



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 12, 2011 **REPORT NO. PC-11-046**

**ATTENTION:** Planning Commission, Agenda of May 19, 2011

**SUBJECT:** AUTOZONE EASEMENT ABANDONMENT.  
PROJECT NO. 210480. PROCESS 5.

**OWNER/  
APPLICANT:** AutoZone, Inc. (Attachment 8)

### SUMMARY

Issue(s) - Should the Planning Commission recommend City Council approval of an Easement Vacation to vacate a drainage easement located at 5921 University Avenue within the Eastern Area Neighborhood of the Mid-City Communities Plan?

Staff Recommendation: **Approve** Drainage Easement Vacation No. 432535.

Community Planning Group Recommendation - On June 8, 2010 the Eastern Area Communities Planning Committee voted 6:0:1 to recommend approval of the easement vacation.

Environmental Review - The project is consistent with Planned Commercial Development Permit (PCD) No. 88-0124. The current project was reviewed in accordance with California Environmental Quality Act (CEQA) Section 15162 and it was determined there are no additional impacts. Staff has determined the proposed project conforms to the approved PCD and previously certified Negative Declaration No. 88-0124.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - None with this action.

## **BACKGROUND**

The Mid-Cities Community Plan identifies the site for commercial uses (Attachment 1). The site is located in the University Square shopping center at 5921 University Avenue, between 58<sup>th</sup> and 60<sup>th</sup> Streets, in the CC-5-3 Zone of the Central Urbanized Planned District within the Eastern Area Neighborhood of the Mid-Cities Community Plan (Attachment 2). The owner of the site was granted PCD No. 88-0124 amending PCD No. 87-0514 in the late 1980's. The PCD was recorded on August 30, 1988, and the shopping center was ultimately constructed in 1993.

The site covers nearly twenty acres, extending along the south side of University Avenue between 58th and 60th Streets (Attachment 3). The combined total building area of the shopping center is approximately 204,173 square feet. Building 12 was originally designed and built for Hollywood Video prior to 1997, and contains 6,567 square feet. A separate action and not before the Planning Commission is a building permit for a 1,328 square foot addition to Building 12. If the addition is constructed, Building 12 would then be approximately 7,895 square feet and the total building area of the shopping center would be approximately 205,501 square feet.

The ministerial building permit for the AutoZone store addition would result in a new building area of approximately 7,895 square feet, a loss of eight parking spaces and reconfigured parking, new landscaping and minor improvements in the public right-of-way. A reciprocal parking agreement is in effect over the entire shopping center and adequate parking is provided throughout the center. The 1,328 square foot addition to Building 12 is consistent with the PCD.

## **DISCUSSION**

### Project Description

The proposed action is the vacation of a drainage easement (Attachment 4). The drainage easement was dedicated on October 7, 1975. The existing drainage easement is approximately ten feet wide and approximately 100 feet in length. The easement crosses the property in a northwest to southeast direction from University Avenue to a point within the shopping center. The existing storm drain would be relocated to a new alignment and improvement plans are being reviewed to approve that work. A new easement would also be dedicated to the City of San Diego for the new storm drain.

### Community Plan Analysis

The Mid-City Communities Plan identifies the site for commercial uses (Attachment 1). The site is located in the Eastern Area neighborhood of the community. The land uses surrounding the shopping center are multi-family residential to the northwest, southeast and southwest. Commercial development is to the northeast. The proposed drainage easement vacation would facilitate the expansion of an existing commercial building for retail uses. The easement vacation is consistent with and supports the goals and policies of the Mid-City Communities Plan.

Required Findings

The approval of the easement vacation requires four findings to be affirmed by a positive declaration of facts. Those findings are: (a) There is no present or prospective 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; (b) The public will benefit from the abandonment through improved utilization of the land made available by the abandonment; (c) The abandonment is consistent with any applicable land use plan; and (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.

The draft Vacation Resolution is provided as Attachment 6 to this report. The draft findings present a positive declaration of facts affirming approval of the proposed easement vacation.

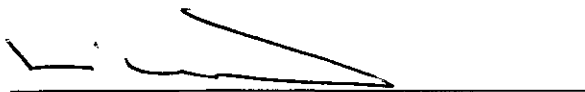
Conclusion

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed drainage easement vacation (Attachment 5 and 6). Staff is recommending the Planning Commission recommend the City Council approve the easement vacation as proposed.

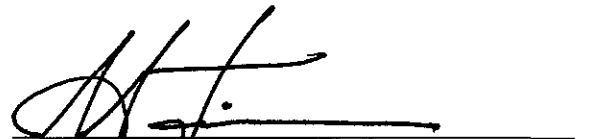
ALTERNATIVES

1. Recommend City Council Approval of Drainage Easement Vacation No. 432535, **with modifications.**
2. Recommend City Council Deny Drainage Easement Vacation No. 432535, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake  
Program Manager  
Development Services Department



John S. Fisher  
Development Project Manager  
Development Services Department

BROUGHTON:JSF

Attachments:

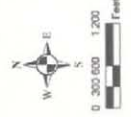
1. Mid-Cities Community Plan Land Use Map
2. Aerial Photograph
3. Project Location Map
4. Proposed Easement Vacation drawing
5. Draft Resolution of Intention
6. Draft Vacation Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology

**DRAFT** CITY OF SAN DIEGO  
City Planning and Community Development  
**Eastern Area  
Community Plan  
Land Use**

- Legend**
- Eastern Area Commercial/Mixed Use Categories
  - Commercial/Residential Transition Zone\*
  - Residential (1-5 du/acre)
  - Residential (6-10 du/acre)
  - Residential (11-15 du/acre)
  - Residential (16-20 du/acre)
  - Residential (21-25 du/acre)
  - Residential (26-30 du/acre)
  - Mobile Home Park
  - Commercial/Mixed Use (29 du/acre)
  - Commercial/Mixed-Use A (73 du/acre)
  - Commercial/Mixed Use B (35 du/acre)
  - Commercial/Mixed Use D (9 du/acre)
  - Industrial
  - Elementary School
  - Middle School
  - High School
  - Institutional
  - Park
  - Open Space
  - Fire Station
  - Library
  - Police Station

\* in areas where residential use is permitted, a mixed-use bonus to 25 du/acre is available

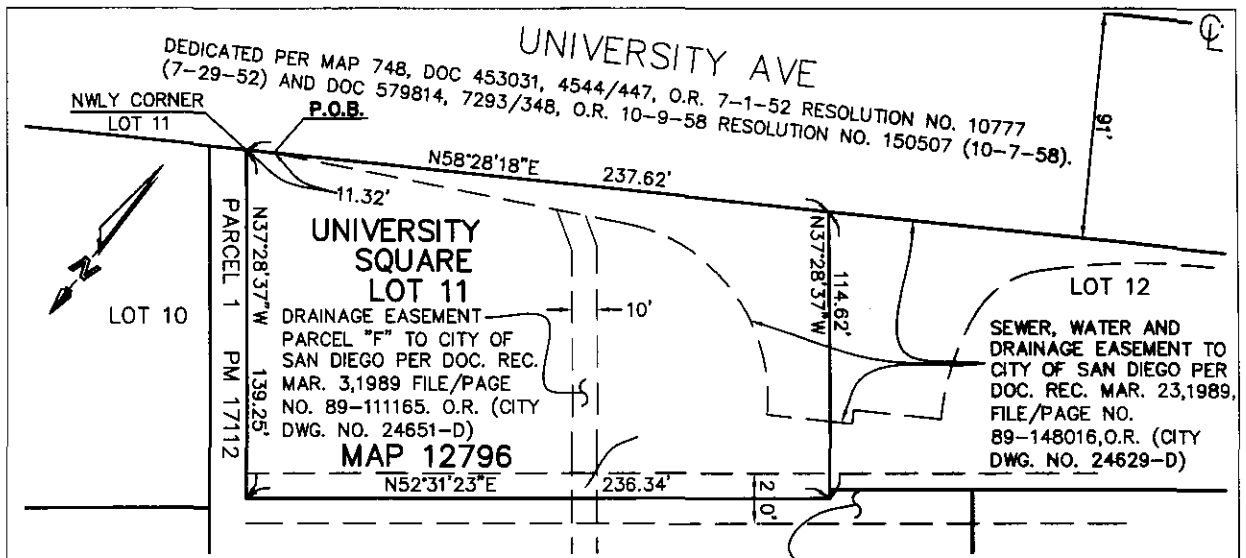
**PROJECT SITE**



San Diego GIS  
City of San Diego  
2015-2016  
City of San Diego  
2015-2016  
City of San Diego  
2015-2016

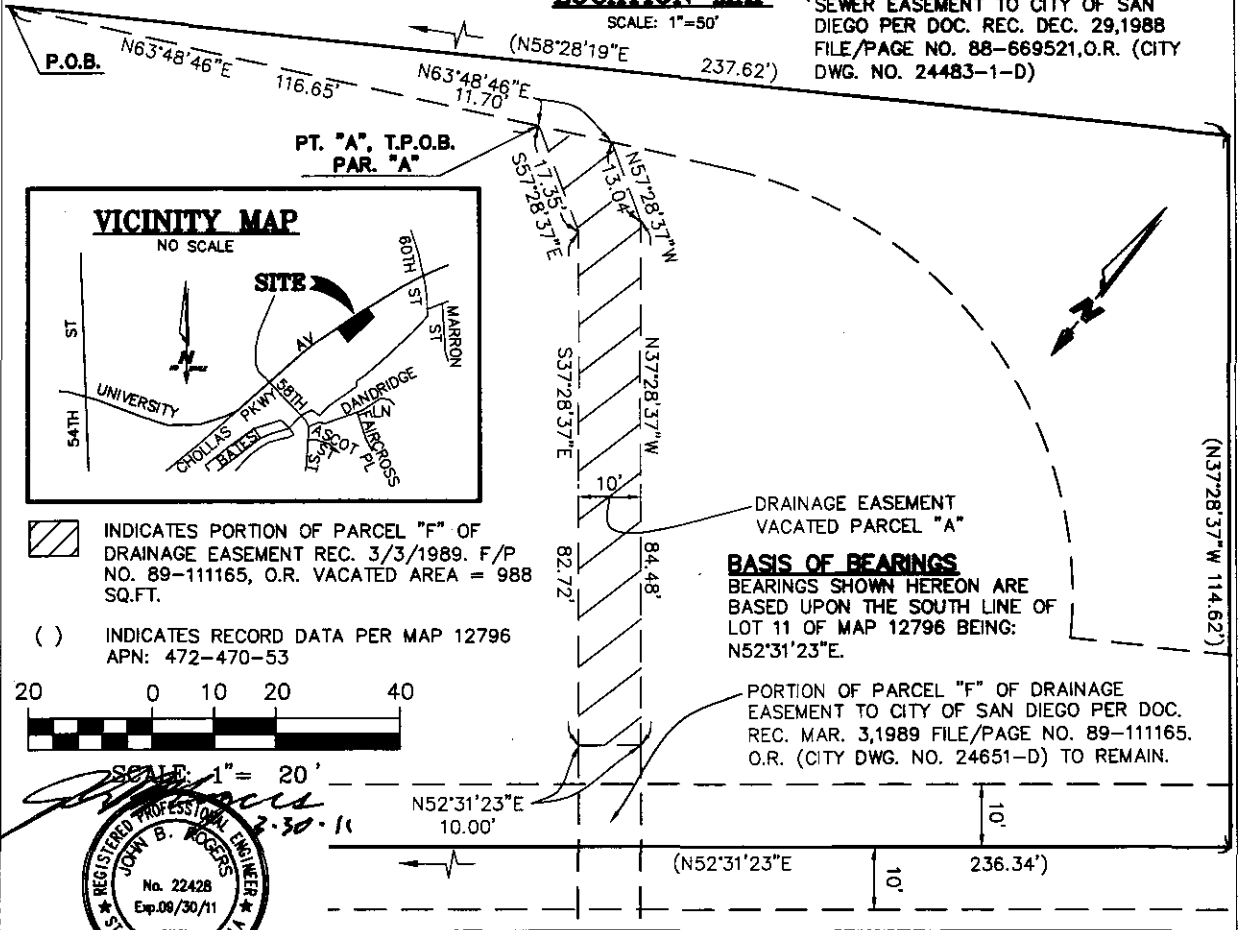






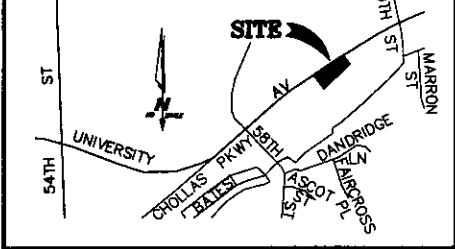
**LOCATION MAP**

SCALE: 1"=50'

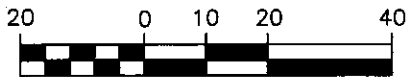


**VICINITY MAP**

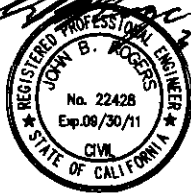
NO SCALE



- INDICATES PORTION OF PARCEL "F" OF DRAINAGE EASEMENT REC. 3/3/1989. F/P NO. 89-111165, O.R. VACATED AREA = 988 SQ.FT.
- ( ) INDICATES RECORD DATA PER MAP 12796 APN: 472-470-53



SCALE: 1" = 20'



**cle**  
**CLE ENGINEERING, INC.**  
 41801 Date Street Murrieta, CA. 92562  
 Phone: 951.698.1830 Fax: 951.698.8858

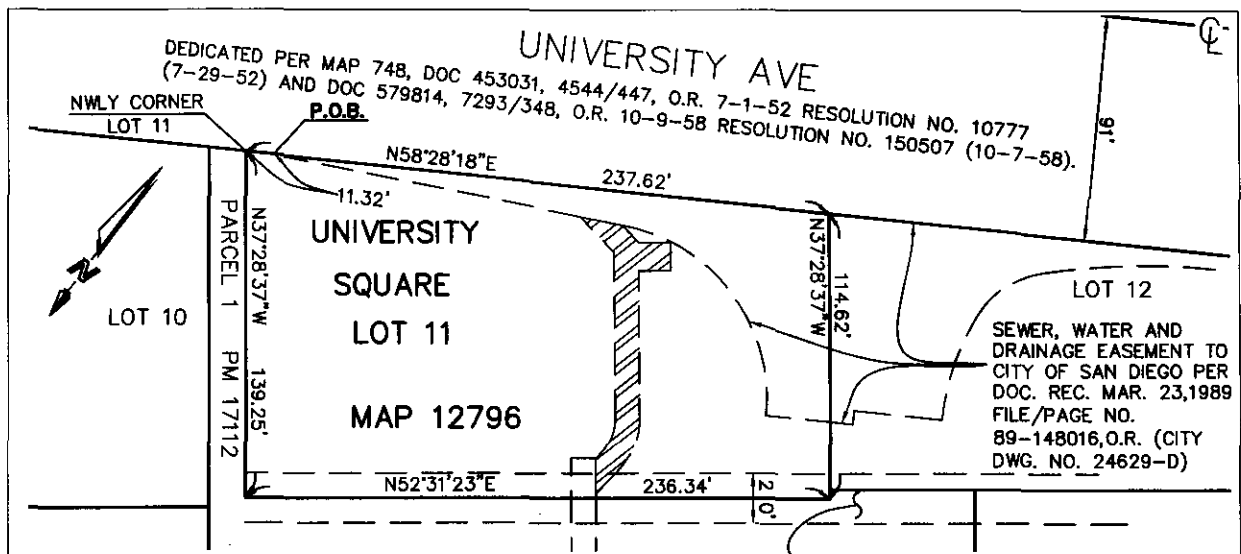
**DRAINAGE EASEMENT VACATION**

IN LOT 11 OF UNIVERSITY SQUARE MAP 12796

DESCRIPTION	BY	APP'D	DATE	FILMED	CITY OF SAN DIEGO
ORIGINAL					
					SHEET 1 OF 2
					FOR CITY ENGINEER
					DATE
STATUS					21172-1-B

P.T.S. NO. 210480  
 1854-6309  
 CCS 83 COORDINATES  
 213-1748  
 LAMBERT COORDINATES

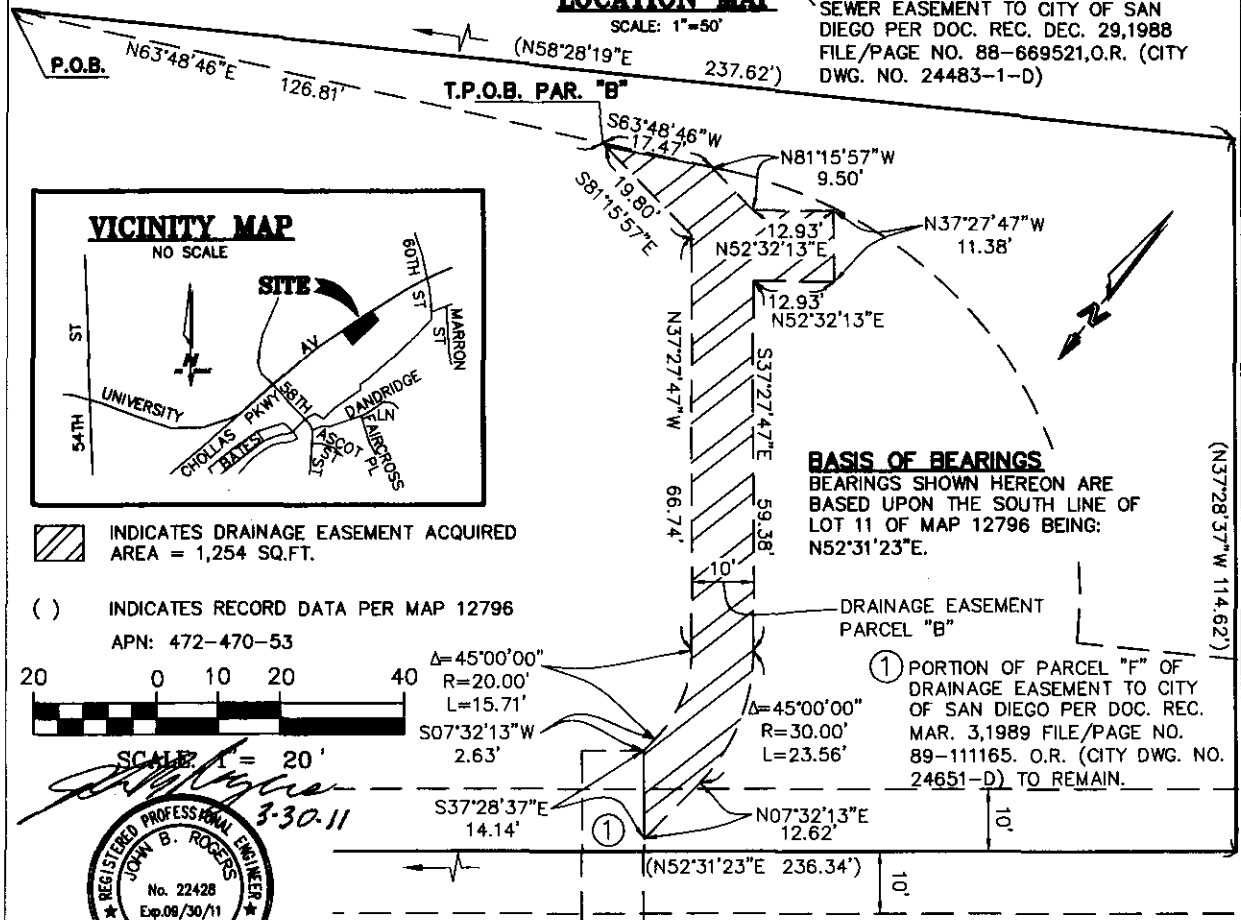




**LOCATION MAP**

SCALE: 1"=50'

SEWER EASEMENT TO CITY OF SAN DIEGO PER DOC. REC. DEC. 29, 1988 FILE/PAGE NO. 88-669521, O.R. (CITY DWG. NO. 24483-1-D)



**DRAINAGE EASEMENT**

IN LOT 11 OF UNIVERSITY SQUARE MAP 12796

DESCRIPTION	BY	APP'D	DATE	FILMED	CITY OF SAN DIEGO
ORIGINAL					SHEET 2 OF 2
					FOR CITY ENGINEER
					DATE
					STATUS

P.T.S. NO. 210480  
 1854-6309  
 CCS 83 COORDINATES  
 213-1748  
 LAMBERT COORDINATES  
**21172-2-B**

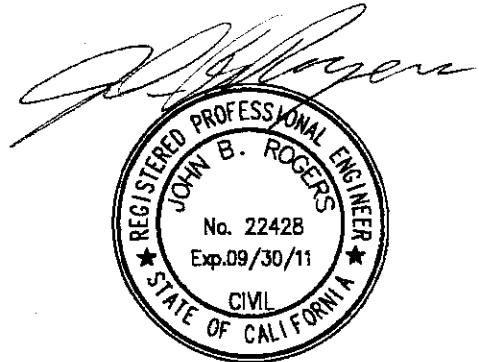
EXHIBIT "A"**DRAINAGE EASEMENT VACATION  
PARCEL "A"**

A PORTION OF THAT CERTAIN DRAINAGE EASEMENT IN LOT 11 OF UNIVERSITY SQUARE, ACCORDING TO MAP THEREOF NO. 12796, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTED TO SAID CITY OF SAN DIEGO PER DOCUMENT RECORDED MARCH 3, 1989 AS FILE/PAGE NO. 89-111165, O.R., MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT A POINT ON THE NORTHERLY LINE OF SAID LOT 11, SAID POINT BEING NORTH 58°28'19" EAST 11.32 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 11; THENCE, LEAVING SAID LINE, NORTH 63°48'46" EAST ALONG THE SOUTHERLY LINE OF THAT CERTAIN SEWER, WATER AND DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED MARCH 23, 1989 AS FILE/PAGE NO.. 148016, O.R, 116.65 FEET TO THE **TRUE POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL AND THE BEGINNING OF DEED RECORDED MARCH 3, 1989 AS FILE/PAGE NO. 89-111165; THENCE ALONG THE SOUTHWESTERLY SIDELINE OF SAID EASEMENT THE FOLLOWING TWO COURSES: SOUTH 57°28'37" EAST 17.35 FEET; THENCE SOUTH 37°28'37" EAST 82.72 FEET,

THENCE NORTH 52°31'23" EAST 10.00 FEET; THENCE ALONG THE NORTHEASTERLY SIDELINE OF SAID EASEMENT THE FOLLOWING COURSES: NORTH 37°28'37" WEST 84.48 FEET; THENCE NORTH 57°28'37" WEST 13.04 FEET TO THE SOUTHERLY LINE OF THE AFOREMENTIONED SEWER, WATER AND DRAINAGE EASEMENT; THENCE ALONG SAID SOUTHERLY LINE SOUTH 63°48'46" WEST 11.70 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 988 SQUARE FEET, MORE OR LESS.



DWG. NO. 21172-1-B  
PTS #210480

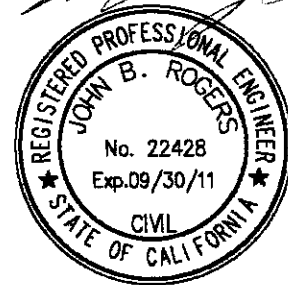
**EXHIBIT "A"****DRAINAGE EASEMENT  
PARCEL "B"**

THAT PORTION OF LOT 11 OF UNIVERSITY SQUARE, ACCORDING TO MAP THEREOF NO. 12796, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT ON THE NORTHERLY LINE OF SAID LOT 11, SAID POINT BEING NORTH 58°28'18" EAST 11.32 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 11, THENCE LEAVING SAID NORTHERLY LINE NORTH 63°48'46" EAST ALONG THE SOUTHERLY LINE OF THAT CERTAIN SEWER, WATER AND DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED MARCH 23, 1989 AS FILE/PAGE NO. 89-148016, O.R., 126.81 FEET TO THE **TRUE POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 81°15'57" EAST 19.80 FEET; THENCE SOUTH 37° 27'47" EAST 66.74 FEET TO THE BEGINNING OF A TANGENT 20.00-FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45° 00'00" A DISTANCE OF 15.71 FEET; THENCE TANGENT TO SAID CURVE SOUTH 07° 32' 13" WEST 2.63 FEET TO A POINT IN THE EASTERLY SIDELINE OF THAT CERTAIN DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED MARCH 3, 1989 AS FILE/PAGE NO. 89-111165, O.R.;

THENCE CONTINUING ALONG THE EASTERLY SIDELINE OF SAID DRAINAGE EASEMENT; SOUTH 37°28'37" EAST 14.14 FEET; THENCE LEAVING SAID SIDELINE, NORTH 07°32'13" EAST 12.62 FEET TO THE BEGINNING OF A TANGENT 30.00-FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°00'00" A DISTANCE OF 23.56 FEET; THENCE TANGENT TO SAID CURVE NORTH 37° 27'47" WEST 59.38 FEET; THENCE NORTH 52°32'13" EAST 12.93 FEET; THENCE NORTH 37°27'47" WEST 11.38 FEET, THENCE SOUTH 52°32'13" WEST 12.93 FEET; THENCE NORTH 81°15'57" WEST 9.50 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID SEWER, WATER AND DRAINAGE EASEMENT RECORDED MARCH 23, 1989 AS FILE/PAGE NO. 89-148016, O.R.; THENCE ALONG SAID SOUTHERLY LINE SOUTH 63°48'46" WEST 17.47 FEET TO THE **TRUE POINT OF BEGINNING**.

**CONTAINS 1,254 SQUARE FEET, MORE OR LESS.**



**DWG. NO. 21172-2-B  
PTS #210480**

(R-2010- )

RESOLUTION NUMBER R-

ADOPTED ON (date to be filled in), 2010

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Council declares that it intends to vacate a drainage easement, described in the legal description marked as Exhibit "A", and as more particularly shown on Drawing No. 21172-B marked as Exhibit "B", both of which are on file in the office of the City Clerk as Document No. RR-\_\_\_\_\_.

2. That the vacation of the above-mentioned drainage easement is being conducted under Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, and Chapter 12, Article 5, Division 10, of the San Diego Municipal Code.

3. That the City Council will hold a public hearing for the vacation of the above-mentioned drainage easement on (date to be filled in), 2011, 10:00 a.m., at the City Council Chambers located at 202 "C" Street, San Diego, CA 92101.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Shannon Thomas  
Deputy City Attorney

WWW:cdk  
01/17/03  
Orig.Dept.:Dev.Svcs.  
SAP No. 119451  
Drawing No. 21172-B  
R-2010-XXX

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

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

VACATION OF DRAINAGE EASEMENT LOCATED AT  
5921 UNIVERSITY AVENUE, SAN DIEGO, CALIFORNIA.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide procedures for the formal vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that an existing drainage easement on property at 5921 University Avenue, be vacated; 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 with respect to a drainage easement on property located at 5921 University Avenue, the Council finds that:

- (a) There is no present or prospective 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.**

In that the eighteen and twenty-four inch drain pipe will be replaced with an eighteen and twenty-four inch drain pipe within an easement on property located at 5921 University Avenue in a new location the existing easement will have no prospective use. The new eighteen and twenty-four inch drain pipe will serve the needs which necessitated the original improvement and easement. There is no other use of a like nature for this specific easement which can be reasonably anticipated.

**(b) The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.**

Presently the property which has the drainage easement is limited by the existence of the easement in that the property may not develop or place new buildings over the area of the existing easement. The adopted Mid Cities Community Plan designates this site for commercial uses at recommended intensity greater than the existing development. Without the vacation of the existing easement an expansion of the existing retail building may not occur over the area of the easement and therefore the recommended intensity of the adopted Mid Cities Community Plan may not be realized or the financial goals of the owner. Without the redevelopment of the property at 5921 University Avenue an expanded retail business would not be available to meet the future needs of the Mid Cities community. The public will benefit by the vacation of the easement through the addition of expanded business opportunities, the improved utilization of urban land and the development of a new building designed and constructed to current state and local code requirements.

**(c) The abandonment is consistent with any applicable land use plan.**

The adopted Mid-City Communities Plan designates this site for commercial uses at recommended intensity greater than the existing development. The 5921 University Avenue site

is located in the Eastern Area Neighborhood of the community. The planned land uses surrounding the site are commercial uses. The commercial land use designation provides for retail, service, professional office, and other community commercial activities. The proposed easement vacation would not adversely affect the Mid-City Communities Plan or the goals and policies contained therein.

**(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.**

The easement was acquired for the purposes of placing and maintaining a public drainage system to serve the needs of the neighborhood. With the construction of a new storm drain within a new easement the present easement across the property at 5921 University Avenue will no longer be necessary. With the construction of a new eighteen and twenty-four inch storm drain the needs of the neighborhood will continue to be served and the purposes for which the drainage easement was acquired will cease its material necessity to meet the storm drain needs of the neighborhood. The public facility for which the easement was originally acquired will not be detrimentally affected by the abandonment.

BE IT FURTHER RESOLVED, that the drainage easement located within 5921 University Avenue, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21172-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that said vacation is conditioned upon the acceptance by the City Engineer of the realigned drainage facility and easement, which realignment work shall incorporate any construction Best Management Practices necessary to comply with Chapter 14,

Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, and shall comply with applicable provisions of the City's Storm Water Standards Manual. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Shannon Thomas  
Deputy City Attorney

[Initials]:[Initials]  
[Month]/[Day]/[Year]  
Or.Dept:[Dept]  
JO: 24000866  
Drawing No. 21172-B  
R-



**EASTERN AREA COMMUNITIES PLANNING COMMITTEE  
HOLY SPIRIT CATHOLIC CHURCH  
2725 55<sup>TH</sup> STREET ♦ SAN DIEGO ♦ CA 92105  
Chair – Laura Riebau – 619-208-6813**

**DEVELOPMENT RECOMMENDATION**

**PROJECT NO: 210480**

**PROJECT NAME: AutoZone Easement Abandonment**

**ADDRESS: 5921 University Avenue  
San Diego, CA 92105  
UNIVERSITY SQUARE**

**DEVELOPMENT: STORM DRAIN ABANDONMENT AND RELOCATION**

**PROJECT MGR: John S. Fisher**

**DATE OF EACPC MEETING: June 8, 2010**

**EACPC RECOMMENDATION: Recommend approval with the addition of a Water Quality Inlet through the installation of trays and bag filters to be added to the existing on-site drain inlets in the parking lot.**

**The vote was – 6 for approval  
0 against approval  
Chair abstained**

**(We did have a quorum, though several of our Board members were out due to working at election polls and being on planned vacation.)**

# ATTACHMENT 8



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5000

## Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment  Other Storm Drain Reloc

Project Title: AutoZone Store No. 4027  
Project No. For City Use Only: 210480

Project Address: 5921 University Avenue

### Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency  
Street Address:  
City/State/Zip:  
Phone No: Fax No:  
Signature: Date:

Name of individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency  
Street Address:  
City/State/Zip:  
Phone No: Fax No:  
Signature: Date:

Name of individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency  
Street Address:  
City/State/Zip:  
Phone No: Fax No:  
Signature: Date:

Name of individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency  
Street Address:  
City/State/Zip:  
Phone No: Fax No:  
Signature: Date:

ATTACHMENT 8

Project Title:	Project No. (For City Use Only)
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**Part II - To be completed when property is held by a corporation or partnership**

Legal Status (please check):

Corporation  Limited Liability -or-  General) What State? CA Corporate Identification No. E IN 794-1239084  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached  Yes  No

Corporate/Partnership Name (type or print):  
AutoZonc, Inc  
 Owner  Tenant/Lessee  
 Street Address:  
123 South Front Street  
 City/State/Zip:  
Memphis, TN  
 Phone No: ( 901 ) 495-8726 Fax No: 901-495-8991  
 Name of Corporate Officer/Partner (type or print):

Title (type or print):  
JAN GRUBBS  
 Signature: [Signature] Date: 4/28/10

Corporate/Partnership Name (type or print):  
5921 University Avenue, LLC, a Calif Limited Liability Co.  
 Owner  Tenant/Lessee  
 Street Address:  
706 9th Street  
 City/State/Zip:  
Modesto, CA 95354  
 Phone No: ( 209 ) 577-4545 Fax No: (209) 577-5831  
 Name of Corporate Officer/Partner (type or print):

Title (type or print):  
Richard A Francis  
Managing Partner  
 Signature: [Signature] Date: 4/5/2010



Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : Date:

Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : Date:

Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : Date:

Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : Date:

**CERTIFIED RESOLUTION OF  
BOARD OF DIRECTORS  
OF  
AUTOZONE STORES, INC.**

I, REBECCA W. BALLOU, do hereby certify that I am the Assistant Secretary of AutoZone Stores, Inc., a corporation organized under the laws of the State of Nevada (the "Company"), and that at a meeting of the Board of Directors of the Company convened and held in accordance with the laws of the State of Nevada and the Bylaws of the Company on the 17th day of December, 2008, the Board of Directors of the Company adopted the following resolutions, which are currently in full force and effect without amendment:

RESOLVED, that any two officers of the Company are hereby authorized and empowered, for and on behalf of the Company, to execute any and all agreements, contracts, deeds, notes, deeds of trust, leases and other instruments in connection with any and all purchases, sales, transfers, leases, or other uses of real property or personal property now or hereafter owned or used by the Company, in the normal course of business, without further authorization by the Board of Directors.

BE IT FURTHER RESOLVED, that any two officers of the Company are hereby authorized and empowered, for and on behalf of the Company, from time to time to designate specific corporate employees who are authorized to withdraw funds from designated commercial banks on such terms as may be deemed advisable by said officers, to make short term investments, and to make, execute and deliver checks, notes, renewal notes and extensions, assignments, endorsements, mortgages, deeds of trust, guarantees, and other instruments or instructions as may be deemed advisable by said officers, in the normal course of business, without further authorization by the Board of Directors.

BE IT FURTHER RESOLVED, that any resolutions required to be adopted by any bank or other entity transacting business with the Company in the normal course of business shall be deemed to have been adopted by the Board of Directors of the Company as fully as if set forth verbatim herein, and the Secretary or the Assistant Secretary of the Company is hereby authorized to certify to the adoption of any such required resolutions.

I further certify that the duly elected and qualified officers of the Company are as follows:

William C. Rhodes III	Chairman, President & Chief Executive Officer
William T. Giles	Executive Vice President & Chief Financial Officer
Harry L. Goldsmith	Executive Vice President, Secretary & General Counsel
Robert D. Olsen	Executive Vice President
James A. Shea	Executive Vice President
Jon A. Bascom	Senior Vice President & Chief Information Officer
Timothy W. Briggs	Senior Vice President
Mark A. Finestone	Senior Vice President
William W. Graves	Senior Vice President
Lisa R. Kranc	Senior Vice President
Thomas B. Newbern	Senior Vice President
Charlie Pleas III	Senior Vice President & Controller
Larry M. Roesel	Senior Vice President
Rebecca W. Ballou	Vice President, Asst. General Counsel & Asst. Secretary
Dan Barzel	Vice President
Benson Craig Blackwell	Vice President
Brian L. Campbell	Vice President & Treasurer
Philip B. Daniele III	Vice President
Bill R. Edwards	Vice President
Wm. David Gilmore	Vice President & Assistant Secretary
Stephany Goodnight	Vice President
David A. Goudge	Vice President

**ATTACHMENT 8**

Eric S. Gould	Vice President
James C. Griffith	Vice President
William R. Hackney	Vice President
Rodney Halsell	Vice President
Diana H. Hull	Vice President, Asst. General Counsel & Asst. Secretary
Domingo Hurtado	Vice President
Kenneth S. Klein	Vice President
Jeffery Lagges	Vice President
Grantland E. McGee Jr.	Vice President
Mitchell Major	Vice President
Ann A. Morgan	Vice President
John S. Murphy	Vice President
Jeffrey H. Nix	Vice President
Raymond A. Pohlman	Vice President
Elizabeth Rabun	Vice President
Anthony Dean Rose Jr.	Vice President
Juan R. Santiago	Vice President
Joe Sellers	Vice President
Brett Shanaman	Vice President
Richard C. Smith	Vice President
Solomon Woldelessie	Vice President

IN WITNESS WHEREOF, I hereunto affix my signature as of this 20<sup>th</sup> day of April, 2009.

By: Rebecca W. Ballou  
Rebecca W. Ballou, Vice President,  
Assistant General Counsel & Assistant Secretary



REGIONAL OFFICES

BAKERSFIELD  
TELEPHONE (805) 322-3051  
FAX (805) 322-4626

FRESNO  
TELEPHONE (559) 266-0117  
FAX (559) 237-7995

LOS ANGELES  
TELEPHONE (213) 624-2669  
FAX (213) 489-3930

ORANGE COUNTY  
TELEPHONE (562) 596-2300  
FAX (562) 596-2322

SACRAMENTO  
TELEPHONE (916) 856-1212  
FAX (916) 856-1252

LAW OFFICES OF

**BORTON PETRINI, LLP**

1104 12TH STREET  
POST OFFICE BOX 3384  
MODESTO, CALIFORNIA 95353

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FAX: (209) 527-9753

EMAIL: [BPMOD@BORTONPETRINI.COM](mailto:BPMOD@BORTONPETRINI.COM)

WEB SITE: [WWW.BORTONPETRINI.COM](http://WWW.BORTONPETRINI.COM)

F. E. BORTON (1877-1948)  
JAMES PETRINI (1907-1976)  
HARRY M. CONRON (1907-1971)  
RICHARD E. HITCHCOCK (1925-2001)  
JOHN F. PETRINI (1944-2008)

REGIONAL OFFICES

SAN BERNARDINO  
TELEPHONE (909) 381-0527  
FAX (909) 381-0655

SAN DIEGO  
TELEPHONE (619) 232-2424  
FAX (619) 531-0794

SAN FRANCISCO  
TELEPHONE (415) 677-0730  
FAX (415) 677-0737

SAN JOSE  
TELEPHONE (408) 538-0670  
FAX (408) 538-0675

Of Counsel  
James J. Kroll, Jr.

IN REPLY REFER  
TO OUR FILE NO  
1587

April 25, 2011

*Via E-Mail Only*

City of San Diego  
Development Services  
1222 First Avenue, MS 302  
San Diego, California 92101-4154

Attn: John S. Fisher, RLA

Re: Our Client: 5921 University Avenue, LLC ("University Avenue, LLC")  
Project Number: 210480  
AutoZone Easement Abandonment

Dear Mr. Fisher:

Please be advised that this office is legal counsel to University Avenue, LLC. University Avenue, LLC is a California Limited Liability Company. Its sole asset is the real property located at 5921 University Avenue, San Diego, California.

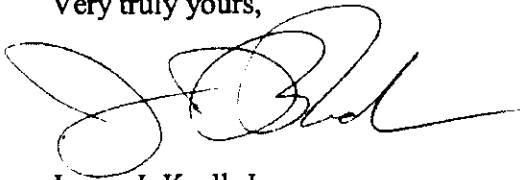
University Avenue, LLC is a single member limited liability company. Its member is Sarjak Enterprises, Inc., a California corporation, which has its principal place of business in Modesto, California. The sole shareholder of Sarjak Enterprises, Inc. is Richard A. Franco.

BORTON PETRINI, LLP

City of San Diego  
Development Services  
Attn: John S. Fisher, RLA  
April 25, 2011  
Page 2

If you have any questions or need any additional information, please do not hesitate to contact the undersigned at this office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James J. Kroll, Jr.', with a stylized, cursive script.

James J. Kroll, Jr.

JJK/dj

Direct: (209) 576-7777  
Fax: (209) 576-8437  
E-Mail: jameskroll@sbcglobal.net

cc: John Rogers (via e-mail)  
Richard A. Franco

DEVELOPMENT SERVICES  
**Project Chronology**  
**Autozone Easement Vacation - PTS# 210480**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
05/21/10	First Submittal	Project Deemed Complete		
07/01/10	First Assessment Letter		29 days	
10/28/10	Second Submittal			85 days
11/19/10	Second Review Complete		16 days	
03/18/11	Third Submittal			85 days
04/07/11	Third Review Complete		14 days	
04/07/11	Issues Complete		0 days	
05/19/11	Public Hearing		30 days	
<b>TOTAL STAFF TIME</b>			<b>89 days</b>	
<b>TOTAL APPLICANT TIME</b>				<b>170 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to Planning Commission	<b>8 months and 19 days</b>	