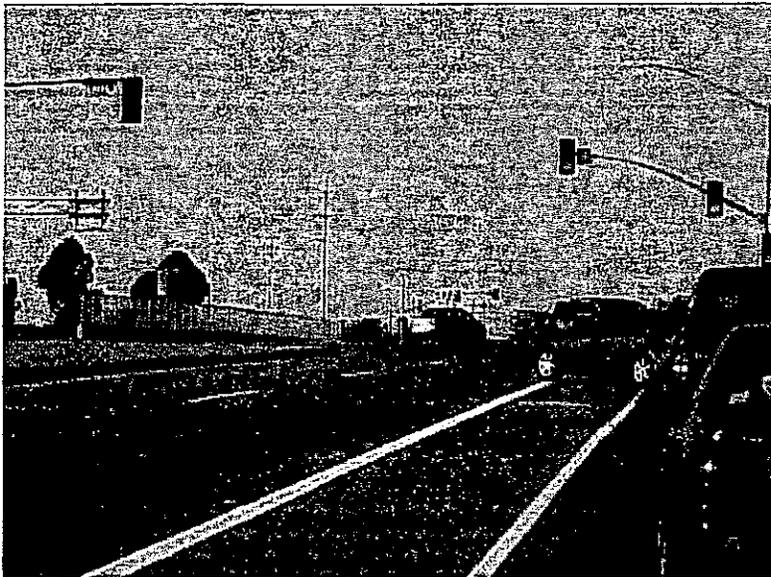


**Photo #2 – Bus has just turned right across bike lane, and cars are turning left, blocking intersection. 5:50.38 p.m.**



**Photo #3 – Left turning cars blocking intersection when eastbound traffic has the green light. Note red car swerving into oncoming westbound lane to circumvent stopped cars. Gray car is about to do the same thing. 5:50.52 p.m.**

001691



**Photo #4 -- Gray car has just finished swerving around pickup, which has moved forward a bit, but still blocking intersection. Blue sedan is pulling out of line and going straight ahead. Many cars changed their routes out of frustration with the wait. 5:50.58 p.m.**



**Photo #5 -- Cars continuing to sit at the green light and backup on onramp clearly visible. 5:51.26 p.m.**

001692



**Photo #6 -- SUV turning right from through lane, crossing bike lane, to get into car pool lane on onramp. This seemed to be the standard practice. 5:51.42 p.m.**



**Photo #7 --Just turned onto the onramp. 5:52.30 p.m.**

001693



**Photo #8 -- Point at which I gave up taking photos, less than half way down onramp. 5:56.26. Overall it took about 15 minutes from the time I arrived at the intersection to getting the green light to pull onto the freeway. And this was on a day when the backup onto Nobel was "not too bad."**

001694

**Contreras, Elisa**

---

**From:** Linda N. Colley [lcolley1@san.rr.com]  
**Sent:** Wednesday, June 04, 2008 8:16 PM  
**To:** PLN Planning Commission  
**Subject:** UTC Expansion Proposal - University Community Planning Group UCPG Position Paper

**Attachments:** UCPG\_PAPER\_FOR\_PL\_COMM\_June\_4\_2008.doc



UCPG\_PAPER\_FOR  
PL\_COMM\_June\_4\_

Dear Planning Commissioners,

Please see attached UCPG Position Paper regarding the UTC expansion proposal.

Thank you for your consideration.

Regards,  
Linda N. Colley  
UCPG, Chair  
858-453-0435

001695

Contreras, Elisa

---

**From:** John Nance [sprintcars@san.rr.com]  
**Sent:** Monday, June 02, 2008 9:12 PM  
**To:** PLN Planning Commission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Teri Nance

001696

**Contreras, Elisa**

---

**From:** Caren Poster [cposter@san.rr.com]  
**Sent:** Monday, June 02, 2008 9:05 AM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Caren & Larry Poster

6/27/2008

001697

**Contreras, Elisa**

---

**From:** Mike Pacheco [mvpacheco11@hotmail.com]  
**Sent:** Friday, May 30, 2008 9:28 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Adrienne Bergeron

001698

**Contreras, Elisa**

---

**From:** Brad Golden [slatts42@gmail.com]  
**Sent:** Wednesday, May 28, 2008 5:40 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Brad Golden

001699

**Contreras, Elisa**

---

**From:** fatima heshmatzad [fhashmatzad@yahoo.com]  
**Sent:** Wednesday, May 28, 2008 12:57 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners, I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options. The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area. Thank you very much,

6/27/2008

001700

**Contreras, Elisa**

---

**From:** Delorey, Robert J AM2 FRC-SW [robert.delorey@navy.mil]  
**Sent:** Wednesday, May 28, 2008 11:34 AM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Also, being a hockey player, I would love to see renovations done to the ice rink. The hockey community at UTC is a great one. That is why I play for two teams. The one problem is the facility itself. Only having 2 locker rooms and 2 showers makes it hard for the players before and after a game. The ice condition a lot of the time is poor. These are just a fraction of things that could be done to make this rink better.

I know quite a few people that make a longer drive to other ice rinks because of these and other flaws at the rink. I believe that renovations to rink would bring in more hockey players. I also believe making the rink more appealing to eye would catch the interest of more spectators and get them more interested in the great game of hockey.

Thank you very much for listening to what I have to say. I truly hope you take into consideration what I have said.

Very Respectfully,

Robert J. DeLorey  
robert.delorey@navy.mil

001701

**Contreras, Elisa**

---

**From:** Patty Mooney [newuniqu@newuniquevideos.com]  
**Sent:** Tuesday, May 27, 2008 6:52 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Patty Mooney

6/27/2008

001702

Contreras, Elisa

---

**From:** Joshua Bradhurst [jbradhur@ucsd.edu]  
**Sent:** Tuesday, May 27, 2008 12:58 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

As a student at UCSD, The new UTC will provide many new and useful amenities, which hopefully will afford a much needed break from the rigors of academic life

Thank you very much,

Joshua Bradhurst

001703

**Contreras, Elisa**

---

**From:** Charles Pratt [charlespratt@hotmail.com]  
**Sent:** Tuesday, May 27, 2008 2:20 PM  
**To:** PLN PlanningCommission  
**Subject:** Planning Commission Comments and Questions & Response from the City Attorney's Office

Please forward this email regarding the Westfield project on to the Commissioners.

Thank you,  
Charles Pratt, Esq.  
(619) 573-0902

---

**From:** ADixon@sandiego.gov  
**To:** charlespratt@hotmail.com  
**CC:** dknight3@san.rr.com; k3276@aol.com; ContrerasE@sandiego.gov  
**Date:** Tue, 27 May 2008 13:56:35 -0700  
**Subject:** RE: Planning Commission Comments and Questions

Charlie:

In response to your points:

1. Robert's Rules, one of the sources upon which the Planning Commission relies to run its public meetings, provides a format in which public testimony takes place, and then public testimony is closed for Commissioner discussion. Commissioner discussion may include questions from the applicant, staff, the public, or me, at which point, it is appropriate for the person questioned to speak. In the event that something presented is factually incorrect and is not otherwise resolved in the hearing, it is a basis for an appeal (although in this case, PC is just making a recommendation and the entire matter will be before City Council).
2. Regarding 2-5, you are welcome to send an e-mail to the Planning Commission, or submit correspondence to them through their recording secretary, contact information is located on the web page. The decision of whether public testimony will be re-opened or not will be decided by whomever chairs the June 12 meeting (any absent commissioners have been asked to view the video so that they are able to participate).

Thanks,  
Andrea

**Andrea Contreras Dixon**  
Deputy City Attorney | Office of the City Attorney  
1200 Third Avenue | Suite 1100  
San Diego | California 92101  
[T] 619.236.7219 [F] 619.533.5856

[This email may contain information that is legally privileged, confidential, or exempt from disclosure. If you are not the intended recipient, any dissemination, distribution, or copying of this email is strictly prohibited. Anyone who receives this message in error should notify the sender immediately and delete it from their computer.]

001704

---

**From:** Charles Pratt [mailto:charlespratt@hotmail.com]  
**Sent:** Tuesday, May 27, 2008 1:29 PM  
**To:** Dixon, Andrea  
**Cc:** Debby Knight; Kevin  
**Subject:** Planning Commission Comments and Questions

Dear Andrea, I have a few observations and questions from the PC meeting on May 22.

1. Mr. Naslund toward the end said that 'public comment is closed now' to explain why he could (procedurally) call up selected people, mostly representing Westfield, to answer questions-George Lattimer was the notable exception. This of course allowed the proponents to make statements, some of which are demonstrably false, that the public had no ability to rebut. This raises questions for me about the efficacy of the May 22 Hearing and about the nature of public comment at the next hearing.
2. Westfield is coming in to present some de minimus changes in the project, setbacks, solar panels and such. Presumably the public will be allowed to comment on this as a new matter, will it not? Don't the major issues merit more discussion, particularly when the missing members return?
3. The Commissioners, after our presentation, raised some significant concerns about traffic, the precedents for additional development and the consequences of breaking the Community Plan to name a few. These are the keys to the community's opposition to the project but they appeared to get lost at the conclusion of the Hearing. Shouldn't we be able to comment about these concerns at the next hearing? Weren't these comments and concerns new matters that the public should be allowed to address? Otherwise the key issues will be left unresolved.
4. I have seen Council meetings when there are continuances, where those of the public who have been unable to comment previously are allowed to do so. This seems to me to be a minimally fair approach to public comment at the June Hearing. (A medical condition left me for example unable to give my prepared testimony last Thursday and I would appreciate an opportunity to do so.)
5. In my view, by the time for a vote a bare quorum was present, there was a definite risk of the project not getting the required 4 votes so the Hearing was continued. The very competent Mr. Schultz was not there to chair the meeting or guide the process towards some sort of resolution. The Hearing ended not with a bang, but a whimper. What sort of contacts prior to the June Hearing may we have with the Commissioners who were present and those who were absent? Given the unresolved questions put forth by the Commissioners who were there to discuss the project, at the next Hearing there also clearly needs to be more discussion of the key problems, some public response to the misinformation from Westfield, and an opportunity to engage and clarify for the missing Commissioners. What opportunity will the public have for meaningful comment?

I fear that if the continued hearing is merely about the cosmetic, de minimus issues that the Westfield representatives eagerly jumped on then this process will have been a charade. Debby and Kevin are of course free to chime in. I look forward to talking with you again.

Best Regards,  
Charlie Pratt  
619-573-0902

001705

**Contreras, Elisa**

---

**From:** Deepa Patel [dpatel90292@yahoo.com]  
**Sent:** Monday, May 26, 2008 3:40 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Deepa Patel

001706

Contreras, Elisa

---

From: Coleman, Harry [HColeman@penskeautomotive.com]  
 Sent: Friday, May 23, 2008 6:23 PM  
 To: PLN Planning Commission  
 Cc: Mayor, Office of the; Peters, Councilmember Scott  
 Subject: We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Harry Coleman

3102 Casa Bonita Dr

Bonita CA, 91902

BMW of San Diego

\*\*\*\*\*

Penske Automotive Group and its affiliates will never sell, rent, or share your email address. **If you would like your name removed from our mailing list, include the Name of the Dealership in the subject line and send your request to [optout@penskeautomotive.com](mailto:optout@penskeautomotive.com)** or simply reply to this message with the word "remove" in the subject line. This email and any files transmitted with it are confidential and intended solely for use of the individual or entity to whom they are addressed. Please delete all copies if you are not the intended recipient.

\*\*\*\*\*

6/27/2008

001708

**Contreras, Elisa**

---

**From:** Michelle Ganon [bganon@san.rr.com]  
**Sent:** Friday, May 23, 2008 4:27 PM  
**To:** PLN Planning Commission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,  
Michelle Ganon

001709

**Contreras, Elisa**

---

**From:** A Mangahis [mangahis@earthlink.net]  
**Sent:** Friday, May 23, 2008 11:23 PM  
**To:** PLN Planning Commission; Mayor, Office of the; Dixon, Andrea  
**Subject:** Opposition to the UTC Expansion

To Whom It May Concern:

The UCPG, UC's local planning group, has rejected this massive expansion of the UTC mall by a vote of 11-3.

I strongly urge the Planning Commission to reject this project.

This project would:

1. WORST OF ALL open the floodgates of development far beyond what is allowed in the Community Plan. This project would almost double Westfield's development rights. Other developers would certainly then want their development rights increased - in fact, a number of them already have such requests in process. The Community Plan would become meaningless.

2. Add massive new traffic, almost 18,000 vehicle trips a day, with unmitigable impacts.
3. Build up to 3 mega towers up to 35 stories that would dwarf surrounding buildings.
4. Increase air pollution.
5. Increase pressure for road projects that are widely opposed, including the widening of Genesee Avenue and the proposed road through Rose Canyon Park (the Regents Road bridge project).

Sincerely,  
Alexander Mangahis  
6414 Panel Ct

**Contreras, Elisa**

---

**From:** Feinsteinfamily@aol.com  
**Sent:** Monday, May 26, 2008 9:30 PM  
**To:** PLN PlanningCommission; Mayor, Office of the; Dixon, Andrea  
**Cc:** info@rosecanyon.org  
**Subject:** Opposition to the UTC Expansion

Dear Mayor Sanders,

My husband & I are against the expansion of UTC, as it would only increase the traffic in the area, congestion, and noise pollution. This would be so, weather the Regents bridge is build or not. I believe there are already enough people for Westfield to prosper, and expanding or build more high rises would not serve the community's best interest.

Sincerely,  
Carol Feinstein  
Gary Feinstein

---

Get trade secrets for amazing burgers. [Watch "Cooking with Tyler Florence" on AOL Food.](#)

001711

**Contreras, Elisa**

---

**From:** Dolstad [dolstad@san.rr.com]  
**Sent:** Friday, May 23, 2008 11:18 AM  
**To:** PLN PlanningCommission; Mayor, Office of the; Dixon, Andrea  
**Cc:** info@rosecanyon.org  
**Subject:** Opposition to the UTC Expansion

To Whom It May Concern:

The UCPG, UC's local planning group, has rejected this massive expansion of the UTC mall by a vote of 11-3.

**I strongly urge the Planning Commission to reject this project.**

This project would:

1. **WORST OF ALL** open the floodgates of development far beyond what is allowed in the Community Plan. This project would almost double Westfield's development rights. Other developers would certainly then want their development rights increased – in fact, a number of them already have such requests in process.

**The Community Plan would become meaningless.**

2. Add massive new traffic, almost 18,000 vehicle trips a day, with unmitigable impacts.
3. Build up to 3 mega towers up to 35 stories that would dwarf surrounding buildings.
4. Increase air pollution.
5. Increase pressure for road projects that are widely opposed, including the widening of Genesee Avenue and the proposed road through Rose Canyon Park (the Regents Road bridge project).

Sincerely,  
Deborah Olstad, 3033 Governor Drive, 92122

001712

**Contreras, Elisa**

---

**From:** gidon singer [gidonsinger@gmail.com]  
**Sent:** Friday, May 23, 2008 4:30 PM  
**To:** PLN PlanningCommission; Mayor, Office of the; Dixon, Andrea  
**Subject:** info@rosecanyon.org <info@rosecanyon.org>

I moved to La Jolla back in 1969, when I was a child and have live here now. I lived and travelled the world and seen many amazing places, and San Diego still comes out on top, as one of the most diverse and interesting places to live and work and raise my children. Increased pressure from rampant, unchecked development, which has a long history in San Diego, threatens to ruin our amazing city. Rose Canyon is an wonderful accessible getaway for all of San Diego but in particular for the coastal dwellers, who have watched there open spaces disappear and view corridors close.

ENOUGH ALREADY!! Manchester has ruined the bay to land connection downtown; Corky McMillin put his cookiecutter trackhome imprint in Point Loma, destroying an opportunity to employ adaptive reuse on the NTC, sorry the Von's doesn't cut it for me! Please learn from our city's past mistakes and preserve Rose Canyon and require sustainable planning within the UTC are.

regards Gidon Singer

To Whom It May Concern:

The UCPG, UC's local planning group, has rejected this massive expansion of the UTC mall by a vote of 11-3.

**I strongly urge the Planning Commission to reject this project.**

This project would:

1. **WORST OF ALL** open the floodgates of development far beyond what is allowed in the Community Plan. This project would almost double Westfield's development rights. Other developers would certainly then want their development rights increased – in fact, a number of them already have such requests in process.

**The Community Plan would become meaningless.**

2. Add massive new traffic, almost 18,000 vehicle trips a day, with unmitigable impacts.
3. Build up to 3 mega towers up to 35 stories that would dwarf surrounding buildings.
4. Increase air pollution.
5. Increase pressure for road projects that are widely opposed, including the widening of Genesee Avenue and the proposed road through Rose Canyon Park (the Regents Road bridge project).

Sincerely, Gidon Singer  
 4505 voltaire 92107 & 7484 La Jolla Boulevard 92037

001713

**Contreras, Elisa**

---

**From:** Robert Aizuss [raizuss@san.rr.com]  
**Sent:** Friday, May 23, 2008 2:04 PM  
**To:** PLN Planning Commission; Mayor, Office of the; Dixon, Andrea  
**Cc:** info@rosecanyon.org  
**Subject:** Opposition to the UTC Expansion

To Whom It May Concern:

The UCPG, UC's local planning group, has rejected this massive expansion of the UTC mall by a vote of 11-3.

**I strongly urge the Planning Commission to reject this project.**

This project would:

1. **WORST OF ALL** open the floodgates of development far beyond what is allowed in the Community Plan. This project would almost double Westfield's development rights. Other developers would certainly then want their development rights increased – in fact, a number of them already have such requests in process.

**The Community Plan would become meaningless.**

2. Add massive new traffic, almost 18,000 vehicle trips a day, with unmitigable impacts.
3. Build up to 3 mega towers up to 35 stories that would dwarf surrounding buildings.
4. Increase air pollution.
5. Increase pressure for road projects that are widely opposed, including the widening of Genesee Avenue and the proposed road through Rose Canyon Park (the Regents Road bridge project).

Sincerely,

Robert Aizuss  
2957 Briand Ave.  
San Diego, CA 92122

6/27/2008

001714

**Contreras, Elisa**

---

**From:** jessica gil [jessagil@yahoo.com]  
**Sent:** Friday, May 23, 2008 1:31 PM  
**To:** PLN PlanningCommission  
**Subject:** Support the new UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Jessica Gil  
1 (858) 793 8484

6/27/2008

001715

**Contreras, Elisa**

---

**From:** Mike and Irene Bubnack [mirkbubs@san.rr.com]  
**Sent:** Friday, May 23, 2008 6:27 AM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

As longtime resident of San Diego (1968) I am looking forward to the UTC redevelopment project and all it will bring to our area. I was one of the young teens who opened the ice rink and have enjoyed watching my children learn to Ice Skate in San Diego. It is the perfect environment for first time skaters and for families to enjoy this opportunity. My son has play hockey for the last seven years and without this rink, the completion would have been severely limited.

I'm thrilled about so many aspects of the project, but I don't have time to highlight them all so I'll pick three more...

The Trolley project is vital to San Diego. Honestly, is a baby step in what needs to happen in regards to public transport here, but as UTC is in the hub of a vital business park, education facility and housing community, it's addition will bring a large gap and hopefully help you our city officials make larger steps to developing effective public transportation. It's ridiculous that we are so far behind...

The housing project will bring a new kind of urban settler to this area. With a downtown burros feel in an upscale area, these residents will provide San Diego with an affordable, completely new housing and community opportunity. It's exciting and innovative and we need more of these options around our city!

Looking at the Eco friendly projects that are involved in this development, I hope will bring a light to San Diego's development businesses. The Westfield commitment as a worldwide business to our environment is known, and once these projects are in place, not only will our environment benefit, but the educational opportunities and economic impact from those who want to learn from this example will be a gem in the landscape that is San Diego!

Thank you for your time. I urge you to work quickly to approve these plans for all the many benefits to our city and communities.

I can't wait to be at the opening as a Mom with my teenagers and their families!

Irene Bubnack  
5481 Azores Court  
San Diego, CA 92124

6/27/2008

001716  
Contreras, Elisa

---

**From:** Dan [dan.hom@focuscominc.com]  
**Sent:** Thursday, May 22, 2008 10:11 AM  
**To:** PLN PlanningCommission  
**Subject:** Regarding UTC shopping center

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Dan Hom

President, Focuscom Inc.  
Asian Film Festival  
101 W Broadway Ste. 1450  
Ste. A  
San Diego, CA 92101  
92111-0212  
Tel: 619-233-7778  
Fax: 1-866-619-2728  
Mobile: 619-723-4641  
[danhom@sdaff.org](mailto:danhom@sdaff.org)  
Email: [dan.hom@focuscominc.com](mailto:dan.hom@focuscominc.com)

Chairman, San Diego  
7290 Engineer Rd.,  
San Diego, CA  
Tel: 858-565-1264  
Fax: 858-650-3459  
Email:

This e-mail is for the sole use of the intended recipient and contains information belonging to Focuscom Inc., which is confidential and/or legally privileged. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this e-mail information is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and destroy all copies of the original message.

001717

**Contreras, Elisa**

---

**From:** Stephen Kapp [stephen.kapp@energycenter.org]  
**Sent:** Thursday, May 22, 2008 10:09 AM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New (Green) UTC!

Dear Planning Commissioners:

The San Diego Chapter of the U.S. Green Building Council appreciates the opportunity to provide input on what we believe can be a model project for the San Diego region and for shopping center development throughout the country.

Westfield has committed themselves to seeking LEED certification on the development and construction of this shopping center expansion and modernization project. The Leadership in Energy and Environmental Design or "LEED" certification program by the USGBC, is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing best practice implementation in five key areas of human and environmental health: sustainable sites, water savings, energy efficiency, materials selection, and indoor environmental quality.

Westfield has been accepted as a pilot project for the newly developed LEED for Neighborhood Development (ND) program. The USGBC launched this pilot program in partnership with the Congress for New Urbanism and the Natural Resources Defenses Council. This LEED® for Neighborhood Development Rating System integrates the principles of smart growth, new urbanism, and green building into the first national standard for neighborhood design. LEED certification provides independent, third-party verification that a project's location, design and construction meet accepted high standards for environmentally responsible, sustainable, development.

Recently, the New UTC became the first shopping center in the United States to be LEED-ND certified at the Gold level. UTC is only the fourth project to be approved under the LEED-ND pilot program. There are indeed numerous green elements of this project that are important to the region. Such projects have been shown to enjoy a vitality and community sense-of-place that has also been central to their success.

We believe that the LEED-ND program will be a model for the development of sustainable neighborhoods. Westfield UTC's location in an urban node of the City, with concentrated business and residential development all served by an on-site transit center, make it a natural for the LEED-ND program.

Westfield Corporation has committed itself to a high standard in environmental design and we support their effort to move toward more sustainable development by using the LEED-ND program. We understand that the City of San Diego has also set goals to reduce greenhouse gas emissions and make San Diego a stand-out in the sustainable development field. The Westfield UTC project will be an excellent beginning to fulfill the City's goals for this type of smart growth.

This is a signature green development project for the region which Westfield has taken a leadership role in embracing and illustrating many best practices of environmental stewardship to all those who will participate in and enjoy the ongoing services of. The U.S. Green Building Council – San Diego Chapter supports LEED projects in our county such as this and looks forward to welcoming Westfield-UTC into the ranks of local LEED certified projects. We ask that you seriously consider approving the project for it's exciting movement forward into the next generation of green projects - for which we hope San Diego will be increasingly known for. Thank you.

Sincerely,

**Stephen L. Kapp, CEM, CDSM, LEED-AP**  
Board Director, Immediate Past President  
Chair, Advocacy Committee  
Director, SoCal Sustainable Rebuilding Task Force

6/27/2008

001718  
**USGBC - San Diego Chapter**  
P.O. Box 420162  
San Diego, CA 92142  
info@usgbc-sd.org chapter email  
www.usgbc-sd.org chapter website  
858-244-1190 phone (direct)  
858-357-3011 phone (chapter)

001719

**Contreras, Elisa**

---

**From:** CATHERINE [LCATLEE@HOTMAIL.COM]  
**Sent:** Thursday, May 22, 2008 9:50 AM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

Lucille Catherine Lee  
P.O. Box 22343  
San Diego, CA 92192

619-987-4050

6/27/2008

001720  
Lowe, Elyse

---

**From:** Todd Philips [dtoddp@sdhc.org]  
**Sent:** Thursday, May 22, 2008 2:07 PM  
**To:** Lowe, Elyse  
**Subject:** FW: Clarifying Affordable Units in UTC Area  
**Importance:** High

To clarify my comments of today, there are by our records in the University City area:

50 Public Housing units for 51-80% AMI (Owned by Housing Commission) – built in 1985  
63 units at Las Flores for 51-80% AMI – built in 1986  
89 units at Mirada for 51-80% AMI – built in 1987  
15 units at University City Senior Village – still under construction

The following affordable units have had their affordability restrictions expire:

66 units at Archstone for 51-80% AMI – built in 1986 and expired in 2000  
74 units at Coral Point for 51-80% AMI – built in 1986 and expired in 2001  
52 units at Lucera for 51-80% AMI – built in 1987 and expired in 2003  
66 units at Nobel Ct. Apts. for 51-80% AMI – built in 1988 and expired in 2005

10 units at Fiorre Terrace for 51-80% AMI expire in March 2009

Finally, there is one other Inclusionary project:

La Jolla Crossroads – 35 units at 35-80% AMI and an additional 105 for 81-120% AMI

So I was off by one project. UTC will be the second Inclusionary project in UC that is not paying the in-lieu fee.

To recap:

262 low income units throughout the community  
258 have expired in the last 8 years with an additional 10 expiring next year  
105 moderate income units in the community

Mr. George Lattimer mentioned a senior community development in South UC of over 600 affordable units. This project (University City Senior Village) is paying over 76% of their in-lieu fee and providing only 15 affordable units out of a project of over 1,000 units.

Mr. Lattimer asked that I send him my clarification but I do not have his contact information. Can you do so on my behalf?

Respectfully submitted,

–Todd

**D. Todd Philips**  
Director of Policy and Public Affairs  
San Diego Housing Commission  
1122 Broadway, Suite 300  
San Diego, CA 92101  
e-mail: dtoddp@sdhc.org  
tel: 619-578-7558  
fax: 619-578-7351

5/22/2008

001721

**Contreras, Elisa**

---

**From:** Mindy Mar [mindy@urbanhousingpartners.com]  
**Sent:** Thursday, May 22, 2008 12:13 PM  
**To:** PLN PlanningCommission  
**Cc:** Mayor, Office of the; Peters, Councilmember Scott  
**Subject:** We Support the New UTC!

Dear Planning Commissioners,

I strongly support Westfield's plan to revitalize the UTC shopping center. It's been nearly 25 years since the center was updated. The project delivers many benefits, including setting a nationwide standard for environmental sustainability and smart growth, while providing San Diegans with much needed new shopping, dining and entertainment options.

The project also proposes to invest more than \$50 million in transportation and infrastructure in University City, and it will generate more than \$10 million annually for City services. Finally, the project includes a much needed regional transit center in University City that will help take cars off the road and ease traffic congestion in the area.

Thank you very much,

6/27/2008