

RESOLUTION NUMBER R- 265647

ADOPTED ON MAY 6 1986

WHEREAS, the decision of the Planning Director in denying Planned Industrial Development Permit No. PID-85-0631 to subdivide six lots within Pacific Corporate Center to create 13 lots with new land use designations, located east of I-805, between Lusk Boulevard and Rancho Los Penasquitos, in the A-1-10 Zone, in the Mira Mesa Community Plan area was appealed; and

WHEREAS, on March 20, 1986, the Planning Commission voted 7 to 0 to deny the appeal, approve Planned Industrial Development Permit No. PID-85-0631 and sustain the decision of the Planning Director; and

WHEREAS, on March 31, 1986, pursuant to the provisions of San Diego Municipal Code Section 101.0920, MCKELLAR DEVELOPMENT OF LA JOLLA, by Christopher S. McKellar, President, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on May 6, 1986, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code Section 101.0920 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 Planned Industrial Development Permit No. PID-85-0631:

1. The proposed project will fulfill a need and will not adversely affect the neighborhood, the General Plan or the community plan. The subdivision of six lots to create 13 lots and the reclassification of land uses will supply a community need.

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 project will generally follow original guidelines which the Pacific Corporate Center Planned Industrial Development Permit outlined. The McKellar Corporate Center imposes development guidelines and restrictions which will ensure a quality development.

3. The proposed project will comply with relevant regulations in the Municipal Code for such use.

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 McKELLAR
DEVELOPMENT OF LA JOLLA, by Christopher S. McKellar, President,
is granted; the decision of the Planning to deny the appeal is
overruled; and this Council does hereby grant to McKELLAR
DEVELOPMENT OF LA JOLLA, Planned Industrial Development Permit
No. PID-85-0631, 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:cc:632
09/09/86
Or.Dept:Clerk
R-86-2171
Form=r.pid

PLANNED INDUSTRIAL DEVELOPMENT PERMIT NO. PID-85-0631
CITY COUNCIL

This Planned Industrial Development Permit is granted by the City Council of The City of San Diego to McKellar Development of La Jolla, "Owner/Permittee," under conditions in Section 101.0920 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee, to subdivide six lots within the previously approved Pacific Corporate Center P.I.D. to create 13 Lots with new land use designations located east of I-805 between Lusk Boulevard and Rancho Los Penasquitos, described as Parcel 3 of Parcel Map 13841 and a Portion of Lot 3, Section 4, T15S, R3W, S.B.M., in the A1-10 (proposed M-1A, M-1B) Zone.

2. The Project shall consist of the following:

- a. 11 developable industrial lots, and two open space Lots;**
- b. Landscaping;**
- c. Off-street Parking; and**
- d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.**

3. 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 preferred parking for ride-sharers. This parking shall be indicated on development plans, to be approved by the Planning Director.

4. A condition of this Planned Industrial Development is the recordation of a final Subdivision Map.

5. 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 May 6, 1986, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. 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 May 6, 1986, on file in the office of the Planning Department. Approval 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.

7. 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.

8. This Planned Industrial Permit must be used within 24 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0920 of the Municipal Code.

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

10. 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.

11. 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.

12. 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.

13. This Planned Industrial Development Permit is subject to appeal within 10 days to the Planning Commission as provided for in Section 101.0920 of the Municipal Code.

14. 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.

15. 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.

16. Manufactured slopes shall be hydroseeded with native plant mixtures similar in composition to the existing natural vegetation. Graded pad areas shall be hydroseeded to prevent erosion, in the event that construction of buildings does not occur within 30 days following grading, or temporary erosion control facilities be installed to collect silt and prevent pad erosion satisfactory to the Planning Director and City Engineer.

17. Before issuance of any building permits for any unit or phase, 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 May 6, 1986 on file in the office of the Planning Department. Approved planting shall be installed.

18. Lots 1 through 6, 7 and 9 on Exhibit "A," dated May 6, 1986 shall be developed with uses permitted in the M-IP Zone only, except that accessory/support uses, as indicated in the approved development text on file in the office of the Planning Department, may also be permitted.

19. Lots 8, 10 and 11 on Exhibit "A," dated May 6, 1986 shall be developed with uses permitted in the M-LI Zone only, except that accessory/support uses, as indicated in the approved development text on file in the office of the Planning Department, may also be permitted.

20. Lots 8, 10 and 11 on Exhibit "A," dated May 6, 1986 may be developed to multi-tenant uses, which shall be limited to those permitted by the M-LI Zone.

21. Lots 8, 10 and 11 on Exhibit "A," dated May 6, 1986 shall be subject to the "single company or agency per parcel" requirement of the M-LI Zone, with respect to office uses as described in Section 101.0431.1, Paragraph B.5. of the Municipal Code of the City of San Diego, except that the Planning Director may authorize temporary occupancy of these premises by third parties not related to the primary occupant or its business, subject to the following conditions:

- a. The leasing or letting is appropriate in order to make beneficial use of space that is temporarily not needed by the primary occupant because either (i) more office space was initially constructed or acquired than was initially needed, although the primary occupant in good faith reasonably expected at the time of construction or acquisition that it would need all of the office space in due course, or (ii) the primary occupant has temporarily been required to reduce its office force due to conditions beyond its reasonable control.
- b. The primary occupant in good faith will use reasonable efforts to occupy the space itself as soon as practicable.
- c. The term of the lease or letting shall not exceed the remaining portion of the period during which the space is reasonable expected not be needed by the Primary occupant.

- d. The off-street parking regulations of the M-LI Zone will be complied with.
- e. Such leasing or letting will not materially adversely affect the overall purposes and intent of the M-LI Zone in San Diego.

22. Lots 4, 5 and 6 may be developed, either in whole or in part, with support commercial uses or M-IP Zone uses.

23. 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 in a manner approved by the Planning Director, to ensure that all conditions of the PID permit are met.

24. 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 drawing 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 side of all buildings, including signs;
- d. One (1) set of floor plans depicting general use of the building(s); and
- e. One (1) copy of a landscape/irrigation plan.

25. A maximum of three traffic-generation studies are to be conducted at various times during the development of the project. These traffic-generation studies will be as required by the City Engineer. These studies will provide the necessary data for the review of further developments of this type. The final traffic-generation study should be conducted when McKellar Corporate Center is completely built out. These traffic-generation studies must count all trips entering and leaving the development for a minimum of seven consecutive days and shall conform to the San Diego Association of Governments (SANDAG) standard for traffic-generation studies. The outcome of these studies shall not affect the approved project.

26. The applicant or its successor shall enter into a development agreement with The City of San Diego. The development agreement shall cover at least the following:

- a. Financing or otherwise providing for necessary public improvements in connection with the project;
- b. Codifying the conditions contained in the related Tentative Map, the Planned Industrial Development Permit and the document "McKellar Corporate Center, a Planned Industrial Development;" and
- c. Retention of zoning requirements contained in the M-1A and M-1B Zones existing at the time of adoption of the City Council, throughout the phasing of this project.

27. All uses shall be conducted within an enclosed building, except for outdoor storage. Outdoor storage of materials is permitted, provided the storage area is completely enclosed by walls, fences, buildings, landscape screening or a combination thereof. Walls or fences, buildings, landscape screening or a combination thereof. Walls or fences shall be solid and not less than six feet in height; no merchandise, material or equipment shall be stored to a height greater than any screening. Landscape screening proposals shall require approval of the Planning Director or, on appeal, the Planning Commission.

28. If visible from an adjacent street, 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 screened by suitable landscaping, or contained within a completely enclosed structure whose top and side may include grillwork, louvers and latticework.

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

30. At the discretion of the Planning Director, screening walls of solid materials or landscape screening may be required for boundaries of the Planned Industrial development not immediately adjoining dedicated and improved public streets and highways. 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.

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

32. Only television and radio antennas which are located indoors or screened to the satisfaction of the Planning Director and which are designed to serve all the occupants of the development shall be permitted.

33. All streets, alleys, walkways and public 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 streets, alleys, walkways, and parking areas.

34. The development shall include the following facilities:

- a. Provision of outdoor eating areas to be developed as attractive functional parks on each parcel;
- b. Provision of secured bicycle parking on each parcel. This requirement may be waived on the M-1A-zoned lots should they be developed to support commercial uses.

35. Any restaurant or delicatessen permitted as an accessory use within this PID shall be oriented to or located in the interior of each lot. Signing for these food facilities shall be minimal and off-site signage shall be prohibited.

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

37. This planned industrial development permit must be used within 36 months after the effective date of the concurrent Rezoning Case No. 85-0631 except as may be reflected in the development agreement referenced in Condition No. 16, above, or the permit shall be void. An extension of time may be granted, as set forth in Section 101.0920 of the Municipal Code.

38. Prior to the issuance of any building permits for any unit or phase, a final subdivision map or maps shall be recorded on the site.

39. Mitigation measures identified in the appendices dated April, 1983 of EQD No 83-0378 concerning archaeological resources shall be implemented to the satisfaction of the Deputy Director of the Environmental Quality Division, should the identified archaeological resources be found to exist on the site.

40. All conditions of the Tentative Map approval shall be met by the applicant.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON MAY 6, 1986.

RECEIVED
CITY CLERK'S
1986 SEP 11 AM 8:07
SAN DIEGO, CALIF.

01434

Passed and adopted by the Council of The City of San Diego on MAY 6 1986,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input 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"/>
Judy McCarty	<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:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Byster*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-265647 Adopted MAY 6 1986