

RESOLUTION NUMBER R- 258254

Adopted on APR 12 1983

WHEREAS, REGENCY ASSOCIATES, LTD., by J. W. COLACHIS COMPANY, General Partner, a limited partnership, hereafter referred to as "Permittee," filed an application to amend Conditional Use Permit No. 554-PC, authorizing the construction of a 280-space underground parking structure for an existing scientific research, medical laboratory and administrative office facility, located in the 400 block (east side) of Coast Boulevard South, more particularly described as Lots 1-2, Lots 4-26, a portion of Lot 33 and Lots 34-50, Block 17 of La Jolla Park, Map No. 352, in the R-3 Zone, in the La Jolla Community Plan area; and

WHEREAS, on January 20, 1983, the Planning Commission of The City of San Diego made its finding of facts, which are set forth in its Resolution No. 4168, granted approval of said Conditional Use Permit Amendment, and filed its decision in the office of the City Clerk on February 1, 1983; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, on January 27, 1983 LA JOLLA, INC., by Michael Wagner, and on January 28, 1983 LA JOLLA IMPROVEMENT ASSOCIATION & LA JOLLAN'S INCORPORATED, by Mary Somerville, appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on March 1, 1983, continued to March 29, 1983 and to April 12, 1983; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings, and the City Council having fully considered the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0506 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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

All of the following facts exist with respect to Conditional Use Permit No. 82-0481 (Amendment to Conditional Use Permit No. 554-PC):

1. The proposed use will not adversely affect the neighborhood nor the La Jolla Community Plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The proposed parking structure would help alleviate pressure on curbside parking in the area. The provision for separate entrance/exit driveways for the proposed condominiums and office uses should minimize traffic congestion on adjacent streets. Conditions contained in the Conditional Use Permit Amendment will assure compatibility with adjacent residential development. The ratio of parking to employee count would not be reduced with the increased parking

and employee limit. Furthermore, the "worst case" excess demand for curbside parking spaces would not be increased above the present 225.

2. The proposed use will comply with all the relevant regulations in the Municipal Code. Section 101.0506, paragraph A.11., grants the Planning Commission authority, subject to appropriate conditions, to approve research, development and testing laboratories and facilities in any zone by a Conditional Use Permit. The City Council believes that appropriate conditions exist in this case to grant the permit.

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

BE IT FURTHER RESOLVED, that this Council does hereby deny the appeals of LA JOLLA, INC., by Michael Wagner, and LA JOLLA IMPROVEMENT ASSOCIATION & LA JOLLAN'S INCORPORATED, by Mary Somerville, sustains the decision of the Planning Commission, and does hereby grant to REGENCY ASSOCIATES, LTD., by J. W. COLACHIS COMPANY, General Partner, a limited partnership, Permittee, Conditional Use Permit No. 82-0481 (Amendment to Conditional Use Permit No. 554-PC), in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:632
04/19/83
Or.Dept:Clerk
CUP No. 82-0481
Form=r.none

CONDITIONAL USE PERMIT AMENDMENT NO. 82-0481
CITY COUNCIL
(OLD CASE NO. CUP 554-PC)

This Conditional Use Permit is granted by the City Council of The City of San Diego to REGENCY ASSOCIATES, LTD., by THE J. W. COLACHIS COMPANY, General Partner, a limited partnership, Permittee, for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is granted to Permittee to construct a 280-space underground parking structure for an existing scientific research, medical, laboratory and administrative office facility located north of La Jolla Boulevard between Prospect Street and Coast Boulevard South, described as Lots 1-2, Lots 4-26, a portion of Lot 33 and Lots 34-50, Block 17 of La Jolla Park, Map No. 352, in the R-3 Zone.

2. The facility shall consist of the following:

a. Existing scientific research, medical, laboratory and administrative office space totalling 195,870 gross square feet;

b. 280-space underground parking structure;

c. Existing residential uses permitted by the underlying zone;

d. An existing motel;

e. 84 additional on-site parking spaces;

f. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 364 off-street parking spaces shall be

maintained in the approximate location shown on Exhibit "A," dated April 12, 1983, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. In order to encourage utilization of the new parking facility and avoid increased on-street parking, there shall be no charge to employees for parking in the 280-space parking structure authorized by this Conditional Use Permit.

5. All necessary coastal permits shall be obtained.

6. The maximum number of employees to be allowed on the premises at any one time shall be 589.

7. The Permittee shall not allow any dangerous chemicals to be discharged into any surface drainage system of The City of San Diego.

8. The SR Zone requirements as they would apply only to external effects (emissions, health and safety) would apply to the entire property.

9. Modifications to the intersection of La Jolla Boulevard and Prospect Street shall be made to the satisfaction of the City Engineer prior to the opening of the parking structure. These modifications shall consist of the following:

a. A new stop sign at the northwest corner of the intersection, with the parking space eliminated at stop sign;

b. A new ten-foot-wide, left-turn pocket, southbound

on La Jolla Boulevard;

c. A raised island, stop sign (within island), left-turn optional pocket and right-turn-only lane, northbound on La Jolla Boulevard.

10. No permit for construction of any facility shall be granted, nor shall any activity authorized by this permit be conducted on the premises, until:

a. The Permittee signs and returns the permit to the Planning Department; and

b. The Conditional Use Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Commission decision, or within 30 days of the City Council decision, the permit shall be void.

11. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 12, 1983, on file in the office of the Planning Department. No change, modification or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

12. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 12, 1983, on file in the office of the Planning Department. Approved planting shall be installed

before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

13. The 280-space garage shall be used for employee, visitor and occupant parking only, except for special uses for cultural events within the area on a scheduled basis at off-hours, and for transient delivery purposes, i.e., mail, UPS, etc.

14. The garage shall be card-key secured (or like security) and the spaces shall be allotted to the tenants and paid for (amortized) within the rent structure, and such allotments shall not be charged to the employees of the tenants.

15. Conditions 4 and 17 would occur as current leases (including options to renew) expire and new leases or renewals are provided to the same or future tenants, and shall not be applied to the current leases other than the providing of the spaces should they be completed and available before the current leases expire.

16. Tenants shall be prohibited from using their allotted garage parking spaces for any commercial purposes.

17. Bus passes shall be supplied at no cost to all employees requesting same to encourage bus entry into the area in lieu of cars.

18. Vanpooling and carpooling, which are currently succeeding on the property, are encouraged, and shall be continually encouraged to limit autos within and surrounding the site.

19. Bicycling to the site is encouraged, and bicycle

parking (and/or storage) shall be provided by the Permittee within the parking structure with security access to those who do bicycle to the site.

20. The site shall be reviewed one year from the date of occupancy of the parking facilities for the following purposes:

1. Determine whether the Permittee has complied with the conditions of the permit;

2. Analyze the operational experience of the parking facilities; and

3. Consider the feasibility of permitting lease of additional parking spaces for use of customers and visitors of tenants.

21. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

22. This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Sections 101.0506 and 101.0507 of the Municipal Code.

23. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

24. After establishment of the project, the property shall not be used for any other purposes unless:

a. Authorized by the Planning Commission; or

b. The proposed use meets every requirement of the zone existing for the property at the time of conversion;

or

c. The permit has been revoked by the City.

25. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

26. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

27. The Permittee shall act in good faith to support and participate in the formation of any special assessment district for the construction, acquisition and operation of parking facilities or improvements in the downtown La Jolla area under any special assessment proceedings, whether conducted pursuant to the Improvement Act of 1911 or the Municipal Improvement Act of 1913, or any other applicable state or local law.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON APRIL 12, 1983.

AUTHENTICATED BY:

Deputy Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me, the undersigned, A Notary Public in and for said County
and State, residing therein, duly commissioned and sworn, personally
appeared BILL CLEATOR, known to me to be the Deputy Mayor, and
CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of
San Diego, the municipal corporation that executed the within instrument,
and known to me to be the persons who executed the within instrument
on behalf of the municipal corporation therein named, and acknowledged
to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
in the County of San Diego, State of California, the day and year in
this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and
every condition of this conditional use permit and promises to perform
each and every obligation of Permittee hereunder.

NOTE: NOTARY ACKNOWLEDGMENTS MUST
BE ATTACHED - PER CIVIL CODE,
SEC. 1180 et seq.

REGENCY ASSOCIATES, LTD.

By J. W. COLACHIS COMPANY, General Partner
a limited partnership

By _____

Passed and adopted by the Council of The City of San Diego on APR 12 1983,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

BILL CLEATOR
 Deputy Mayor of The City of San Diego, California.

(Seal)

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

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

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