

(R-83-1934)

RESOLUTION NUMBER R- 258577

Adopted on MAY 31 1983

WHEREAS, THE CITY OF SAN DIEGO, a Municipal Corporation, hereafter referred to as "Owner/Permittee," filed an application to construct and operate a Planned Industrial Development on the north and south sides of Eastgate Mall, between Genesee Avenue and Interstate 805, on property described as portions of Pueblo Lots 1316, 1317, 1321, 1321 and 1351, Miscellaneous Map No. 36 in the M-LI and SR Zones and in the University Community Plan area; and

WHEREAS, on October 14, 1982, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Industrial Development Permit No. 82-0172, and filed said decision in the office of the City Clerk on November 1, 1982; and

WHEREAS, on October 21, 1982, pursuant to the provisions of Section 101.0920 of the San Diego Municipal Code, LA JOLLA MESA ESTATES, PLAYMOR LA JOLLA and GENESEE VISTA HOMEOWNERS ASSOCIATIONS, by Norma Carey, representative, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 19, 1983, continued to April 26, 1983, May 24, 1983 and May 31, 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; 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 Planned Industrial Development Permit No. 82-0172:

1. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan, or the Community Plan.

The property is designated for Restricted Industrial Use in the University Community Plan. Conditions contained in the Planned Industrial Development would assure consistency with the designation.

2. The proposed project, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The proposed development, subject to conditions of approval, would be compatible with adjacent residential development. Uses will be restricted to those compatible with Accident Potential zones "B" and "C" of the SANDAG Comprehensive Land Use Plan: NAS Miramar. Parking would be adequate to serve the development. Each individual development will be subject to administrative approval by the Planning Director.

3. The proposed project will comply with all the relevant regulations in the Municipal Code.

The Municipal Code provides for the establishment of


Planned Industrial Developments, subject to conditions of approval. The development would be consistent with regulations of the M-LI and SR Zones.

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 appeal of LA JOLLA MESA ESTATES, PLAYMOR LA JOLLA and GENESEE VISTA HOMEOWNERS ASSOCIATIONS, by Norma Carey, representative, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to THE CITY OF SAN DIEGO Planned Industrial Development Permit No. 82-0172, 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
Chief Deputy City Attorney

FCC:ib:640
06/02/83
Or.Dept:Clerk
R-83-1934
Form=r.none

PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. 82-0172

CITY COUNCIL

This Planned Industrial Permit is granted by the Council of The City of San Diego to THE CITY OF SAN DIEGO, a municipal corporation, hereafter referred to as "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0920 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Industrial Development located on the north and south sides of Eastgate Mall between Genesee Avenue and Interstate 805 freeway, more particularly described as Portions of Pueblo Lots 1316, 1317, 1318, 1321 and 1351, Miscellaneous Map No. 36, in the M-LI and SR Zones.

2. The project shall consist of the following

- a. Sixteen industrial lots individually graded and padded, on about 234 acres;
- b. Light industrial and office buildings totalling a maximum of 2,604,200 square feet;
- c. Landscaping;
- d. Off-street parking;
- e. Incidental accessory uses as may be determined incidental and approved by the Planning Director.

3. A condition of this Planned Industrial Development is the recordation of a final Subdivision Map, prior to the issuance of any building permits.

4. 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 19, 1983, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendments of this permit shall have been granted.

5. Before issuance of any grading permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Commission for approval. The plans shall be in substantial conformity to Exhibit "A" dated April 19, 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.

6. Grading for the project should be encouraged during the dry season (April 1 through October 31). Grading which occurs during the rainy season (November 1 to March 31) shall require special engineering techniques approved by the City Engineer, in addition to erosion-control measures contained in the City's Land Development Ordinance.

7. Manufactured slopes shall be hydroseeded with a native plant mixture similar in composition to the existing natural vegetation. Graded pad areas shall also be hydroseeded to prevent erosion in the event that construction of buildings does not occur within 30 days following grading.

8. Developers of each lot shall contribute to the Facilities Benefit Assessment District. This fee shall be

collected as a condition of building permit issuance.

9. The applicant shall contribute to the City's Vernal Pool Preservation Program. The amount of contribution shall be \$14,000.00, based on a calculation of \$4,000.00 per acre of vernal pool habitat. Contribution shall be made a condition of approval of the final subdivision map. No building permits shall be granted until contribution is made.

10. Prior to the issuance of any building permits, a development plan package for each lot or group of lots shall be submitted to the Planning Director for approval. This development plan package shall include the following:

a. A completed Planned Industrial Development Permit Supplemental Application Form for each lot or group of lots proposed for development;

b. One (1) plot plan drawn in accordance with instructions contained in Planned Industrial Development Permit Supplemental Application Form;

c. One (1) copy of drawing showing exterior elevations and building materials of all sides of all buildings, including signs;

d. One (1) set of floor plans depicting general use of the building(s);

e. One (1) copy of a landscape/irrigation plan.

11. The number of parking spaces shall conform to regulations of the underlying zones. 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. Five percent of the parking located nearest to building entrances shall be designated as preferential parking for ridesharers. This parking shall be indicated on development plans to be approved by the Planning Director.

12. The maximum floor area allowable on each lot is as follows:

<u>Lot Number</u>	<u>Maximum Floor Area</u>
1	218,600
2	185,700
3	296,100
4	253,800
5	204,500
6	164,500
7	115,200
8	150,400
9	272,600
10	103,400
11	131,600
12	164,600
13	14,100
14	56,400
15	101,100
16	171,600
Total	2,604,200

Any variance from the above maximum must be approved by the Planning Director after a public hearing as a formal amendment of this Planned Industrial Development.

13. Each development plan package shall become a part of Exhibit "A" on file in the office of the Planning Department. The cumulative total floor area and proposed parking spaces for each phase shall be monitored to ensure that all conditions of the Planned Industrial Development are met.

14. All uses shall be conducted within an enclosed building. Outdoor storage of material is permitted, provided the storage area is completely enclosed by walls, fences,

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buildings, landscape screening or a combination thereof. Walls or fences shall be solid and not less than six feet in height; and provided, further, that no merchandise, material or equipment is stored to a height greater than any screening. Landscape screening proposals shall require approval by the Planning Director, or, on appeal, the Planning Commission.

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

16. No merchandise, supplies or equipment shall be stored on the roof of any building.

17. For all boundaries of the Planned Industrial Development not immediately adjoining dedicated and improved public streets and highways, there shall be erected screening walls of solid materials or landscape screening. The height and design of such walls or landscape screening and the materials utilized shall be determined by the Planning Director or the Planning Commission.

18. Public utility distribution and similar systems and service facilities shall be located underground within the boundaries of the development as provided for in Section 102.0221 of The City of San Diego Municipal Code.

19. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the

development will be permitted.

20. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provisions acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways and parking areas.

21. The development of each lot shall include in-plant food service facilities which are intended to serve employees and others affiliated with the primary use or uses of the premises.

22. Any restaurant or delicatessen permitted as an accessory use within this Planned Industrial Development shall be oriented to or located in the interior of each lot. Signing for these food facilities shall be minimal and advertising shall be prohibited.

23. A minimum of 20 percent of each lot shall be devoted to landscaping.

24. Prior to the use or occupancy of any lot, all of the lot area not devoted to buildings, structures, driveways, sidewalks, parking, outdoor storage or loading areas shall be suitably landscaped.

25. A landscaped strip a minimum of five feet in width shall be installed and maintained along a common property line for adjoining lots.

26. All landscaping plants must be chosen from the following list:

TEMPORARY HYDROSEED MIX

PLANTAGO INDICA
ATRIPLEX "CORTO"
ESCHSCHOLZIA CALIFORNICA
DIMORPHOTHECA PLUVIALIS

PERMANENT HYDROSEED MIX

PLANTAGO INDICA
ATRIPLEX GLAUCA
ATRIPLEX SIMI BACCATA
DIMORPHOTHECA PLUVIALIS
ENCELIA CALIFORNICA
ESCHSCHOLZIA CALIFORNICA
ERIOGONUM FASCICULATUM
ARTEMESIA CALIFORNICA
BACCHARIS SAROTHOIDES
SALVIA APIANA
MIMULUS PUNICATUS
LOTUS SCOPARIUS (SCARIFIED)
CASSIA COQUIEMBENSIS
ACACIA GREGGII

VINES AND GROUNDCOVERS

ARCHTOTHECA CALENDULA
BACCHARIS PILULARIS
DELOSPERMA ALBA
HIBBERTIA SCANDENS
BOUGAINVILLEA
HYMENOCALLIS PURPUREA CROCEUS
HYPERCUM CALCYCINUM
LIBIA REPENS
HENDRA HELIX

SHRUBS

ABELIA GRANDIFLORA
ACACIA REDOLENS
CEANOTHUS GRISEUS HORIZONTALIS
COTONEASTER HORIZONTALIS
ECHIUM FASTUOSUM
HETEROMELES ARBUTIFOLIA
JUNIPERUS CHINENSIS
CARRISA GRANDIFLORA
MORAERA BICOLOR
RAPHIOLIPIS INDICA
LATANA MONTEVIDENSIS
MELALEUCA NESOPHILLA
PLUMBAGO CAPENSIS
PRUNUS LYONII
RHUS INTERGRIFOLIA
TECOMARIA CAPENSIS
XYLOSMA CONGESTUM
PITTOSPORUM TOBIRA
PHOTINIA FRASERI
NERIUM OLEANDER

TREES

ACACIA BAILEYANA
CERATONIA SILIQUA
EUCALYPTUS LEHMANII
EUCALYPTUS RUDIS
EUCALYPTUS CLADOCALYX
PINUS HALEPENSIS
OLEA EUROPAEA
GLEDITSIA TRIANCANTHOS
PINUS TORREYANA
RHUS LANCEA
SCHINUS MOLLE
TIPUANA TIPU
FICUS RUBIGIMOSA
CEDRUS DEODORA

STREET TREES

PLANTANUS OCCIDENTALIS
FRAXINUS VELUTINA
JACARANDA ACUTIFOLIA
KOELREUTERIA BIPINNATA
LIQUIDAMBAR STYRACIFLUA
TRISTANIA CONFERTA
EUCALYPTUS FICIFOLIA
QUERCUS ILEX
ULMUS PARVIFOLIA

27. The development of each lot shall include an attractive, functional mini-park area for employees who bring their lunch. This area shall be 7,000 square feet or ten percent of the developable area, whichever is less. This mini-park area may be credited toward the 20 percent landscaping requirement of Condition 23.

28. In addition, the following conditions shall apply to specific lots in the project:

a. Lots 1, 2 and a portion of 3 shall be subject to a 100-foot setback which shall be landscaped in accordance with Exhibit "A." This landscape is to be maintained by The City of San Diego prior to sale and by individual property owners after sale. This landscaping may be

credited toward the 20 percent landscaping requirement of Condition 23.

b. Land uses on Lots 1, 2, 3, 4, 8, 9, 10 and 13 shall be limited to those allowed in the SR Zone, except that the following uses shall be prohibited:

- 1) Any uses having a serious fire or explosive potential;
- 2) Any uses presenting a toxic hazard;
- 3) Any use involving radioactive materials.

c. Land uses on Lots 5, 6 and 7 shall be limited to those allowed in the SR Zone.

d. Land uses on Lots 11, 12, 14, 15 and 16 shall be limited to those allowed in the M-LI Zone, except for those uses prohibited for Lots 1, 2, 3, 4, 8, 9, 10 and 13, plus the following uses which shall also be prohibited:

- 1) Acid manufacture;
- 2) Gas manufacture;
- 3) Petroleum refining and related activities;
- 4) Smelting of metals;
- 5) Concrete ready-mix plants;
- 6) Chilled water production;
- 7) Carpet or bag cleaning;
- 8) Toxic chemical manufacturing;
- 9) Ice manufacture;
- 10) Food and kindred products manufacture;
- 11) Textile mill products manufacture;
- 12) Apparel manufacture;
- 13) Chemicals and allied products manufacture;

14) Rubber and miscellaneous plastic products manufacture.

29. The subdivider shall provide a number of traffic generation studies at various times during the development of the project. These traffic generator studies will be as required by the City Engineer, with a minimum of three being required. These studies will provide the necessary data for the review of further developments of this type. The final traffic generator study should be conducted when Eastgate Technology Park is completely built out. These traffic generator studies must count all of the trips entering and leaving the development for a minimum of seven consecutive days and shall conform to the SANDAG standard for traffic generator studies.

30. 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.

31. This Planned Industrial Development Permit must be used within 24 months after the effective date of the concurrent Rezoning Case No. 5-81-106, or the permit shall be void. An extension of time may be granted as set forth in Section 101.0920 of the Municipal Code.

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

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

a. Authorized by the Planning Director; 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.

34. This Planned Industrial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

35. No permit for grading or 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;

b. The Planned Industrial Development 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 Director's decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

36. This Planned Industrial Development 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 herein.

Adopted by the Council of The City of San Diego on May 31, 1983.

AUTHENTICATED BY:

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 ROGER HEDGECOCK, known to me to be the 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 planned industrial development 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.

THE CITY OF SAN DIEGO, a municipal corporation

By _____

By _____

MAY 31 1983

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

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

(Seal)

By Raymond L. Portleau Deputy.

Office of the City Clerk, San Diego, California

Resolution R-258577 Adopted MAY 31 1983
Number _____